

**SCHOOL ACCOUNTABILITY AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marie H. Poulson**

Senate Sponsor: Lincoln Fillmore

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to school accountability in the public education system.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the State Board of Education to establish a school accountability system;
- ▶ enacts provisions related to the school accountability system, including provisions

related to:

- the indicators used to determine a school's rating under the school accountability system;
- board duties and rulemaking under the school accountability system; and
- required reports;
- ▶ modifies provisions in the School Turnaround and Leadership Development Act;

and

- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.



28 **Utah Code Sections Affected:**

## 29 AMENDS:

- 30 **53A-1-413**, as last amended by Laws of Utah 2016, Chapter 144  
 31 **53A-1-1202**, as last amended by Laws of Utah 2016, Chapter 241  
 32 **53A-1-1203**, as last amended by Laws of Utah 2016, Chapter 241  
 33 **53A-1-1206**, as last amended by Laws of Utah 2016, Chapter 241  
 34 **53A-1-1207**, as last amended by Laws of Utah 2016, Chapter 241  
 35 **53A-1-1208**, as last amended by Laws of Utah 2016, Chapter 241  
 36 **53A-1-1209**, as last amended by Laws of Utah 2016, Chapter 331  
 37 **53A-1a-510**, as last amended by Laws of Utah 2015, Chapter 449  
 38 **53A-15-1403**, as last amended by Laws of Utah 2015, Chapter 444  
 39 **63A-3-402**, as last amended by Laws of Utah 2015, Chapters 215, 226, and 283

## 40 REPEALS AND REENACTS:

- 41 **53A-1-1101**, as enacted by Laws of Utah 2011, Chapter 417  
 42 **53A-1-1102**, as last amended by Laws of Utah 2015, Chapter 452  
 43 **53A-1-1103**, as last amended by Laws of Utah 2015, Chapter 415  
 44 **53A-1-1104**, as last amended by Laws of Utah 2015, Chapters 258 and 452  
 45 **53A-1-1105**, as last amended by Laws of Utah 2013, Chapter 478 and last amended by  
 46 Coordination Clause, Laws of Utah 2013, Chapter 478  
 47 **53A-1-1106**, as last amended by Laws of Utah 2013, Chapter 478  
 48 **53A-1-1107**, as last amended by Laws of Utah 2014, Chapter 403

## 49 REPEALS:

- 49a **Ĥ→ 53A-1-1104.5, as enacted by Laws of Utah 2014, Chapter 403**  
 49b **53A-1-1107.5, as last amended by Laws of Utah 2015, Chapter 452 ←Ĥ**  
 50 **53A-1-1108**, as last amended by Laws of Utah 2014, Chapter 403  
 51 **53A-1-1109**, as enacted by Laws of Utah 2011, Chapter 417  
 52 **53A-1-1110**, as last amended by Laws of Utah 2016, Chapter 349  
 53 **53A-1-1111**, as enacted by Laws of Utah 2011, Chapter 417  
 54 **53A-1-1112**, as last amended by Laws of Utah 2013, Chapter 478  
 55 **53A-1-1113**, as enacted by Laws of Utah 2011, Chapter 417  
 56 **53A-3-601**, as last amended by Laws of Utah 2000, Chapter 219  
 57 **53A-3-602.5**, as last amended by Laws of Utah 2015, Chapter 415  
 58 **53A-3-603**, as last amended by Laws of Utah 2016, Chapter 144

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

Section 1. Section **53A-1-413** is amended to read:

**53A-1-413. Student Achievement Backpack -- Utah Student Record Store.**

(1) As used in this section:

(a) "Authorized LEA user" means a teacher or other person who is:

(i) employed by an LEA that provides instruction to a student; and

(ii) authorized to access data in a Student Achievement Backpack through the Utah Student Record Store.

(b) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and the Blind.

(c) "Student Achievement Backpack" means, for a student from kindergarten through grade 12, a complete learner profile that:

(i) is in electronic format;

(ii) follows the student from grade to grade and school to school; and

(iii) is accessible by the student's parent or guardian or an authorized LEA user.

(d) "U-PASS" means the Utah Performance Assessment System for Students established in Part 6, Achievement Tests.

(e) "Utah Student Record Store" means a repository of student data collected from LEAs as part of the state's longitudinal data system that is:

(i) managed by the State Board of Education;

(ii) cloud-based; and

(iii) accessible via a web browser to authorized LEA users.

(2) (a) The State Board of Education shall use the State Board of Education's robust, comprehensive data collection system, which collects longitudinal student transcript data from LEAs and the unique student identifiers as described in Section [53A-1-603.5](#), to allow the following to access a student's Student Achievement Backpack:

(i) the student's parent or guardian; and

(ii) each LEA that provides instruction to the student.

(b) The State Board of Education shall ensure that a Student Achievement Backpack:

(i) provides a uniform, transparent reporting mechanism for individual student

90 progress;

91 (ii) provides a complete learner history for postsecondary planning;

92 (iii) provides a teacher with visibility into a student's complete learner profile to better  
93 inform instruction and personalize education;

94 (iv) assists a teacher or administrator in diagnosing a student's learning needs through  
95 the use of data already collected by the State Board of Education;

96 (v) facilitates a student's parent or guardian taking an active role in the student's  
97 education by simplifying access to the student's complete learner profile; and

98 (vi) serves as additional disaster mitigation for LEAs by using a cloud-based data  
99 storage and collection system.

100 (3) Using existing information collected and stored in the State Board of Education's  
101 data warehouse, the State Board of Education shall create the Utah Student Record Store where  
102 an authorized LEA user may:

103 (a) access data in a Student Achievement Backpack relevant to the user's LEA or  
104 school; or

105 (b) request student records to be transferred from one LEA to another.

106 (4) The State Board of Education shall implement security measures to ensure that:

107 (a) student data stored or transmitted to or from the Utah Student Record Store is  
108 secure and confidential pursuant to the requirements of the Family Educational Rights and  
109 Privacy Act, 20 U.S.C. Sec. 1232g; and

110 (b) an authorized LEA user may only access student data that is relevant to the user's  
111 LEA or school.

