

1 **EDUCATION REPORTING AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lincoln Fillmore**

5 House Sponsor: Justin L. Fawson

7 **LONG TITLE**

8 **General Description:**

9 This bill amends reporting requirements related to public education.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ repeals certain reporting requirements placed on a local education agency, the state
- 13 superintendent of public instruction, and the State Board of Education;
- 14 ▶ amends provisions related to public education reports and data; and
- 15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **53A-1-301**, as last amended by Laws of Utah 2016, Chapter 348

23 **53A-3-403**, as last amended by Laws of Utah 2004, Chapter 206

24 **53A-6-105**, as last amended by Laws of Utah 2016, Chapter 144

25 **53A-17a-153**, as last amended by Laws of Utah 2010, Chapter 3

26 **53A-17a-165**, as last amended by Laws of Utah 2015, Chapter 258

27 **53A-17a-166**, as enacted by Laws of Utah 2011, Chapter 359

28 **53A-17a-168**, as enacted by Laws of Utah 2012, Chapter 188

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

31 Section 1. Section **53A-1-301** is amended to read:

32 **53A-1-301. Appointment -- Qualifications -- Duties.**

33 (1) (a) The State Board of Education shall appoint a superintendent of public
34 instruction, hereinafter called the state superintendent, who is the executive officer of the
35 ~~[board]~~ State Board of Education and serves at the pleasure of the ~~[board]~~ State Board of
36 Education.

37 (b) The ~~[board]~~ State Board of Education shall appoint the state superintendent on the
38 basis of outstanding professional qualifications.

39 (c) The state superintendent shall administer all programs assigned to the State Board
40 of Education in accordance with the policies and the standards established by the ~~[board]~~ State
41 Board of Education.

42 (2) The State Board of Education shall, with the ~~[appointed]~~ state superintendent,
43 develop a statewide education strategy focusing on core academics, including the development
44 of:

45 (a) core standards for Utah public schools and graduation requirements;

46 (b) a process to select model instructional materials that best correlate ~~[to]~~ with the
47 core standards for Utah public schools and graduation requirements that are supported by
48 generally accepted scientific standards of evidence;

49 (c) professional development programs for teachers, superintendents, and principals;

50 (d) model remediation programs;

51 (e) a model method for creating individual student learning targets, and a method of
52 measuring an individual student's performance toward those targets;

53 (f) progress-based assessments for ongoing performance evaluations of school districts
54 and schools;

55 (g) incentives to achieve the desired outcome of individual student progress in core
56 academics~~[, and which]~~ that do not create disincentives for setting high goals for the students;

57 (h) an annual report card for school and school district performance, measuring

58 learning and reporting progress-based assessments;

59 (i) a systematic method to encourage innovation in schools and school districts as ~~[they~~
60 ~~strive]~~ each strives to achieve improvement in ~~[their]~~ performance; and

61 (j) a method for identifying and sharing best demonstrated practices across school
62 districts and schools.

63 (3) The state superintendent shall perform duties assigned by the ~~[board]~~ State Board
64 of Education, including ~~[the following]~~:

65 (a) investigating all matters pertaining to the public schools;

66 (b) adopting and keeping an official seal to authenticate the state superintendent's
67 official acts;

68 (c) holding and conducting meetings, seminars, and conferences on educational topics;

69 (d) presenting to the governor and the Legislature each December a report of the public
70 school system for the preceding year ~~[to include]~~ that includes:

71 (i) data on the general condition of the schools with recommendations considered
72 desirable for specific programs;

73 (ii) a complete statement of fund balances;

74 (iii) a complete statement of revenues by fund and source;

75 (iv) a complete statement of adjusted expenditures by fund, the status of bonded
76 indebtedness, the cost of new school plants, and school levies;

77 (v) a complete statement of state funds allocated to each school district and charter
78 school by source, including supplemental appropriations, and a complete statement of
79 expenditures by each school district and charter school, including supplemental appropriations,
80 by function and object as outlined in the United States Department of Education publication
81 "Financial Accounting for Local and State School Systems";

