

2020 Education Interim Committee

Study Items | May 26, 2020

COVID related study items	Description
CARES Act	The committee will study the status of federal legislation related to COVID-19 in Utah, including waivers and funds received.
Assessment waivers and accountability requirements	The committee will review information from the state board on accountability and other requirements impacted by the assessment waiver and the state board or an LEA's compliance with statutory requirements. An oral or written report is due to the Education Interim Committee by October 2020.
Online and distance learning	The committee will study issues related to online and distance learning during public school closures and possible responses to the issues.
Impacts of school closures	The committee will study the impact of school closures on Utah students, and how the state board and local education agencies (LEAs) intend to address the impacts during the 2020-21 school year.
Compulsory education attendance requirements	The committee will study compulsory education attendance and absenteeism issues related to the COVID-19 pandemic.
Additional issues related to the COVID-19 pandemic	The committee may study additional public or higher education issues related to the COVID-19 pandemic or school and institution closures that arise over the course of the interim.

Non COVID related study items	Description
Campus safety	The committee will study issues related to campus safety at the University of Utah and at other institutions of higher education in the state. Specifically, the institutions' policies to oversee complaints from student victims and to protect the victims and related sensitive information.
Local education agency reporting requirements (audit report)	The committee will study the findings and recommendations on reporting requirements for LEAs in the Office of the Legislative Auditor General's audit report 2019-14 , A Performance Audit of Public Education Reporting Requirements.
Transition to single system for higher education governance	The committee will study the transition from a technical college system and higher education systems to a single higher education system, established in 2020 S.B. 111 , "Higher Education Amendments."
Graduate medical education planning	The committee will study issues related to planning for healthcare workforce needs to inform policymaking related to graduate medical education.
Seizure action plans	The committee will study issues related to students with a seizure disorder and raised in 2020 S.B. 251 , "Seizure-Related Student Accommodations."

Study items related to the COVID-19 pandemic

The following study items are specifically related to the effects of the COVID-19 pandemic during the 2019-2020 school year, including financial issues, school closures, and the federal response.

CARES Act

116th Congress [H.R. 748](#) – “Coronavirus Aid, Relief, and Economic Security Act” (CARES Act) – includes emergency financial assistance for early education through higher education. States may use these grants for a wide variety of purposes to support students, institutions, and schools. In addition, states may receive waivers for assessment and accountability reporting requirements.

The state board and institutions of higher education in the state have received grant funds from the U.S. Department of Education. The state board [received](#) \$67.8 million, and 90 percent will be distributed to eligible school districts for allowable uses. Higher education institutions in the state collectively received \$98.6 million, and institutions should allocate over \$49 million of those dollars to students. The state board has also received a [waiver](#) for various federal fiscal and programmatic requirements, including [statewide assessment, accountability, and reporting requirements](#).

Assessment waivers and accountability requirements

[Utah Code Title 53E, Chapter 4, Part 3](#) requires the state board to adopt and administer statewide assessments. Many LEAs had not completed these assessments before soft school closures began on March 16, 2020.

[Utah Code Title 53E, Chapter 5](#) establishes the state’s school accountability system. The state board assigns ratings to schools based on multiple indicators, such as academic achievement on statewide assessments and academic growth on those assessments year over year, and then publicly reports on each school’s performance. To calculate the ratings, the state board uses data from the statewide assessments and collect various data from LEAs. Due to school closures, and the waiver for administering statewide assessments, some of the needed information will be incomplete or unavailable.

Recent state and federal activity

- On March 19, 2020 [the state board suspended statewide assessments](#) (the full list of rules waived is available [here](#)).
- 2020 3rd Special Session [S.B. 3005](#) – “Education Modifications” – waives the statutory requirements for LEAs to administer statewide assessments. The bill also requires the state board to submit an oral or written report to the Education Interim Committee by October 2020 that includes the information below.
 - Identifies statutory requirements impacted by the assessment waiver and how they were impacted.
 - Describes data the state board has not collected or will not collect because of the assessment waiver and describes the data that has been collected or will be collected despite the waiver. If the state board has collected information that it will not report, explain why.
 - Identify the statutory requirements the state board will not comply with because of the waiver and explain why.

- On March 27, 2020, based on a waiver request submitted by the State Board of Education, the U.S. Department of Education [waived](#) federal statewide assessment, accountability, and reporting requirements for Utah.
- 2020 General Session [S.B. 119](#), “School Accountability Amendments”, waives the requirement for the state board to assign a letter grade to schools as part of the state’s school accountability system in response to issues with statewide testing in previous school years. However, this bill did not waive the other requirements related to the state’s accountability system.