112 (5) A student's parent or guardian may request the student's Student Achievement  
113 Backpack from the LEA or the school in which the student is enrolled.

114 (6) ~~[No later than June 30, 2014, an]~~ An authorized LEA user shall be able to access  
115 student data in a Student Achievement Backpack, which shall include the following data, or  
116 request the data be transferred from one LEA to another:

117 (a) student demographics;

118 (b) course grades;

119 (c) course history; and

120 (d) results ~~[for]~~ of an assessment administered under U-PASS.

121 (7) [~~No later than June 30, 2015, an~~] An authorized LEA user shall be able to access  
 122 student data in a Student Achievement Backpack, which shall include the data listed in  
 123 Subsections (6)(a) through (d) and the following data, or request the data be transferred from  
 124 one LEA to another:

125 (a) section attendance;  
 126 (b) the name of a student's teacher for classes or courses the student takes;  
 127 (c) teacher qualifications for a student's teacher, including years of experience, degree,  
 128 license, and endorsement;

129 (d) results of formative, interim, and summative computer adaptive assessments  
 130 administered pursuant to Section [53A-1-603](#);

131 (e) detailed data demonstrating a student's mastery of the core standards for Utah  
 132 public schools and objectives as measured by computer adaptive assessments administered  
 133 pursuant to Section [53A-1-603](#);

134 (f) a student's writing sample written for an online writing assessment administered  
 135 pursuant to Section [53A-1-603](#);

136 (g) student growth scores for U-PASS tests;

137 (h) a school's [~~grade~~] rating assigned pursuant to Part 11, School [~~Grading Act~~]  
 138 Accountability System;

139 (i) results of benchmark assessments of reading administered pursuant to Section  
 140 [53A-1-606.6](#); and

141 (j) a student's reading level at the end of grade 3.

142 (8) No later than June 30, 2017, the State Board of Education shall ensure that data  
 143 collected in the Utah Student Record Store for a Student Achievement Backpack shall be  
 144 integrated into each LEA's student information system and shall be made available to a  
 145 student's parent or guardian and an authorized LEA user in an easily accessible viewing format.

146 Section 2. Section [53A-1-1101](#) is repealed and reenacted to read:

147 **Part 11. School Accountability System**

148 **53A-1-1101. Title.**

149 This part is known as "School Accountability System."

150 Section 3. Section [53A-1-1102](#) is repealed and reenacted to read:

151 **53A-1-1102. Definitions.**

152 As used in this part:

153 (1) "Board" means the State Board of Education.

154 (2) "Statewide assessment" means a statewide assessment as determined by the board.

155 Section 4. Section **53A-1-1103** is repealed and reenacted to read:

156 **53A-1-1103. Board to establish school accountability system.**

157 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
158 board shall make rules to establish a school accountability system in accordance with this part.

159 Section 5. Section **53A-1-1104** is repealed and reenacted to read:

160 **53A-1-1104. Indicators -- Rating schools.**

161 (1) The board shall ensure that the school accountability system established under this  
162 part includes an indicator for each of the following:

163 (a) academic achievement as measured by performance on a statewide assessment of  
164 English language arts, mathematics, and science;

165 (b) except as provided in Subsection (3)(a), academic growth as measured by progress  
166 on a statewide assessment of English language arts, mathematics, and science;

167 (c) college and career readiness of students as measured by at least the following, as  
168 applicable to a grade level:

169 (i) performance on a college readiness assessment described in Section **53A-1-611**;

170 (ii) high school graduation;

171 (iii) performance in advanced courses and secondary core courses, as determined by the  
172 board; and

173 (iv) grade 1 through 3 literacy; and

174 (d) equitable educational opportunity as measured by:

175 (i) student access to resources and conditions that influence student learning outcomes;

176 (ii) student, parent, or community engagement in schooling; or

177 (iii) the success of students who are at risk of academic failure.

178 (2) The board may include other indicators in addition to the indicators described in  
179 Subsection (1).

180 (3) (a) Subject to Subsection (3)(b), the board may exclude the academic growth  
181 indicator described in Subsection (1)(b) for a school year in which the board determines it is  
182 necessary to establish a new baseline to calculate growth due to:

183 (i) a transition to a new assessment; or  
184 (ii) a qualifying event, as determined by the board.

185 (b) The board may only exclude an academic growth indicator for a school for which  
186 an academic growth indicator is unavailable due to a transition to a new assessment or  
187 qualifying event described in Subsection (3)(a).

188 (4) (a) Using the accountability system established under this part, except as provided  
189 in Subsection (4)(b), the board shall annually assign:

190 (i) an overall rating, as determined by the board, to each school; and

191 (ii) a rating, as determined by the board, for each of the indicators described in  
192 Subsections (1) and (2).

193 (b) For a school for which an academic growth indicator has been excluded in  
194 accordance with Subsection (3), the board is not required to assign:

195 (i) an overall rating described in Subsection (4)(a)(i); or

196 (ii) a rating for an academic growth indicator in accordance with Subsection (4)(a)(ii).

197 Section 6. Section **53A-1-1105** is repealed and reenacted to read:

198 **53A-1-1105. Methodology for determining a school's rating -- Metrics and weights**  
199 **-- Formula for calculating growth.**

200 (1) The board shall use an evidence-based methodology for determining a school's  
201 ratings described in Section [53A-1-1104](#) by establishing:

202 (a) the metrics that are used to assess performance on an indicator described in Section  
203 [53A-1-1104](#); and

204 (b) the relative weight assigned to:

205 (i) an indicator described in Section [53A-1-1104](#); and

206 (ii) a metric within an indicator that has more than one metric described in Subsection  
207 (1)(a).