82 ~~[(vi) a complete statement, by school district and charter school, of the amount of and~~
83 ~~percentage increase or decrease in expenditures from the previous year attributed to:]~~

84 ~~[(A) wage increases, with expenditure data for base salary adjustments identified~~
85 ~~separately from step and lane expenditures;]~~

86 [~~(B)~~ medical and dental premium cost adjustments; and]
87 [~~(C)~~ adjustments in the number of teachers and other staff;]
88 [~~(vii)~~] (vi) a statement that includes data on:
89 (A) fall enrollments;
90 (B) average membership;
91 (C) high school graduates;
92 (D) licensed and classified employees, including data reported by school districts on
93 educator ratings pursuant to Section [53A-8a-410](#);
94 (E) pupil-teacher ratios;
95 (F) average class sizes calculated in accordance with State Board of Education rules
96 adopted under Subsection [53A-3-602.5\(4\)](#);
97 (G) average salaries;
98 (H) applicable private school data; and
99 (I) data from standardized norm-referenced tests in grades 5, 8, and 11 on each school
100 and school district;
101 [~~(viii)~~] (vii) statistical information regarding incidents of delinquent activity in the
102 schools or at school-related activities with separate categories for:
103 (A) alcohol and drug abuse;
104 (B) weapon possession;
105 (C) assaults; and
106 (D) arson;
107 [~~(ix)~~] (viii) information about:
108 (A) the development and implementation of the strategy of focusing on core
109 academics;
110 (B) the development and implementation of competency-based education and
111 progress-based assessments; and
112 (C) the results being achieved under Subsections (3)(d)[~~(ix)~~](viii)(A) and (B), as
113 measured by individual progress-based assessments and a comparison of Utah students'

114 progress with the progress of students in other states using standardized norm-referenced tests
115 as benchmarks; and

116 ~~[(x)]~~ (ix) other statistical and financial information about the school system [~~which~~]
117 that the state superintendent considers pertinent;

118 (e) collecting and organizing education data into an automated decision support system
119 to facilitate school district and school improvement planning, accountability reporting,
120 performance recognition, and the evaluation of educational policy and program effectiveness to
121 include:

122 (i) data that are:

123 (A) comparable across schools and school districts;

124 (B) appropriate for use in longitudinal studies; and

125 (C) comprehensive with regard to the data elements required under applicable state or
126 federal law or [~~state board~~] State Board of Education rule;

127 (ii) features that enable users, most particularly school administrators, teachers, and
128 parents, to:

129 (A) retrieve school and school district level data electronically;

130 (B) interpret the data visually; and

131 (C) draw conclusions that are statistically valid; and

132 (iii) procedures for the collection and management of education data that:

133 (A) require the state superintendent [~~of public instruction~~] to:

134 (I) collaborate with school districts and charter schools in designing and implementing
135 uniform data standards and definitions;

136 (II) undertake or sponsor research to implement improved methods for analyzing
137 education data;

138 (III) provide for data security to prevent unauthorized access to or contamination of the
139 data; and

140 (IV) protect the confidentiality of data under state and federal privacy laws; and

141 (B) require all school districts and schools to comply with the data collection and

142 management procedures established under Subsection (3)(e);

143 (f) administering and implementing federal educational programs in accordance with
144 Title 53A, Chapter 1, Part 9, Implementing Federal or National Education Programs Act; and

145 (g) with the approval of the ~~[board]~~ State Board of Education, preparing and
146 submitting to the governor a budget for the ~~[board]~~ State Board of Education to be included in
147 the budget that the governor submits to the Legislature.

148 (4) The state superintendent shall distribute funds deposited in the Autism Awareness
149 Restricted Account created in Section [53A-1-304](#) in accordance with the requirements of
150 Section [53A-1-304](#).

151 (5) Upon leaving office, the state superintendent shall deliver to the state
152 superintendent's successor all books, records, documents, maps, reports, papers, and other
153 articles pertaining to the state superintendent's office.