Online and distance learning

During school closures, LEAs have largely transferred to online and distance instruction and learning activities. Aside from the Statewide Online Education Program, which was created in legislation in 2011 – [Utah Code Title 53F, Chapter 4, Part 5](#) – and allows eligible students to earn high school graduation credits by completing publicly funded online courses, most online and distance education activities in the state are managed by individual LEAs, which leads to variation in how LEAs are approaching distance and online education.

Recent legislative and state board activity

- 2016 General Session [H.B. 277](#) – “Personalized Learning and Teaching Amendments” – created the [Digital Teaching and Learning Grant Program](#). Participating districts create a 5-year plan, which must be approved by the state board, to incorporate and accelerate digital teaching and learning opportunities.
- 2015 General Session [S.B. 222](#), “Digital Teaching and Learning Program Proposal”, directs the state board to establish a digital teaching and learning task force and develop a master plan for a statewide digital teaching and learning program. In 2015, the task force released [Utah’s Master Plan: Essential Elements for Technology Powered Learning](#).

Impacts of school closures

On March 16, 2020, state leaders [began](#) soft school closures and later [extended](#) the closures through the end of the 2019-2020 school year. Schools remain open for limited services, but LEAs will be providing distance instruction to students either virtually or through schoolwork packets. LEAs will continue to provide meals and special education services as needed.

The effect of these school closures on students, teachers, and LEAs will not be understood until after the academic school year ends. These closures could have an impact on students and education systems, potentially for multiple years.

Absenteeism and compulsory education attendance requirements

Utah’s compulsory school laws – [Utah Code Title 53G, Chapter 6, Part 2](#) – require parents to send their children to a public or private school. The statutes define truancy and establish actions parents and LEAs should take to address compulsory education violations.

Due to school closures during the pandemic, LEAs may need to rethink how they determine attendance for purposes of compulsory education.

Recent legislative and state board activity

- 2020 General Session [H.B. 14](#), “School Absenteeism and Truancy Amendments”, amended the state’s provisions related to truancy and absenteeism. These changes are intended to provide a

standardized process for determining absences and truancy and to provide uniformity across LEAs for reporting purposes. These changes will help the Utah State Board of Education and LEAs better target existing drop-out prevention interventions to the most at-risk students.

- On March 19, 2020, the [state board suspended](#) rules through June 30, 2020 around instructional day and hour requirements and transportation, among others (the full list of rules waived is available [here](#)).

Additional issues related to the COVID-19 pandemic

There may be public or higher education issues related to the COVID-19 pandemic school and institution closures that arise over the course of the interim that will need to be addressed by the legislature.

Study items not related to the COVID-19 pandemic

Campus safety

In accordance with Section 53B-28-401, each institution of higher education in the state is required to develop a campus safety plan. Recent reports regarding the handling of evidence that a victim submitted to the University of Utah police have raised questions about the policies and practices of campus police departments and officers when handling complaints from student victims and sensitive evidence to protect student privacy.

Recent state legislation

- 2019 General Session [S.B. 134](#), “Campus Safety Amendments,” required each institution of higher education to develop a campus safety plan, provide requirements for institutions of higher education to provide training related to campus safety, and enacted reporting requirements.
- 2020 General Session [S.B. 80](#), “Campus Safety Amendments.” This bill requires the Board of Regents to study multiple issues regarding public safety services on campuses of higher education in the state. This includes policies and practices for hiring and supervising campus law enforcement officers and training for responding to incidents of sexual violence or other crimes involving a student. The board should make recommendations for providing public safety services and provide a final report of the study to the Education Interim Committee by November 2021.

Local education agency reporting requirements (audit report)

LEAs are subject to a variety of federal and state reporting requirements. In late 2019, the Office of the Legislative Auditor General released the audit report “[A Performance Audit of Public Education Reporting Requirements](#)” to review the various reports LEAs are required to produce.

As discussed in the audit report, multiple reporting requirements can be difficult for smaller districts or single-site charter schools, as they often cannot sustain the needed staffing levels to track and report required data. Over the past few years, state leaders have made efforts to reduce the reports required of LEAs to reduce their administrative burden, particularly for smaller LEAs and charter schools.

The Utah State Board of Education is creating the [Utah Schools Information Management System](#) (USIMS) for information management to better manage the various data required by state board rules and federal and state laws and regulations. This system will improve the state board’s infrastructure for internal data collections and include a web-based user interface for consistency in external data reporting. The state board is currently developing [USIMS](#) and statutorily required to complete the system by July 1, 2023.