208 (2) In establishing a metric to assess performance on the academic growth indicator  
209 described in Subsection [53A-1-1104](#)(1)(b), the board shall establish a formula for a growth  
210 target for a student's performance on a statewide assessment that enables an individual to  
211 know, at the beginning of a school year, the growth a student would need to achieve to reach  
212 the student's growth target by the end of the school year.

213 Section 7. Section **53A-1-1106** is repealed and reenacted to read:

214 **53A-1-1106. Schools included in the school accountability system.**

215 (1) The board shall include all public schools in the state in the school accountability  
216 system established under this part.

217 (2) The board may use different metrics and weights, described in Section [53A-1-1105](#),  
218 to appropriately assess the educational impact of:

219 (a) a school that serves a special student population;

220 (b) a newly opened school; or

221 (c) a small school in which the total number of students tested is fewer than the  
222 minimum number of students necessary for statistical reporting purposes.

223 Section 8. Section [53A-1-1107](#) is repealed and reenacted to read:

224 **53A-1-1107. Reporting.**

225 (1) The board shall annually publish on the board's website a report card for each  
226 school that includes:

227 (a) the school's overall rating described in Subsection [53A-1-1104](#)(4)(a)(i);

228 (b) the school's ratings for each of the indicators described in Subsection  
229 [53A-1-1104](#)(4)(a)(ii);

230 (c) the methodology for determining a school's rating described in Section  
231 [53A-1-1105](#); and

232 (d) (i) the percentage of students who participated in statewide assessments; and

233 (ii) the percentage of nonproficient students, as determined by prior year statewide  
234 assessment scores, who participated in statewide assessments.

235 (2) (a) The board shall develop an individualized student achievement report that  
236 includes:

237 (i) information on a student's level of proficiency as measured by a statewide  
238 assessment; and

239 (ii) a comparison of a student's growth target and actual learning growth as measured  
240 by a statewide assessment.

241 (b) The board shall, subject to the Family Educational Rights and Privacy Act, 20  
242 U.S.C. Sec. 1232g, make the individualized student achievement report described in  
243 Subsection (2)(a) available for a school district or charter school to access electronically.

244 (c) A school district or charter school shall distribute an individualized student



245 achievement report to the parent or guardian of the student to whom the report applies.

246 Section 9. Section **53A-1-1202** is amended to read:

247 **53A-1-1202. Definitions.**

248 As used in this part:

249 (1) "Board" means the State Board of Education.

250 (2) "Charter school authorizer" means the same as that term is defined in Section  
251 [53A-1a-501.3](#).

252 (3) "District school" means a public school under the control of a local school board  
253 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School  
254 Boards.

255 (4) "Educator" means the same as that term is defined in Section [53A-6-103](#).

256 (5) "Final remedial year" means the second school year following the initial remedial  
257 year.

258 (6) "Initial remedial year" means the school year a district school or charter school is  
259 designated as a low performing school under Section [53A-1-1203](#).

260 (7) "Low performing school" means a district school or charter school that has been  
261 designated as a low performing school by the board [~~because the school is: (a) in the lowest~~  
262 ~~performing 3% of schools statewide according to the percentage of possible points earned~~  
263 ~~under the school grading system; and (b) a low performing school according to other~~  
264 ~~outcome-based measures as may be defined in rules made by the board in accordance with Title~~  
265 ~~63G, Chapter 3, Utah Administrative Rulemaking Act.] in accordance with Section  
266 [53A-1-1203](#).~~

267 (8) "School accountability system" means the system established by the board in  
268 accordance with Part 11, School Accountability System.

269 [(8)] (9) ["School grade" or "grade"] "Rating" means the [~~letter grade~~] overall rating  
270 assigned to a school under the school [~~grading~~] accountability system.

271 [(9)] "~~School grading system~~" means the system established under Part 11, School  
272 ~~Grading Act, of assigning letter grades to schools.]~~

273 [(10)] "~~Statewide assessment~~" means a test of student achievement in basic academic  
274 subjects, including a test administered in a computer adaptive format that is administered  
275 statewide under Part 6, ~~Achievement Tests.~~]

276 Section 10. Section **53A-1-1203** is amended to read:

277 **53A-1-1203. State Board of Education to designate low performing schools.**

278 ~~On~~ (1) Except as provided in Subsection (2), on or before September 1, the board  
279 shall annually designate a school as a low performing school if the school is:

280 ~~(+)~~ (a) in the lowest performing 3% of schools statewide according to the ~~percentage~~  
281 ~~of possible points earned~~ school's performance under the school ~~grading~~ accountability  
282 system; and

283 ~~(2)~~ (b) a low performing school according to other outcome-based measures as may  
284 be defined in rules made by the board in accordance with Title 63G, Chapter 3, Utah  
285 Administrative Rulemaking Act.

286 (2) The board is not required to designate as a low performing school a school for  
287 which an academic growth indicator has been excluded under the school accountability system  
288 in accordance with Section [53A-1-1104](#).

289 Section 11. Section **53A-1-1206** is amended to read:

290 **53A-1-1206. State Board of Education to identify independent school turnaround**  
291 **experts -- Review and approval of school turnaround plans -- Appeals process.**

292 (1) On or before August 30, the board shall identify at least two ~~or more~~ approved  
293 independent school turnaround experts, through a request for proposals process, that a low  
294 performing school may select from to partner with to:

295 (a) collect and analyze data on the low performing school's student achievement,  
296 personnel, culture, curriculum, assessments, instructional practices, governance, leadership,  
297 finances, and policies;

298 (b) recommend changes ~~[to the low performing school's culture, curriculum,~~  
299 ~~assessments, instructional practices, governance, finances, policies, or other areas]~~ based on  
300 data collected under Subsection (1)(a);

301 (c) develop and implement, in partnership with the school turnaround committee, a  
302 school turnaround plan that meets the criteria described in Subsection [53A-1-1204\(3\)](#);

303 (d) monitor the effectiveness of a school turnaround plan through reliable means of  
304 evaluation, including on-site visits, observations, surveys, analysis of student achievement data,  
305 and interviews;

306 (e) provide ongoing implementation support and project management for a school

307 turnaround plan;

308 (f) provide high-quality professional development personalized for school staff that is  
309 designed to build the:

310 (i) leadership capacity of the school principal; and

311 (ii) instructional capacity of school staff; and

312 (g) leverage support from community partners to coordinate an efficient delivery of  
313 supports to students both inside and outside the classroom.