154 (6) (a) For the ~~[purpose]~~ purposes of Subsection (3)(d)~~(vii)~~(vi):

155 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
156 students enrolled in a school by the number of full-time equivalent teachers assigned to the
157 school, including regular classroom teachers, school-based specialists, and special education
158 teachers;

159 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of
160 the schools within a school district;

161 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median
162 pupil-teacher ratio of charter schools in the state; and

163 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median
164 pupil-teacher ratio of public schools in the state.

165 (b) The printed copy of the report required by Subsection (3)(d) shall:

166 (i) include the pupil-teacher ratio for:

167 (A) each school district;

168 (B) the charter schools aggregated; and

169 (C) the state's public schools aggregated; and

170 (ii) indicate [~~the Internet~~] a website where pupil-teacher ratios for each school in the
171 state may be accessed.

172 Section 2. Section 53A-3-403 is amended to read:

173 **53A-3-403. School district or charter school fiscal year -- Statistical reports.**

174 (1) A school district's or charter school's fiscal year begins on July 1 and ends on June
175 30.

176 (2) (a) [~~The~~] A school district or charter school shall forward statistical reports for the
177 preceding school year, containing items required by law or by the State Board of Education, to
178 the state superintendent [~~not later than~~] on or before November 1 of each year.

179 (b) The reports shall include information to enable the state superintendent to complete
180 the statement required under Subsection 53A-1-301(3)(d)(v).

181 (3) [~~The~~] A school district or charter school shall forward the accounting report
182 required under Section 51-2a-201 to the state superintendent [~~not later than~~] on or before
183 October 15 of each year.

184 [~~(4) The district shall include the following information in its report:]~~

185 [~~(a) a summary of the number of students in the district given fee waivers, the number~~
186 ~~of students who worked in lieu of a waiver, and the total dollar value of student fees waived by~~
187 ~~the district;]~~

188 [~~(b) a copy of the district's fee and fee waiver policy;]~~

189 [~~(c) a copy of the district's fee schedule for students; and]~~

190 [~~(d) notices of fee waivers provided to a parent or guardian of a student.]~~

191 Section 3. Section 53A-6-105 is amended to read:

192 **53A-6-105. Licensing fees -- Credit to subfund -- Payment of expenses.**

193 (1) The board shall levy a fee for each new, renewed, or reinstated license or
194 endorsement in accordance with Section 63J-1-504.

195 (2) Fee payments are credited to the Professional Practices Restricted Subfund in the
196 Uniform School Fund.

197 (3) The board shall pay the expenses of issuing licenses and of UPPAC operations, and

198 the costs of collecting license fees from the restricted subfund.

199 ~~[(4) The board shall submit an annual report to the Legislature's Public Education~~
200 ~~Appropriations Subcommittee informing the Legislature about the fund, fees assessed and~~
201 ~~collected, and expenditures from the fund.]~~

202 Section 4. Section **53A-17a-153** is amended to read:

203 **53A-17a-153. Educator salary adjustments.**

204 (1) As used in this section, "educator" means a person employed by a school district,
205 charter school, or the Utah Schools for the Deaf and the Blind who holds:

206 (a) a license issued under Title 53A, Chapter 6, Educator Licensing and Professional
207 Practices Act; and

208 (b) a position as a:

209 (i) classroom teacher;

210 (ii) speech pathologist;

211 (iii) librarian or media specialist;

212 (iv) preschool teacher;

213 (v) mentor teacher;

214 (vi) teacher specialist or teacher leader;

215 (vii) guidance counselor;

216 (viii) audiologist;

217 (ix) psychologist; or

218 (x) social worker.

219 (2) In recognition of the need to attract and retain highly skilled and dedicated
220 educators, the Legislature shall annually appropriate money for educator salary adjustments,
221 subject to future budget constraints.

222 (3) Money appropriated to the State Board of Education for educator salary
223 adjustments shall be distributed to school districts, charter schools, and the Utah Schools for
224 the Deaf and the Blind in proportion to the number of full-time-equivalent educator positions
225 in a school district, a charter school, or the Utah Schools for the Deaf and the Blind as

226 compared to the total number of full-time-equivalent educator positions in school districts,
227 charter schools, and the Utah Schools for the Deaf and the Blind.

