

# 2020 3<sup>rd</sup> Special Session S.B. 3005, Education Modifications

Prepared for the Education Interim Committee | June 1, 2020

## Introduction

The closure of public schools related to the coronavirus pandemic affects the ability of the State Board of Education and Local Education Agencies (LEAs) to comply with state statute. To address these issues, the Legislature passed [2020 3<sup>rd</sup> Special Session S.B. 3005 Education Modifications](#). Specifically, S.B. 3005 enacted statutes that, effective immediately:

- Waive requirements to administer assessments during the 2019-2020 school year that were not administered before school closures;
- Direct the State Board of Education (state board) to report to the Education Interim Committee by October 2020 on the state board's ability to comply with requirements impacted by the assessment waiver, including accountability measures and reporting requirements and allows the state board to fulfill a requirement impacted by the assessment waiver by including it in the report;
- Waive the requirement that school districts conduct employee evaluations for the 2019- 2020 school year; and
- Waive the requirement that a student pass a basic civics test as a condition for graduation for certain students graduating from high school who have not yet completed the basic civics test.

Each of these changes, and the reason for the change, is described below in more detail.

## Summary of Statutes Enacted

### Waiver of Assessment Requirements

Before enactment, of S.B. 3005, the statutes governing statewide assessments required the annual administration of these assessments. For example, Subsection 53E-4-303(3) provides, “[a] school district or charter school shall annually administer the standards assessment adopted by the state board under Subsection (2) to all students in the subjects and grade levels described in Subsection (2).” See also Subsections 53E-4-304(2); 53E-4-305(3); 53E-4-307(3). Statewide assessments are usually administered in the spring; however, the state board voted to suspend year-end statewide assessments for the 2019-20 school year, and has received a waiver from the federal government to do so.

In addition, there are statutory requirements for LEAs to administer other assessments, such as the end of course financial literacy assessment described in Subsection 53E-3-305(3)(c)(ii), that they may not be able to administer due to school closures.

Now, [Section 53E-4-315](#) provides that “a statutory requirement to administer an assessment with which an LEA or the state board has not fully complied at the time of statewide school closures beginning on March 16, 2020, is waived for the 2019-20 school year” and that “nothing in this section prohibits an LEA or the state board from administering an assessment.”

### Report to Education Interim Committee and Fulfillment of Accountability and Reporting Requirements

Because statewide year-end assessments were not administered in Spring 2020, it will be impossible for the state board to comply with statutory requirements tied to these assessments, including analyzing school performance through the accountability system, publishing the information required to be included in school report cards, and reports from the state board to the Legislature about various programs. For example, some of the specific requirements with why the state board will not be able to comply include:

- Designating low-performing schools for turnaround and setting criteria for exit from turnaround. (Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development)
- Calculating a school's performance on the proficiency and growth indicators under the statewide accountability system (Title 53E, Chapter 5, Part 2, School Accountability System)
- School report cards. (Section 53E-5-211)
- Early literacy plans (require calculating a growth fact that will not be possible without year-end assessments). (Section 53F-2-503)
- Effective teachers in high poverty schools (requires calculating a growth factor that will not be possible without year-end assessments). (Section 53F-2-513)
- Any other program reports that are required to include data from year-end assessments.

[Section 53E-1-204](#), enacted in S.B. 3005, requires the State Board of Education to submit a report to the Education Interim Committee on or before the committee's October 2020 meeting describing the statutory requirements impacted by the assessment waiver and the statutory requirements with which the state board and LEAS will not comply due to the waiver and why. Section [53E-1-204](#) further provides that the submission of the report fulfills the statutory requirements described in the report.

## Waiver of School District Employee Evaluations

Title 53G, Chapter 11, Sections 504 through 511 describe requirements for school districts and the Utah Schools for the Deaf and the Blind to evaluate educators, and Section 53G-11-504 provides that "a local school board shall require that the performance of each school district employee be evaluated in accordance with rules of the state board adopted in accordance with this part." Section 53G-11-507 describes the required data points for an educator evaluation program, many of which school districts were not able to meet with schools closed this spring. For example, Subsection 53G-11-507(1)(b)(iv) requires that a local school board's educator evaluation program include "a reasonable number of supervisor observations to ensure adequate reliability." With school closures, it is possible that school district supervisors will not be able to do enough classroom observations to complete evaluations.

[Section 53G-11-504.1](#), enacted in S.B. 3005 provides that for the 2019-20 school year, a school district is not required to evaluate or report the performance of each school district employee.

## Waiver of Basic Civics Test Requirement for Certain Students

Section 53E-4-205 provides that "the state board shall require a public school student who graduates on or after January 1, 2016, to pass a basic civics test as a condition for receiving a high school diploma" and requires the state board to make rules that require an LEA to administer a basic civics test. Most students complete this requirement in either 8<sup>th</sup> grade or 11<sup>th</sup> grade, so most students who are currently in the spring of their senior year have already taken and passed the test. However, there are some students who have not yet taken or passed the test who would otherwise be eligible to graduate this spring. Due to the school closures, these students may not have had adequate opportunity to take and pass the test in Spring 2020.

[Section 53E-4-205.1](#), enacted in S.B. 3005 provides that the State Board of Education may grant a student a waiver from the graduation requirement to complete a civics test if they determine that a student who graduates between January 1, 2020, and September 30, 2020, was unable to complete the basic civics test due to public health related school closures.