314 (2) In identifying independent school turnaround experts under Subsection (1), the  
315 board shall identify experts that:

316 (a) have a credible track record of improving student academic achievement in public  
317 schools with various demographic characteristics, as measured by statewide assessments;

318 (b) have experience designing, implementing, and evaluating data-driven instructional  
319 systems in public schools;

320 (c) have experience coaching public school administrators and teachers on designing  
321 data-driven school improvement plans;

322 (d) have experience working with the various education entities that govern public  
323 schools;

324 (e) have experience delivering high-quality professional development in instructional  
325 effectiveness to public school administrators and teachers;

326 (f) are willing to be compensated for professional services based on performance as  
327 described in Subsection (3); and

328 (g) are willing to partner with any low performing school in the state, regardless of  
329 location.

330 (3) (a) When awarding a contract to an independent school turnaround expert selected  
331 by a local school board under Subsection 53A-1-1204(2) or by a charter school governing  
332 board under Subsection 53A-1-1205(4)(b), the board shall ensure that a contract between the  
333 board and the independent school turnaround expert specifies that the board will:

334 (i) pay an independent school turnaround expert no more than 50% of the expert's  
335 professional fees at the beginning of the independent school turnaround expert's work for the  
336 low performing school; and

337 (ii) pay the remainder of the independent school turnaround expert's professional fees

338 upon completion of the independent school turnaround expert's work for the low performing  
339 school if:

340 (A) the independent school turnaround expert fulfills the terms of the contract; and

341 (B) the low performing school's [~~grade~~] rating improves by at least one [~~letter grade~~]  
342 rating, as determined by the board under Subsection (3)(b).

343 (b) The board shall determine whether a low performing school's [~~grade~~] rating has  
344 improved under Subsection (3)(a)(ii) by comparing the school's letter [~~grade~~] rating for the  
345 school year prior to the initial remedial year to the school's [~~letter grade~~] rating:

346 (i) for the final remedial year; or

347 (ii) for the last school year of the extension period if, as described in Section

348 [53A-1-1207](#):

349 (A) a school is granted an extension; and

350 (B) the board extends the contract of the school's independent school turnaround  
351 expert.

352 (c) In negotiating a contract with an independent school turnaround expert, the board  
353 shall offer:

354 (i) differentiated amounts of funding based on student enrollment; and

355 (ii) a higher amount of funding for schools that are in the lowest performing 1% of  
356 schools statewide according to [~~the percentage of possible points earned~~] school performance  
357 under the school [~~grading~~] accountability system.

358 (4) The board shall:

359 (a) review a school turnaround plan submitted for approval under Subsection  
360 [53A-1-1204](#)(5)(b) or under Subsection [53A-1-1205](#)(7)(b) within 30 days of submission;

361 (b) approve a school turnaround plan that:

362 (i) is timely;

363 (ii) is well-developed; and

364 (iii) meets the criteria described in Subsection [53A-1-1204](#)(3); and

365 (c) subject to legislative appropriations, provide funding to a low performing school for  
366 interventions identified in an approved school turnaround plan if the local school board or  
367 charter school governing board provides matching funds or an in-kind contribution of goods or  
368 services in an amount equal to the funding the low performing school would receive from the

369 board.

370 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
371 the board shall make rules to establish an appeals process for:

372 (i) a low performing district school that is not granted approval from the district  
373 school's local school board under Subsection 53A-1-1204(5)(b);

374 (ii) a low performing charter school that is not granted approval from the charter  
375 school's charter school governing board under Subsection 53A-1-1205(7)(b); and

376 (iii) a local school board or charter school governing board that is not granted approval  
377 from the board under Subsection (4)(b).

378 (b) The board shall ensure that rules made under Subsection (5)(a) require an appeals  
379 process described in:

380 (i) Subsections (5)(a)(i) and (ii) to be resolved on or before April 1 of the initial  
381 remedial year; and

382 (ii) Subsection (5)(a)(iii) to be resolved on or before May 15 of the initial remedial  
383 year.

384 (6) (a) Subject to Subsection (6)(b), the board shall balance the need to prioritize  
385 funding appropriated by the Legislature to carry out the provisions of this part to contract with  
386 highly qualified independent school turnaround experts with the need to fund:

387 (i) interventions to facilitate the implementation of a school turnaround plan under  
388 Subsection (4)(c);

389 (ii) the School Recognition and Reward Program created under Section 53A-1-1208;  
390 and

391 (iii) the School Leadership Development Program created under Section 53A-1-1209.

392 (b) The board may use up to 4% of the funds appropriated by the Legislature to carry  
393 out the provisions of this part for administration if the amount for administration is approved  
394 by the board in an open meeting.

395 Section 12. Section 53A-1-1207 is amended to read:

396 **53A-1-1207. Consequences for failing to improve the school rating of a low**  
397 **performing school.**

398 (1) As used in this section, "high performing charter school" means a charter school  
399 that:

400 (a) satisfies all requirements of state law and board rules;

401 (b) meets or exceeds standards for student achievement established by the charter  
402 school's charter school authorizer; and

403 (c) has received at least [~~a "B" grade~~] an above-average rating under the school  
404 [~~grading~~] accountability system in the previous two school years.

405 (2) (a) A low performing school may petition the board for an extension to continue  
406 school improvement efforts for up to two years if the low performing school's [~~grade~~] rating  
407 does not improve by at least one [~~letter grade~~] rating, as determined by comparing the school's  
408 [~~letter grade~~] rating for the school year prior to the initial remedial year to the school's [~~letter~~  
409 ~~grade~~] rating for the final remedial year.