228 (4) ~~[School districts, charter schools, and]~~ A school district, a charter school, or the
229 Utah Schools for the Deaf and the Blind shall award bonuses to educators as follows:

230 (a) the amount of the salary adjustment shall be the same for each full-time-equivalent
231 educator position in the school district, charter school, or the Utah Schools for the Deaf and the
232 Blind;

233 (b) ~~[a person]~~ an individual who is not a full-time educator shall receive a partial salary
234 adjustment based on the number of hours the ~~[person]~~ individual works as an educator; and

235 (c) a salary [adjustments] adjustment may be awarded only to ~~[educators]~~ an educator
236 who ~~[have]~~ has received a satisfactory rating or above on ~~[their]~~ the educator's most recent
237 evaluation.

238 ~~[(5)(a) Each school district and charter school and the Utah Schools for the Deaf and~~
239 ~~the Blind shall submit a report to the State Board of Education on how the money for salary~~
240 ~~adjustments was spent, including the amount of the salary adjustment and the number of full~~
241 ~~and partial salary adjustments awarded.]~~

242 ~~[(b) The State Board of Education shall compile the information reported under~~
243 ~~Subsection (5) and submit it to the Public Education Appropriations Subcommittee by~~
244 ~~November 30 each year.]~~

245 ~~[(6)]~~ (5) The State Board of Education may make rules as necessary to administer this
246 section, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

247 ~~[(7)]~~ (6) (a) Subject to future budget constraints, the Legislature shall appropriate
248 sufficient money each year to:

- 249 (i) maintain educator salary adjustments provided in prior years; and
- 250 (ii) provide educator salary adjustments to new employees.

251 (b) Money appropriated for educator salary adjustments shall include money for the
252 following employer-paid benefits:

- 253 (i) retirement;

- 254 (ii) worker's compensation;
- 255 (iii) social security; and
- 256 (iv) Medicare.

257 [(8)] (7) (a) Subject to future budget constraints, the Legislature shall:

258 (i) maintain the salary adjustments provided to school administrators in the 2007-08
259 school year; and

260 (ii) provide salary adjustments for new school administrators in the same amount as
261 provided for existing school administrators.

262 (b) The appropriation provided for educator salary adjustments shall include salary
263 adjustments for school administrators as specified in Subsection [(8)] (7)(a).

264 (c) In distributing and awarding salary adjustments for school administrators, the State
265 Board of Education, [~~school districts, charter schools, and~~] a school district, a charter school, or
266 the Utah Schools for the Deaf and the Blind shall comply with the requirements for the
267 distribution and award of educator salary adjustments as provided in Subsections (3) and (4).

268 Section 5. Section **53A-17a-165** is amended to read:

269 **53A-17a-165. Enhancement for Accelerated Students Program.**

270 (1) As used in this section, "eligible low-income student" means a student who:

- 271 (a) takes an Advanced Placement test;
- 272 (b) has applied for an Advanced Placement test fee reduction; and
- 273 (c) qualifies for a free lunch or a lunch provided at reduced cost.

274 (2) The State Board of Education shall distribute money appropriated for the
275 Enhancement for Accelerated Students Program to school districts and charter schools
276 according to a formula adopted by the State Board of Education, after consultation with school
277 districts and charter schools.

278 (3) A distribution formula adopted under Subsection (2) may include an allocation of
279 money for:

- 280 (a) Advanced Placement courses;
- 281 (b) Advanced Placement test fees of eligible low-income students;

282 (c) gifted and talented programs, including professional development for teachers of
283 high ability students; and

284 (d) International Baccalaureate programs.

285 (4) The greater of 1.5% or \$100,000 of the appropriation for the Enhancement for
286 Accelerated Students Program may be allowed for International Baccalaureate programs.

287 (5) A school district or charter school shall use money distributed under this section to
288 enhance the academic growth of students whose academic achievement is accelerated.

