

Senator Howard A. Stephenson proposes the following substitute bill:

COMPETENCY-BASED LEARNING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Kim Coleman

LONG TITLE

General Description:

This bill establishes the Competency-Based Education Grants Program.

Highlighted Provisions:

This bill:

- ▶ amends existing competency-based education provisions;
- ▶ enacts Title 53A, Chapter 15, Part 17, Competency-Based Education Grants

Program, including:

- enacts definitions;
- enacts provisions related to the State Board of Education (board) duties;
- enacts provisions related to planning grants;
- enacts provisions related to implementation grants;
- enacts provisions related to expansion grants;
- enacts provisions related to waivers from board rule; and
- enacts provisions related to institutions of higher education and prohibitions on

penalizing students in a competency-based education program.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **53A-1-409**, as last amended by Laws of Utah 2015, Chapter 415

30 ENACTS:

31 **53A-15-1701**, Utah Code Annotated 1953

32 **53A-15-1702**, Utah Code Annotated 1953

33 **53A-15-1703**, Utah Code Annotated 1953

34 **53A-15-1704**, Utah Code Annotated 1953

35 **53A-15-1705**, Utah Code Annotated 1953

36 **53A-15-1706**, Utah Code Annotated 1953

37 **53A-15-1707**, Utah Code Annotated 1953

38 **53A-15-1708**, Utah Code Annotated 1953



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **53A-1-409** is amended to read:

42 **53A-1-409. Competency-based education -- Recommendations -- Coordination.**

43 ~~[(1) As used in this section:]~~

44 ~~[(a) "Competency" means a demonstrable acquisition of a specified knowledge, skill,~~
45 ~~or ability that has been organized into a hierarchical arrangement leading to higher levels of~~
46 ~~knowledge, skill, or ability.]~~

47 ~~[(b) "Competency-based education" means an education approach that requires a~~
48 ~~student to acquire a competency and includes a classroom structure and operation that aid and~~
49 ~~facilitate the acquisition of specified competencies on an individual basis wherein a student is~~
50 ~~allowed to master and demonstrate competencies as fast as the student is able.]~~

51 ~~[(c) "Gain score" means the measured difference of a student's score at the beginning~~
52 ~~and end of a time period that may be aggregated at the class, grade, school, and school district~~
53 ~~levels.]~~

54 ~~[(2) The State Board of Education shall:]~~

55 ~~[(a) provide expertise to and consult with local school boards, school districts, and~~
56 ~~charter schools relating to competency-based education and progress-based assessments;]~~

57 ~~[(b) before the beginning of the 2014 General Session of the Legislature, make~~
58 ~~recommendations to the Public Education Appropriations Subcommittee, including the amount~~
59 ~~and allocation of public education money, based upon both new public education money and~~
60 ~~the reallocation of money required to develop and implement:]~~

61 ~~[(i) competency-based education and progress-based assessments;]~~

62 ~~[(ii) (A) a weighted competency unit that distributes public education money based on~~
63 ~~student achievement resulting from competency-based program objectives, strategies, and~~
64 ~~standards; and]~~

65 ~~[(B) a course-level funding formula that distributes funds to school districts and charter~~
66 ~~schools that establish competency-based education;]~~

67 ~~[(iii) a plan to assist students, teachers, schools, and districts that need remediation~~
68 ~~based upon Subsections (2)(b)(i) and (ii);]~~

69 ~~[(iv) the reallocation of teaching resources from noncore electives into grades 1-3, 7-12~~
70 ~~math, and 7-12 English; and]~~

71 ~~[(v) a teacher development program focused on achieving progress in basic academic~~
72 ~~subjects, including instruction in explicit, systematic, and intensive phonics for teachers in~~
73 ~~grades kindergarten through 3;]~~

74 ~~[(c) assist school districts and charter schools to develop and implement:]~~