Recent legislative activity

- 2019 General Session [S.B. 14](#), “Education Reporting Requirements”, amended the reporting due to the Education Interim Committee. This includes revising the information due to the Education Interim Committee in the State Superintendent’s Annual Report.
- 2019 General Session [S.B. 112](#), “Public Education Information Systems”, directs the state board to establish an information management system (USIMS) by July 1, 2023 and appropriated funding.
- 2020 General Session [H.B. 67](#), “Local Education Agency Financial Information”, allows the state board to establish requirements for LEAs’ financial management systems and allows the state board to help LEAs to comply with these requirements. This could include financial assistance or procuring a financial management system on behalf of an LEA.

Transition to single system for higher education governance

Utah’s postsecondary education system includes eight degree-granting institutions, which are governed at the state level by the State Board of Regents, and eight technical colleges, which are governed at the state level by the Utah System of Technical Colleges Board of Trustees. The Higher Education Strategic Planning Commission, created by the Legislature during the 2018 general session, contracted with the National Center for Higher Education Management Systems (NCHEMS) to develop a strategic plan for higher education in Utah. As part of the strategic plan, NCHEMS recommended that the two systems have one governing structure. Based on this recommendation, the Legislature passed legislation during the 2020 general session to combine the systems, and the two systems will begin operating as a single system, governed by the Utah Board of Higher Education, on July 1, 2020.

Recent legislative activity

- The Legislature has passed several bills related to higher education governance over the past few years, culminating in [2020 S.B. 111, “Higher Education Amendments”](#), which combined the higher education and technical college systems and established powers, duties, and membership for the Utah Board of Higher Education. Prior to passing 2020 S.B. 111, the Legislature passed the following bills related to higher education governance:
- [2016 S.B. 131, “Utah College of Applied Technology Governance Amendments”](#), modified the governance system for the technical colleges (at that point technical colleges were called applied technology colleges) to be like the Utah System of Higher Education. This bill changed the Utah College of Applied Technology from one institution with eight campuses to eight institutions governed by the Utah College of Applied Technology Board of Trustees.
- [2017 S.B. 238, “Higher Education Governance Revisions”](#), renamed the Utah College of Applied Technology the Utah System of Technical Colleges and renamed applied technology colleges technical colleges.
- [2018 H.B. 300, “Higher Education Modifications”](#), which created the Higher Education Strategic Planning Commission and made other changes to higher education governance.

Graduate medical education planning

Graduate medical education in Utah is funded in part through legislative appropriations because it is provided through the University of Utah, which is part of the Utah System of Higher Education.

The Utah Medical Education Council, created in [Title 53B, Chapter 24, Part 3](#), is tasked with, among other duties, advising “the Legislature on the status and needs of health care professionals in training” and “determine the number and type of positions for health care professionals in training for which program money may be used.” In addition to this council, the Legislature has created specific programs to meet the

demand for specialists in different medical fields, such as expanding the number of psychiatry residencies, creating a strategic nursing initiative, and having a rural residency training program.

Recent legislative activity

- [2013 S.B. 42, “Medical School Admissions Funding”](#), amended provisions related to admission to the medical school at the University of Utah, including authorizing an increase in the number of medical students the University of Utah may admit annually.
- [2019 H.B. 174, “Psychiatry Medical Residents Amendments”](#), required the University of Utah Health Sciences to select additional psychiatry residents.
- [2020 S.B. 16, “Rural Residency Training Program Reauthorization”](#), extended the sunset date for the Rural Residency Training Program until July 1, 2025 and added dental education to the program.
- [2020 HB 246](#), required the University of Utah Health Science to select additional psychiatry residents for the 2020-21 academic year.

Seizure action plans

Under Section 504 of the Rehabilitation Act of 1973, a student with a disability may have a plan with the student’s school to meet the student’s education needs and ensure equitable access to a free and appropriate public education. Utah Code Section [53G-9-505](#) provides that a trained school employee volunteer may administer a seizure rescue medication (a medication administered when a student has seizure activity that it intended to stop the seizure activity) if the student has a 504 accommodation plan that provides for volunteer to administer the medication, and the volunteer meets certain conditions. However, a student who has seizures may require accommodations or medications other than seizure rescue medication. [2020 General Session S.B. 251, Seizure-Related Student Accommodation Amendments](#), enacted provisions related to seizure action plans, training for school employees, and other issues related to students who have seizures. This bill was referred for interim study by the Senate Education Standing Committee.

Recent legislative activity

- [2016 S.B. 232, Rescue Medication in Schools](#), which provides for a trained school employee volunteer to administer a seizure rescue medication under certain conditions