410 (b) The board may only grant an extension under Subsection (2)(a) if the low  
411 performing school has [~~increased the number of points awarded under the school grading~~  
412 ~~system by at least:~~] a statistically significant improvement in the school's performance under  
413 the school accountability system, as determined by the board.

414 [~~(i) 25% for a school that is not a high school; and~~]

415 [~~(ii) 10% for a high school.~~]

416 [~~(c) The board shall determine whether a low performing school has increased the~~  
417 ~~number of points awarded under the school grading system by the percentages described in~~  
418 ~~Subsection (2)(b) by comparing the number of points awarded for the school year prior to the~~  
419 ~~initial remedial year to the number of points awarded for the final remedial year.~~]

420 [~~(d)~~] (c) The board may extend the contract of an independent school turnaround expert  
421 of a low performing school that is granted an extension under this Subsection (2).

422 [~~(e)~~] (d) A school that has been granted an extension under this Subsection (2) is  
423 eligible for:

424 (i) continued funding under Subsection [53A-1-1206\(4\)\(c\)](#); and

425 (ii) the School Recognition and Reward Program under Section [53A-1-1208](#).

426 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
427 board shall make rules establishing consequences for a low performing school that:

428 (a) (i) does not improve the school's [~~grade~~] rating by at least one [~~letter grade~~] rating,  
429 as determined by comparing the school's [~~letter grade~~] rating for the school year prior to the  
430 initial remedial year to the school's [~~letter grade~~] rating for the final remedial year; and

431 (ii) is not granted an extension under Subsection (2); or  
432 (b) (i) is granted an extension under Subsection (2); and  
433 (ii) does not improve the school's [grade] rating by at least one [letter grade] rating, as  
434 determined by comparing the school's [letter grade] rating for the school year prior to the initial  
435 remedial year to the school's [letter grade] rating for the last school year of the extension  
436 period.

437 (4) The board shall ensure that the rules established under Subsection (3) include a  
438 mechanism for:

439 (a) restructuring a district school that may include:

440 (i) contract management;

441 (ii) conversion to a charter school; or

442 (iii) state takeover; and

443 (b) restructuring a charter school that may include:

444 (i) termination of a school's charter;

445 (ii) closure of a charter school; or

446 (iii) transferring operation and control of the charter school to:

447 (A) a high performing charter school; or

448 (B) the school district in which the charter school is located.

449 Section 13. Section **53A-1-1208** is amended to read:

450 **53A-1-1208. School Recognition and Reward Program.**

451 (1) As used in this section, "eligible school" means a low performing school that:

452 (a) improves the school's [grade] rating by at least one [letter grade] rating, as  
453 determined by comparing the school's [letter grade] rating for the school year prior to the initial  
454 remedial year to the school's [letter grade] rating for the final remedial year; or

455 (b) (i) has been granted an extension under Subsection **53A-1-1207(2)**; and

456 (ii) improves the school's [grade] rating by at least one [letter grade] rating, as  
457 determined by comparing the school's [letter grade] rating for the school year prior to the initial  
458 remedial year to the school's [letter grade] rating for the last school year of the extension  
459 period.

460 (2) The School Recognition and Reward Program is created to provide incentives to  
461 schools and educators to improve the school [grade] rating of a low performing school.

462 (3) Subject to appropriations by the Legislature, upon the release of school [~~grades~~  
463 ratings by the board, the board shall distribute a reward equal to:

464 (a) for an eligible school that improves the eligible school's [~~grade one letter grade~~  
465 rating by one rating:

466 (i) \$100 per tested student; and

467 (ii) \$1,000 per educator;

468 (b) for an eligible school that improves the eligible school's [~~grade two letter grades~~  
469 rating by two ratings:

470 (i) \$200 per tested student; and

471 (ii) \$2,000 per educator;

472 (c) for an eligible school that improves the eligible school's [~~grade three letter grades~~  
473 rating by three ratings:

474 (i) \$300 per tested student; and

475 (ii) \$3,000 per educator; and

476 (d) for an eligible school that improves the eligible school's [~~grade four letter grades~~  
477 rating by four ratings:

478 (i) \$500 per tested student; and

479 (ii) \$5,000 per educator.

480 (4) The principal of an eligible school that receives a reward under Subsection (3), in  
481 consultation with the educators at the eligible school, may determine how to use the money in  
482 the best interest of the school, including providing bonuses to educators.

483 (5) If the number of qualifying eligible schools exceeds available funds, the board may  
484 reduce the amounts specified in Subsection (3).

485 Section 14. Section **53A-1-1209** is amended to read:

486 **53A-1-1209. School Leadership Development Program.**

487 (1) As used in this section, "school leader" means a school principal or assistant  
488 principal.

489 (2) There is created the School Leadership Development Program to increase the  
490 number of highly effective school leaders capable of:

491 (a) initiating, achieving, and sustaining school improvement efforts; and

492 (b) forming and sustaining community partnerships as described in Section [53A-4-303](#).