289 (6) ~~(a)~~ The State Board of Education shall develop performance criteria to measure
290 the effectiveness of the Enhancement for Accelerated Students Program ~~[and make an annual~~
291 ~~report to the Public Education Appropriations Subcommittee on the effectiveness of the~~
292 ~~program].~~

293 ~~[(b) In the report required by Subsection (6)(a), the State Board of Education shall~~
294 ~~include data showing the use and impact of money allocated for Advanced Placement test fees~~
295 ~~of eligible low-income students.]~~

296 Section 6. Section **53A-17a-166** is amended to read:

297 **53A-17a-166. Enhancement for At-Risk Students Program.**

298 (1) (a) Subject to the requirements of Subsection (1)(b), the State Board of Education
299 shall distribute money appropriated for the Enhancement for At-Risk Students Program to
300 school districts and charter schools according to a formula adopted by the State Board of
301 Education, after consultation with school districts and charter schools.

302 (b) (i) The State Board of Education shall appropriate \$1,200,000 from the
303 appropriation for Enhancement for At-Risk Students for a gang prevention and intervention
304 program designed to help students at-risk for gang involvement stay in school.

305 (ii) Money for the gang prevention and intervention program shall be distributed to
306 school districts and charter schools through a request for proposals process.

307 (2) In establishing a distribution formula under Subsection (1)(a), the State Board of
308 Education shall use the following criteria:

309 (a) low performance on U-PASS tests;

- 310 (b) poverty;
- 311 (c) mobility; and
- 312 (d) limited English proficiency.

313 (3) A school district or charter school shall use money distributed under this section to
314 improve the academic achievement of students who are at risk of academic failure.

315 (4) The State Board of Education shall develop performance criteria to measure the
316 effectiveness of the Enhancement for At-Risk Students Program [~~and make an annual report to~~
317 ~~the Public Education Appropriations Subcommittee on the effectiveness of the program~~].

318 Section 7. Section ~~53A-17a-168~~ is amended to read:

319 **53A-17a-168. Appropriation for Title 1 Schools in Improvement Paraeducators**
320 **Program.**

321 (1) As used in this section:

322 (a) "Eligible school" means a Title 1 school that has not achieved adequate yearly
323 progress, as defined in the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq. in
324 the same subject area for two consecutive years.

325 (b) "Paraeducator" means a school employee who:

- 326 (i) delivers instruction under the direct supervision of a teacher; and
- 327 (ii) meets the requirements under Subsection (3).

328 (c) "Program" means the Title 1 Schools in Improvement Paraeducators Program
329 created in this section.

330 (2) The program is created to provide funding for eligible schools to hire paraeducators
331 to provide additional instructional aid in the classroom to assist students in achieving academic
332 success and assist the school in exiting Title 1 school improvement status.

333 (3) A paraeducator who is funded under this section shall have:

- 334 (a) earned a secondary school diploma or a recognized equivalent;
- 335 (b) (i) completed at least two years with a minimum of 48 semester hours at an
336 accredited higher education institution;
- 337 (ii) obtained an associates or higher degree from an accredited higher education

338 institution; or

339 (iii) satisfied a rigorous state or local assessment about the individual's knowledge of,
340 and ability to assist in instructing students in, reading, writing, and mathematics; and

341 (c) received large group-, small group-, and individual-level professional development
342 that is intensive and focused and covers curriculum, instruction, assessment, classroom and
343 behavior management, and teaming.

344 (4) The State Board of Education shall distribute money appropriated for the program
345 to eligible schools, in accordance with rules adopted by the board.

346 (5) Funds appropriated under the program may not be used to supplant other money
347 used for paraeducators at eligible schools.

348 ~~[(6) The State Board of Education shall submit an annual report to the Legislature's
349 Public Education Appropriations Subcommittee that includes information on:]~~

350 ~~[(a) the amount of money distributed to each eligible school under this section;]~~

351 ~~[(b) how many paraeducators were hired at each eligible school with program money;]~~

352 ~~[(c) additional funding eligible schools used to supplement program money in hiring
353 paraeducators; and]~~

354 ~~[(d) accountability measures, including test scores of students served by the program.]~~