75 ~~[(i) competency-based education; and]~~

76 ~~[(ii) the use of gain scores; and]~~

77 ~~[(d) develop and use monetary and nonmonetary incentives, tools, and rewards to~~
78 ~~encourage school districts and charter schools to accomplish the items described under this~~
79 ~~section.]~~

80 ~~[(3) A funding formula described in Subsection (2)(b)(ii)(B) shall:]~~

81 ~~[(a) base the funding for a competency-based course on a proportionate amount of the~~
82 ~~weighted pupil unit;]~~

83 ~~[(b) partially distribute funds based on initial enrollment;]~~

84 ~~[(c) distribute remaining funds based on a student's successful completion of a course~~
85 ~~through demonstrated competency and subject mastery; and]~~

86 ~~[(d) not be dependent on the amount of time a student is instructed in the course or the~~
87 ~~age of the student.]~~

88 (1) As used in this section, "competency-based education" means the same as that term
89 is defined in Section 53A-15-1702.

90 [~~(4)~~] (2) A local school board or a charter school governing board may establish a
91 competency-based education program.

92 [~~(5)~~] (3) A local school board or charter school governing board that establishes a
93 competency-based education program shall:

- 94 (a) establish assessments to accurately measure competency;
- 95 (b) provide the assessments to an enrolled student at no cost to the student;
- 96 (c) award credit to a student who demonstrates competency and subject mastery;
- 97 (d) submit the competency-based standards to the State Board of Education for review;

98 and

99 (e) publish the competency-based standards on its website or by other electronic means
100 readily accessible to the public.

101 [~~(6)~~] (4) A local school board or charter school governing board may:

- 102 (a) on a random lottery-based basis, limit enrollment to courses that have been
103 designated as competency-based courses;
- 104 (b) waive or adapt traditional attendance requirements;
- 105 (c) adjust class sizes to maximize the value of course instructors or course mentors;
- 106 (d) enroll students from any geographic location within the state; and
- 107 (e) provide proctored online competency-based assessments.

108 Section 2. Section 53A-15-1701 is enacted to read:

109 **Part 17. Competency-Based Education Grants Program**

110 **53A-15-1701. Title.**

111 This part is known as "Competency-Based Education Grants Program."

112 Section 3. Section 53A-15-1702 is enacted to read:

113 **53A-15-1702. Definitions.**

114 As used in this part:

115 (1) "Blended learning" means a formal education program in which a student learns:

116 (a) at least in part, through online learning with some element of student control over
117 time, place, path, and pace;

118 (b) at least in part, in a supervised brick-and-mortar location away from home; and

119 (c) in a program in which the modalities along each student's learning path within a
120 course or subject are connected to provide an integrated learning experience.

121 (2) "Board" means the State Board of Education.

122 (3) "Competency-Based education" means a system where a student advances to higher
123 levels of learning when the student demonstrates competency of concepts and skills regardless
124 of time, place, or pace.

125 (4) "Extended learning" means learning opportunities outside of a traditional school
126 structure, including:

127 (a) online learning available anywhere, anytime;

128 (b) career-based experiences, including internships and job shadowing;

129 (c) community-based projects; and

130 (d) off-site postsecondary learning.

131 (5) "Grant program" means the Competency-Based Education Grants Program created
132 in this part.

133 (6) "Institution of higher education" means an institution listed in Section [53B-1-102](#).

134 (7) "Local education agency" or "LEA" means:

135 (a) a school district;

136 (b) a charter school; or

137 (c) the Utah Schools for the Deaf and the Blind.

138 (8) "Review committee" means the committee established under Section [53A-15-1703](#).

139 (9) "STEM" means science, technology, engineering, and mathematics.