- 493 (3) The board shall identify one or more providers, through a request for proposals  
494 process, to develop or provide leadership development training for school leaders that:
- 495 (a) may provide in-depth training in proven strategies to turn around low performing  
496 schools;
- 497 (b) may emphasize hands-on and job-embedded learning;
- 498 (c) aligns with the state's leadership standards established by board rule;
- 499 (d) reflects the needs of a school district or charter school where a school leader serves;
- 500 (e) may include training on using student achievement data to drive decisions;
- 501 (f) may develop skills in implementing and evaluating evidence-based instructional  
502 practices;
- 503 (g) may develop skills in leading collaborative school improvement structures,  
504 including professional learning communities; and
- 505 (h) includes instruction on forming and sustaining community partnerships as  
506 described in Section [53A-4-303](#).
- 507 (4) Subject to legislative appropriations, the State Board of Education shall provide  
508 incentive pay to a school leader who:
- 509 (a) completes leadership development training under this section; and
- 510 (b) agrees to work, for at least five years, in a school that received [~~an "F" grade or "D"~~  
511 ~~grade~~] a below-average rating under the school [~~grading~~] accountability system in the school  
512 year previous to the first year the school leader:
- 513 (i) completes leadership development training; and
- 514 (ii) begins to work, or continues to work, in a school described in this Subsection  
515 (4)(b).
- 516 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
517 board shall make rules specifying:
- 518 (a) eligibility criteria for a school leader to participate in the School Leadership  
519 Development Program;
- 520 (b) application procedures for the School Leadership Development Program;
- 521 (c) criteria for selecting school leaders from the application pool; and
- 522 (d) procedures for awarding incentive pay under Subsection (4).
- 523 Section 15. Section **53A-1a-510** is amended to read:

524 **53A-1a-510. Termination of a charter.**

525 (1) Subject to the requirements of Subsection (3), a charter school authorizer may  
526 terminate a school's charter for any of the following reasons:

527 (a) failure of the charter school to meet the requirements stated in the charter;  
528 (b) failure to meet generally accepted standards of fiscal management;  
529 (c) subject to Subsection (8), failure to make adequate yearly progress under the No  
530 Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.;

531 (d) (i) designation as a low performing school under Chapter 1, [~~Part 11, School~~  
532 ~~Grading Act~~] Part 12, School Turnaround and Leadership Development Act; and

533 (ii) failure to improve the school's [~~grade~~] rating under the conditions described in  
534 Chapter 1, Part 12, School Turnaround and Leadership Development Act;

535 (e) violation of requirements under this part or another law; or

536 (f) other good cause shown.

537 (2) (a) The authorizer shall notify the following of the proposed termination in writing,  
538 state the grounds for the termination, and stipulate that the governing board may request an  
539 informal hearing before the authorizer:

540 (i) the governing board of the charter school; and

541 (ii) if the charter school is a qualifying charter school with outstanding bonds issued in  
542 accordance with Chapter 20b, Part 2, Charter School Credit Enhancement Program, the Utah  
543 Charter School Finance Authority.

544 (b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in  
545 accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after  
546 receiving a written request under Subsection (2)(a).

547 (c) If the authorizer, by majority vote, approves a motion to terminate a charter school,  
548 the governing board of the charter school may appeal the decision to the State Board of  
549 Education.

550 (d) (i) The State Board of Education shall hear an appeal of a termination made  
551 pursuant to Subsection (2)(c).

552 (ii) The State Board of Education's action is final action subject to judicial review.

553 (e) (i) If the authorizer proposes to terminate the charter of a qualifying charter school  
554 with outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit

555 Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b)  
556 120 days or more after notifying the following of the proposed termination:

- 557 (A) the governing board of the qualifying charter school; and  
558 (B) the Utah Charter School Finance Authority.

559 (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School  
560 Finance Authority shall meet with the authorizer to determine whether the deficiency may be  
561 remedied in lieu of termination of the qualifying charter school's charter.

562 (3) An authorizer may not terminate the charter of a qualifying charter school with  
563 outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit  
564 Enhancement Program, without mutual agreement of the Utah Charter School Finance  
565 Authority and the authorizer.

566 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
567 the State Board of Education shall make rules that require a charter school to report any threats  
568 to the health, safety, or welfare of its students to the State Charter School Board in a timely  
569 manner.

570 (b) The rules under Subsection (4)(a) shall also require the charter school report to  
571 include what steps the charter school has taken to remedy the threat.

572 (5) Subject to the requirements of Subsection (3), the authorizer may terminate a  
573 charter immediately if good cause has been shown or if the health, safety, or welfare of the  
574 students at the school is threatened.

575 (6) If a charter is terminated during a school year, the following entities may apply to  
576 the charter school's authorizer to assume operation of the school:

- 577 (a) the school district where the charter school is located;  
578 (b) the governing board of another charter school; or  
579 (c) a private management company.

580 (7) (a) If a charter is terminated, a student who attended the school may apply to and  
581 shall be enrolled in another public school under the enrollment provisions of Chapter 2, Part 2,  
582 District of Residency, subject to space availability.

583 (b) Normal application deadlines shall be disregarded under Subsection (7)(a).

584 (8) Subject to the requirements of Subsection (3), an authorizer may terminate a charter  
585 pursuant to Subsection (1)(c) under the same circumstances that local educational agencies are

586 required to implement alternative governance arrangements under 20 U.S.C. Sec. 6316.

587 Section 16. Section **53A-15-1403** is amended to read:

588 **53A-15-1403. Parental right to academic accommodations.**

589 (1) (a) A student's parent or guardian is the primary person responsible for the  
590 education of the student, and the state is in a secondary and supportive role to the parent or  
591 guardian. As such, a student's parent or guardian has the right to reasonable academic  
592 accommodations from the student's LEA as specified in this section.

593 (b) Each accommodation shall be considered on an individual basis and no student  
594 shall be considered to a greater or lesser degree than any other student.

595 (c) The parental rights specified in this section do not include all the rights or  
596 accommodations that may be available to a student's parent or guardian as a user of the public  
597 education system.

598 (d) An accommodation under this section may only be provided if the accommodation  
599 is:

600 (i) consistent with federal law; and

601 (ii) consistent with a student's IEP if the student already has an IEP.

602 (2) An LEA shall reasonably accommodate a parent's or guardian's written request to  
603 retain a student in kindergarten through grade 8 on grade level based on the student's academic  
604 ability or the student's social, emotional, or physical maturity.

605 (3) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a  
606 teacher or request for a change of teacher.

607 (4) An LEA shall reasonably accommodate the request of a student's parent or guardian  
608 to visit and observe any class the student attends.