140 Section 4. Section **53A-15-1703** is enacted to read:

141 **53A-15-1703. Competency-Based Education Grants Program -- Board duties --**
142 **Review committee -- Technical assistance training.**

143 (1) There is created the Competency-Based Education Grants Program consisting of
144 the grants created in this part to improve educational outcomes in public schools by advancing
145 student mastery of concepts and skills through the following core principles:

146 (a) student advancement upon mastery of a concept or skill;

147 (b) competencies that include explicit, measurable, and transferable learning objectives
148 that empower a student;

149 (c) assessment that is meaningful and provides a positive learning experience for a

150 student;

151 (d) timely, differentiated support based on a student's individual learning needs; and

152 (e) learning outcomes that emphasize competencies that include application and
153 creation of knowledge along with the development of important skills and dispositions.

154 (2) The grant program shall incentivize an LEA to establish competency-based
155 education within the LEA through the use of:

156 (a) personalized learning;

157 (b) blended learning;

158 (c) extended learning;

159 (d) educator professional learning in competency-based education; or

160 (e) any other method that emphasizes the core principles described in Subsection (1).

161 (3) The board shall:

162 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
163 adopt rules:

164 (i) for the administration of the grant program and awarding of grants; and

165 (ii) to define outcome-based measures appropriate to the type of grant for an LEA that
166 is awarded a grant under this part to use to measure the performance of the LEA's plan or
167 program;

168 (b) establish a grant application process;

169 (c) in accordance with Subsection (4), establish a review committee to make
170 recommendations to the board for:

171 (i) metrics to analyze the quality of a grant application; and

172 (ii) approval of a grant application; and

173 (d) with input from the review committee, adopt metrics to analyze the quality of a
174 grant application.

175 (4) (a) The review committee shall consist of STEM and blended learning experts,
176 current and former school administrators, current and former teachers, and at least one former
177 school district superintendent, in addition to other staff designated by the board.

178 (b) The review committee shall:

179 (i) review a grant application submitted by an LEA;

180 (ii) make recommendations to the LEA to modify the application, if necessary; and

181 (iii) make recommendations to the board regarding the final disposition of an
182 application.

183 (5) (a) The board shall provide technical assistance training to assist an LEA with a
184 grant application under this part.

185 (b) An LEA may not apply for a grant under this part unless:

186 (i) a representative of the LEA attends the technical assistance training before the LEA
187 submits a grant application; and

188 (ii) the representative is a superintendent, principal, or a person in a leadership position
189 within the LEA.

190 (c) The technical assistance training shall include:

191 (i) instructions on completing a grant application, including grant application
192 requirements;

193 (ii) information on the scoring metrics used to review a grant application; and

194 (iii) information on competency-based education.

195 (6) The board may use up to 5% of an appropriation provided to fund this part for
196 administration of the grant program.

197 Section 5. Section **53A-15-1704** is enacted to read:

198 **53A-15-1704. Planning grants -- Requirements.**

199 (1) (a) The board shall, subject to legislative appropriations, award a planning grant to,
200 subject to Subsection (1)(c), an LEA:

201 (i) that submits a planning grant application that meets the requirements established by
202 the board, subject to Subsection (2);

203 (ii) if an LEA designee has attended the technical assistance training described in
204 Section [53A-15-1703](#); and

205 (iii) if the LEA planning grant application has been recommended by the review
206 committee.

207 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds
208 no later than one calendar year after receiving the funds.

209 (c) The board may not select more than three LEAs to award planning grants to under
210 this section.

211 (2) (a) A planning grant application shall include evidence that the LEA:

- 212 (i) can provide a general description of the program the LEA would like to plan;
213 (ii) is intending to plan for:
214 (A) schoolwide implementation; or
215 (B) if the LEA intends to implement initially with a population smaller than
216 schoolwide, phasing the plan in schoolwide or districtwide over a specified period of time;
217 (iii) can describe the types of partners that will help with the plan and, eventually,
218 implement the program;
219 (iv) planning activities and program will focus on:
220 (A) implementation of the core principles described in Section [53A-15-1703](#);
221 (B) use of the methods, as applicable, described in Section [53A-15-1703](#); and
222 (C) the outcome-based measures adopted by the board under Section [53A-15-1703](#);
223 (v) has:
224 (A) the capacity, qualifications, local governing body support, and time to successfully
225 plan the program; and
226 (B) an intentional and feasible planning process;
227 (vi) will align the LEA's budget as necessary with the planning process; and
228 (vii) will communicate and promote the plan with parents, teachers, and members of
229 the community.
230 (b) The board may adopt other requirements in addition to the requirements in
231 Subsection (2)(a).
232 Section 6. Section **53A-15-1705** is enacted to read:
233 **53A-15-1705. Implementation grants -- Requirements.**
234 (1) (a) The board shall, subject to legislative appropriations, award an implementation
235 grant to, subject to Subsection (1)(c), an LEA:
236 (i) that submits an implementation grant application that meets the requirements
237 established by the board, subject to Subsection (2);
238 (ii) if an LEA designee has attended the technical assistance training described in
239 Section [53A-15-1703](#); and
240 (iii) if the LEA implementation grant application has been recommended by the review
241 committee.
242 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds

243 no later than two calendar years after receiving the funds.

244 (c) An LEA is not eligible to receive an implementation grant under this section unless
245 the board has previously awarded the LEA a planning grant under Section [53A-15-1704](#).

246 (2) (a) An implementation grant application shall include evidence that the LEA:

247 (i) can logically articulate the proposed program's mission, theory of change, and the
248 program's intended goals and outcomes;

249 (ii) (A) program will have schoolwide implementation; or

250 (B) if the LEA intends to implement initially with a population smaller than
251 schoolwide, program includes steps to phase the program in schoolwide or districtwide over a
252 specified period of time;

253 (iii) has an understanding of similar programs and can use this knowledge to strengthen
254 the LEA's program implementation;

255 (iv) program will focus on:

256 (A) direct alignment with the core principles described in Section [53A-15-1703](#);

257 (B) use of the methods, as applicable, described in Section [53A-15-1703](#); and

258 (C) the outcome based measures adopted by the board under Section [53A-15-1703](#);

259 (v) program will address a need, determined by data, in the LEA or community;

260 (vi) has a strong evaluation plan that will clearly measure the success of the LEA's
261 program against the stated goals and objectives;

262 (vii) has a list of signatures of key stakeholders and partners who are committed to
263 implementing the program;

264 (viii) has the capacity, qualifications, local governing body support, and time to
265 successfully implement this program;

266 (ix) has an intentional and feasible scope of work to implement the program;

267 (x) will align the LEA's budget as necessary with the planning process; and

268 (xi) will communicate and promote the plan with parents, teachers, and members of the
269 community.

270 (b) The board may adopt other requirements in addition to the requirements in
271 Subsection (2)(a).

272 (3) A program under this section may include:

273 (a) a waiver, subject to Section [53A-15-1707](#), of required school hours attended or

274 traditional school calendar scheduling; and

275 (b) an adjustment of educator compensation to reflect the implementation of a waiver
276 under Subsection (3)(a).

277 Section 7. Section **53A-15-1706** is enacted to read:

278 **53A-15-1706. Expansion grants -- Requirements.**

279 (1) (a) The board shall, subject to legislative appropriations and to expand an existing
280 LEA program schoolwide or districtwide, award a grant to, subject to Subsection (1)(c), an
281 LEA:

282 (i) that submits an expansion grant application that meets the requirements established
283 by the board, subject to Subsection (2);

284 (ii) if an LEA designee has attended the technical assistance training described in
285 Section [53A-15-1703](#); and

286 (iii) if the LEA expansion grant application has been recommended by the review
287 committee.

288 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds
289 no later than two calendar years after receiving the funds.

290 (c) An LEA is not eligible to receive an expansion grant under this section unless the
291 board has previously awarded the LEA an implementation grant under Section [53A-15-1705](#).