609 (5) Notwithstanding Chapter 11, Part 1, Compulsory Education Requirements, an LEA  
610 shall record an excused absence for a scheduled family event or a scheduled proactive visit to a  
611 health care provider if:

612 (a) the parent or guardian submits a written statement at least one school day before the  
613 scheduled absence; and

614 (b) the student agrees to make up course work for school days missed for the scheduled  
615 absence in accordance with LEA policy.

616 (6) (a) An LEA shall reasonably accommodate a parent's or guardian's written request

617 to place a student in a specialized class, a specialized program, or an advanced course.

618 (b) An LEA shall consider multiple academic data points when determining an  
619 accommodation under Subsection (6)(a).

620 (7) Consistent with Section 53A-13-108, which requires the State Board of Education  
621 to establish graduation requirements that use competency-based standards and assessments, an  
622 LEA shall allow a student to earn course credit [~~towards~~] toward high school graduation  
623 without completing a course in school by:

624 (a) testing out of the course; or

625 (b) demonstrating competency in course standards.

626 (8) An LEA shall reasonably accommodate a parent's or guardian's request to meet  
627 with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a  
628 regularly scheduled parent teacher conference.

629 (9) (a) At the request of a student's parent or guardian, an LEA shall excuse a student  
630 from taking an assessment that:

631 (i) is federally mandated;

632 (ii) is mandated by the state under this title; or

633 (iii) requires the use of:

634 (A) a state assessment system; or

635 (B) software that is provided or paid for by the state.

636 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
637 State Board of Education shall make rules:

638 (i) to establish a statewide procedure for excusing a student under Subsection (9)(a)  
639 that:

640 (A) does not place an undue burden on a parent or guardian; and

641 (B) may be completed online; and

642 (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or  
643 an LEA's employees through school [~~grading~~] accountability or employee evaluations due to a  
644 student not taking a test under Subsection (9)(a).

645 (c) An LEA:

646 (i) shall follow the procedures outlined in rules made by the State Board of Education  
647 under Subsection (9)(b) to excuse a student under Subsection (9)(a);

648 (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition  
649 to the procedures outlined in rules made by the State Board of Education under Subsection  
650 (9)(b); and

651 (iii) may not reward a student for taking an assessment described in Subsection (9)(a).

652 (d) The State Board of Education shall:

653 (i) maintain and publish a list of state assessments, state assessment systems, and  
654 software that qualify under Subsection (9)(a); and

655 (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).

656 (10) (a) An LEA shall provide for:

657 (i) the distribution of a copy of a school's discipline and conduct policy to each student  
658 in accordance with Section [53A-11-903](#); and

659 (ii) a parent's or guardian's signature acknowledging receipt of the school's discipline  
660 and conduct policy.

661 (b) An LEA shall notify a parent or guardian of a student's violation of a school's  
662 discipline and conduct policy and allow a parent or guardian to respond to the notice in  
663 accordance with Chapter 11, Part 9, School Discipline and Conduct Plans.

664 Section 17. Section **63A-3-402** is amended to read:

665 **63A-3-402. Utah Public Finance Website -- Establishment and administration --**  
666 **Records disclosure -- Exceptions.**

667 (1) There is created the Utah Public Finance Website to be administered by the  
668 Division of Finance with the technical assistance of the Department of Technology Services.

669 (2) The Utah Public Finance Website shall:

670 (a) permit Utah taxpayers to:

671 (i) view, understand, and track the use of taxpayer dollars by making public financial  
672 information available on the Internet for participating state entities, independent entities, and  
673 participating local entities, using the Utah Public Finance Website; and

674 (ii) link to websites administered by participating local entities or independent entities  
675 that do not use the Utah Public Finance Website for the purpose of providing participating  
676 local entities' or independent entities' public financial information as required by this part and  
677 by rule under Section [63A-3-404](#);

678 (b) allow a person who has Internet access to use the website without paying a fee;

679 (c) allow the public to search public financial information on the Utah Public Finance  
680 Website using criteria established by the board;

681 (d) provide access to financial reports, financial audits, budgets, or other financial  
682 documents that are used to allocate, appropriate, spend, and account for government funds, as  
683 may be established by rule under Section [63A-3-404](#);

684 (e) have a unique and simplified website address;

685 (f) be directly accessible via a link from the main page of the official state website;

686 (g) include other links, features, or functionality that will assist the public in obtaining  
687 and reviewing public financial information, as may be established by rule under Section  
688 [63A-3-404](#); and

689 (h) include a link to school report cards published on the State Board of Education's  
690 website under Section [~~53A-1-1112~~] [53A-1-1107](#).

691 (3) The division shall:

692 (a) establish and maintain the website, including the provision of equipment, resources,  
693 and personnel as necessary;

694 (b) maintain an archive of all information posted to the website;

695 (c) coordinate and process the receipt and posting of public financial information from  
696 participating state entities;

697 (d) coordinate and regulate the posting of public financial information by participating  
698 local entities and independent entities; and

699 (e) provide staff support for the advisory committee.

700 (4) (a) A participating state entity and each independent entity shall permit the public  
701 to view the entity's public financial information via the website, beginning with information  
702 that is generated not later than the fiscal year that begins July 1, 2008, except that public  
703 financial information for an:

704 (i) institution of higher education shall be provided beginning with information  
705 generated for the fiscal year beginning July 1, 2009; and

706 (ii) independent entity shall be provided beginning with information generated for the  
707 entity's fiscal year beginning in 2014.

708 (b) No later than May 15, 2009, the website shall:

709 (i) be operational; and

710 (ii) permit public access to participating state entities' public financial information,  
711 except as provided in Subsections (4)(c) and (d).

712 (c) An institution of higher education that is a participating state entity shall submit the  
713 entity's public financial information at a time allowing for inclusion on the website no later  
714 than May 15, 2010.

715 (d) No later than the first full quarter after July 1, 2014, an independent entity shall  
716 submit the entity's public financial information for inclusion on the Utah Public Finance  
717 Website or via a link to its own website on the Utah Public Finance Website.

718 (5) (a) The Utah Educational Savings Plan, created in Section [53B-8a-103](#), shall  
719 provide the following financial information to the division for posting on the Utah Public  
720 Finance Website:

721 (i) administrative fund expense transactions from its general ledger accounting system;  
722 and

723 (ii) employee compensation information.

724 (b) The plan is not required to submit other financial information to the division,  
725 including:

726 (i) revenue transactions;

727 (ii) account owner transactions; and

728 (iii) fiduciary or commercial information, as defined in Section [53B-12-102](#).

729 (6) (a) The following independent entities shall each provide administrative expense  
730 transactions from its general ledger accounting system and employee compensation  
731 information to the division for posting on the Utah Public Finance Website or via a link to a  
732 website administered by the independent entity:

733 (i) the Utah Capital Investment Corporation, created in Section [63N-6-301](#);

734 (ii) the Utah Housing Corporation, created in Section [63H-8-201](#); and

735 (iii) the School and Institutional Trust Lands Administration, created in Section  
736 [53C-1-201](#).

737 (b) For purposes of this part, an independent entity described in Subsection (6)(a) is not  
738 required to submit to the division, or provide a link to, other financial information, including:

739 (i) revenue transactions of a fund or account created in its enabling statute;

740 (ii) fiduciary or commercial information related to any subject if the disclosure of the



741 information:

742 (A) would conflict with fiduciary obligations; or

743 (B) is prohibited by insider trading provisions;

744 (iii) information of a commercial nature, including information related to:

745 (A) account owners, borrowers, and dependents;

746 (B) demographic data;

747 (C) contracts and related payments;

748 (D) negotiations;

749 (E) proposals or bids;

750 (F) investments;

751 (G) the investment and management of funds;

752 (H) fees and charges;

753 (I) plan and program design;

754 (J) investment options and underlying investments offered to account owners;

755 (K) marketing and outreach efforts;

756 (L) lending criteria;

757 (M) the structure and terms of bonding; and

758 (N) financial plans or strategies; and

759 (iv) information protected from public disclosure by federal law.

760 (7) (a) As used in this Subsection (7):

761 (i) "Local education agency" means a school district or a charter school.

762 (ii) "New school building project" means:

763 (A) the construction of a school or school facility that did not previously exist in a local  
764 education agency; or

765 (B) the lease or purchase of an existing building, by a local education agency, to be  
766 used as a school or school facility.

767 (iii) "School facility" means a facility, including a pool, theater, stadium, or  
768 maintenance building, that is built, leased, acquired, or remodeled by a local education agency  
769 regardless of whether the facility is open to the public.

770 (iv) "Significant school remodel" means a construction project undertaken by a local  
771 education agency with a project cost equal to or greater than \$2,000,000, including:

772 (A) the upgrading, changing, alteration, refurbishment, modification, or complete  
773 substitution of an existing school or school facility in a local education agency; or

774 (B) the addition of a school facility.

775 (b) For each new school building project or significant school remodel, the local  
776 education agency shall:

777 (i) prepare an annual school plant capital outlay report; and

778 (ii) submit the report:

779 (A) to the division for publication on the Utah Public Finance Website; and

780 (B) in a format, including any raw data or electronic formatting, prescribed by  
781 applicable division policy.

782 (c) The local education agency shall include in the capital outlay report described in  
783 Subsection (7)(b)(i) the following information as applicable to each new school building  
784 project or significant school remodel:

785 (i) the name and location of the new school building project or significant school  
786 remodel;

787 (ii) construction and design costs, including:

788 (A) the purchase price or lease terms of any real property acquired or leased for the  
789 project or remodel;

790 (B) facility construction;

791 (C) facility and landscape design;

792 (D) applicable impact fees; and

793 (E) furnishings and equipment;

794 (iii) the gross square footage of the project or remodel;

795 (iv) the year construction was completed; and

796 (v) the final student capacity of the new school building project or, for a significant  
797 school remodel, the increase or decrease in student capacity created by the remodel.

798 (d) (i) For a cost, fee, or other expense required to be reported under Subsection (7)(c),  
799 the local education agency shall report the actual cost, fee, or other expense.

800 (ii) The division may require that a local education agency provide further itemized  
801 data on information listed in Subsection (7)(c).

802 (e) (i) No later than May 15, 2015, a local education agency shall provide the division a

803 school plant capital outlay report for each new school building project and significant school  
804 remodel completed on or after July 1, 2004, and before May 13, 2014.

805 (ii) For a new school building project or significant school remodel completed after  
806 May 13, 2014, the local education agency shall provide the school plant capital outlay report  
807 described in this Subsection (7) to the division annually by a date designated by the division.

808 (8) A person who negligently discloses a record that is classified as private, protected,  
809 or controlled by Title 63G, Chapter 2, Government Records Access and Management Act, is  
810 not criminally or civilly liable for an improper disclosure of the record if the record is disclosed  
811 solely as a result of the preparation or publication of the Utah Public Finance Website.

812 Section 18. **Repealer.**

813 This bill repeals:

813a **Ĥ→ Section 53A-1-1104.5, Two school grades assigned to a combination school.**

813b **Section 53A-1-1107.5, Growth target established to determine whether a student**  
813c **demonstrates sufficient growth in a subject. ←Ĥ**

814 Section **53A-1-1108, Calculation of additional points earned for high school**  
815 **graduation and college and career readiness.**

816 Section **53A-1-1109, Calculation of percent of maximum points earned.**

817 Section **53A-1-1110, Letter grade based on percentage of maximum points earned.**

818 Section **53A-1-1111, Students with disabilities.**

819 Section **53A-1-1112, Reporting.**

820 Section **53A-1-1113, Rules.**

821 Section **53A-3-601, Legislative findings.**

822 Section **53A-3-602.5, School performance report -- Components -- Annual filing.**

823 Section **53A-3-603, State board models, guidelines, and training.**

824 Section 19. **Effective date.**

825 This bill takes effect on September 15, 2017.