292 (2) (a) An expansion grant application shall include evidence that the LEA:

293 (i) has an established program that:

294 (A) has successfully met previous goals;

295 (B) has shown outcomes that are in alignment with the core principles described in
296 Section [53A-15-1703](#) and used methods, as applicable, described in Section [53A-15-1703](#);

297 (C) is supported by LEA management and leadership;

298 (D) is suitable for expansion schoolwide or districtwide; and

299 (E) is the program, with any necessary modifications, that the LEA plans to expand if
300 awarded the expansion grant;

301 (ii) can logically articulate the LEA's program mission, theory of change, and the
302 program's intended goals and outcomes;

303 (iii) program as proposed for expansion is focused on:

304 (A) direct alignment with the core principles identified in Section [53A-15-1703](#);

- 305 (B) use of the methods, as applicable, described in Section 53A-15-1703; and
306 (C) the outcome based measures adopted by the board under Section 53A-15-1703;
307 (iv) that the program will directly address a need, determined by data, in the LEA or
308 community;
309 (v) has clearly articulated core components that ensure, when expanded, the program
310 will yield positive outcomes;
311 (vi) has a strong evaluation plan that will clearly measure the success of the LEA's
312 program against the stated goals and objectives;
313 (vii) has a list of signatures of key stakeholders and partners who are committed to
314 expanding the program;
315 (viii) has the capacity, qualifications, local governing body support, and time to
316 successfully expand the program;
317 (ix) has an intentional and feasible scope of work to expand the program;
318 (x) has a strategic budget that is aligned with the LEA's scope of work; and
319 (xi) will communicate and promote the plan with parents, teachers, and members of the
320 community.
321 (b) The board may adopt other requirements in addition to the requirements in
322 Subsection (2)(a).
323 (3) A program under this section may include:
324 (a) a waiver, subject to Section 53A-15-1707, of required school hours attended or
325 traditional school calendar scheduling; and
326 (b) an adjustment of educator compensation to reflect the implementation of a waiver
327 under Subsection (3)(a).
328 Section 8. Section **53A-15-1707** is enacted to read:
329 **53A-15-1707. Waiver from board rule -- Board recommended statutory changes.**
330 (1) An LEA may apply to the board in a grant application submitted under this part for
331 a waiver of a board rule that inhibits or hinders the LEA from accomplishing its goals set out in
332 its grant application.
333 (2) The board may grant the waiver, unless:
334 (a) the waiver would cause the LEA to be in violation of state or federal law; or
335 (b) the waiver would threaten the health, safety, or welfare of students in the LEA.

336 (3) If the board denies the waiver, the board shall provide in writing the reason for the
337 denial to the waiver applicant.

338 (4) (a) The board shall request from each LEA that receives a grant under this part for
339 each year the LEA receives funds:

340 (i) information on a state statute that hinders an LEA from fully implementing the
341 LEA's program; and

342 (ii) suggested changes to the statute.

343 (b) The board shall, in a written report, provide any information received from an LEA
344 under Subsection (4)(a) and the board's recommendations to the Legislature no later than
345 November 30 of each year.

346 Section 9. Section **53A-15-1708** is enacted to read:

347 **53A-15-1708. Cooperation of institutions of higher education -- Transferring**
348 **students not to be penalized.**

349 (1) An institution of higher education:

350 (a) shall recognize and accept on equal footing as a traditional high school diploma a
351 high school diploma awarded to a student who successfully completes an educational program
352 that uses, in whole or in part, competency-based education; and

353 (b) cooperate with an LEA:

354 (i) as applicable, to facilitate the advancement of a student who attends a
355 competency-based education program; and

356 (ii) as requested, in the development of an LEA plan or program under this part.

357 (2) If a student attending an LEA that establishes competency-based education within
358 the LEA transfers to another school within the LEA or to another LEA entirely that does not
359 have a competency-based education program, the student may not be penalized by being
360 required to repeat course work that the student has successfully completed, changing the
361 student's grade, or receive any other penalty related to the student's previous attendance in the
362 competency-based education program.