

Part 3 State Superintendent

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

- (1)
 - (a) The State Board of Education shall appoint a superintendent of public instruction, hereinafter called the state superintendent, who is the executive officer of the board and serves at the pleasure of the board.
 - (b) The board shall appoint the state superintendent on the basis of outstanding professional qualifications.
 - (c) The state superintendent shall administer all programs assigned to the State Board of Education in accordance with the policies and the standards established by the board.
- (2) The State Board of Education shall, with the appointed superintendent, develop a statewide education strategy focusing on core academics, including the development of:
 - (a) core standards for Utah public schools and graduation requirements;
 - (b) a process to select model instructional materials that best correlate to the core standards for Utah public schools and graduation requirements that are supported by generally accepted scientific standards of evidence;
 - (c) professional development programs for teachers, superintendents, and principals;
 - (d) model remediation programs;
 - (e) a model method for creating individual student learning targets, and a method of measuring an individual student's performance toward those targets;
 - (f) progress-based assessments for ongoing performance evaluations of districts and schools;
 - (g) incentives to achieve the desired outcome of individual student progress in core academics, and which do not create disincentives for setting high goals for the students;
 - (h) an annual report card for school and district performance, measuring learning and reporting progress-based assessments;
 - (i) a systematic method to encourage innovation in schools and school districts as they strive to achieve improvement in their performance; and
 - (j) a method for identifying and sharing best demonstrated practices across districts and schools.
- (3) The superintendent shall perform duties assigned by the board, including the following:
 - (a) investigating all matters pertaining to the public schools;
 - (b) adopting and keeping an official seal to authenticate the superintendent's official acts;
 - (c) holding and conducting meetings, seminars, and conferences on educational topics;
 - (d) presenting to the governor and the Legislature each December a report of the public school system for the preceding year to include:
 - (i) data on the general condition of the schools with recommendations considered desirable for specific programs;
 - (ii) a complete statement of fund balances;
 - (iii) a complete statement of revenues by fund and source;
 - (iv) a complete statement of adjusted expenditures by fund, the status of bonded indebtedness, the cost of new school plants, and school levies;
 - (v) a complete statement of state funds allocated to each school district and charter school by source, including supplemental appropriations, and a complete statement of expenditures by each school district and charter school, including supplemental appropriations, by function and object as outlined in the United States Department of Education publication "Financial Accounting for Local and State School Systems";

- (vi) a complete statement, by school district and charter school, of the amount of and percentage increase or decrease in expenditures from the previous year attributed to:
 - (A) wage increases, with expenditure data for base salary adjustments identified separately from step and lane expenditures;
 - (B) medical and dental premium cost adjustments; and
 - (C) adjustments in the number of teachers and other staff;
- (vii) a statement that includes data on:
 - (A) fall enrollments;
 - (B) average membership;
 - (C) high school graduates;
 - (D) licensed and classified employees, including data reported by school districts on educator ratings pursuant to Section 53A-8a-410;
 - (E) pupil-teacher ratios;
 - (F) average class sizes calculated in accordance with State Board of Education rules adopted under Subsection 53A-3-602.5(4);
 - (G) average salaries;
 - (H) applicable private school data; and
 - (I) data from standardized norm-referenced tests in grades 5, 8, and 11 on each school and district;
- (viii) statistical information regarding incidents of delinquent activity in the schools or at school-related activities with separate categories for:
 - (A) alcohol and drug abuse;
 - (B) weapon possession;
 - (C) assaults; and
 - (D) arson;
- (ix) information about:
 - (A) the development and implementation of the strategy of focusing on core academics;
 - (B) the development and implementation of competency-based education and progress-based assessments; and
 - (C) the results being achieved under Subsections (3)(d)(ix)(A) and (B), as measured by individual progress-based assessments and a comparison of Utah students' progress with the progress of students in other states using standardized norm-referenced tests as benchmarks; and
- (x) other statistical and financial information about the school system which the state superintendent considers pertinent;
- (e) collecting and organizing education data into an automated decision support system to facilitate school district and school improvement planning, accountability reporting, performance recognition, and the evaluation of educational policy and program effectiveness to include:
 - (i) data that are:
 - (A) comparable across schools and school districts;
 - (B) appropriate for use in longitudinal studies; and
 - (C) comprehensive with regard to the data elements required under applicable state or federal law or state board rule;
 - (ii) features that enable users, most particularly school administrators, teachers, and parents, to:
 - (A) retrieve school and school district level data electronically;
 - (B) interpret the data visually; and

- (C) draw conclusions that are statistically valid; and
- (iii) procedures for the collection and management of education data that:
 - (A) require the state superintendent of public instruction to:
 - (I) collaborate with school districts in designing and implementing uniform data standards and definitions;
 - (II) undertake or sponsor research to implement improved methods for analyzing education data;
 - (III) provide for data security to prevent unauthorized access to or contamination of the data; and
 - (IV) protect the confidentiality of data under state and federal privacy laws; and
 - (B) require all school districts and schools to comply with the data collection and management procedures established under Subsection (3)(e);
- (f) administering and implementing federal educational programs in accordance with Title 53A, Chapter 1, Part 9, Implementing Federal or National Education Programs Act; and
- (g) with the approval of the board, preparing and submitting to the governor a budget for the board to be included in the budget that the governor submits to the Legislature.
- (4) The state superintendent shall distribute funds deposited in the Autism Awareness Restricted Account created in Section 53A-1-304 in accordance with the requirements of Section 53A-1-304.
- (5) Upon leaving office, the state superintendent shall deliver to the state superintendent's successor all books, records, documents, maps, reports, papers, and other articles pertaining to the state superintendent's office.
- (6)
 - (a) For the purpose of Subsection (3)(d)(vii):
 - (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of students enrolled in a school by the number of full-time equivalent teachers assigned to the school, including regular classroom teachers, school-based specialists, and special education teachers;
 - (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of the schools within a school district;
 - (iii) the pupil-teacher ratio for charter schools aggregated shall be the median pupil-teacher ratio of charter schools in the state; and
 - (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median pupil-teacher ratio of public schools in the state.
 - (b) The printed copy of the report required by Subsection (3)(d) shall:
 - (i) include the pupil-teacher ratio for:
 - (A) each school district;
 - (B) the charter schools aggregated; and
 - (C) the state's public schools aggregated; and
 - (ii) indicate the Internet website where pupil-teacher ratios for each school in the state may be accessed.

Amended by Chapter 348, 2016 General Session

53A-1-302 Compensation of state superintendent -- Other board employees.

- (1) The board shall establish the compensation of the state superintendent.
- (2) The board may, as necessary for the proper administration and supervision of the public school system:

- (a) appoint other employees; and
 - (b) delegate appropriate duties and responsibilities to board employees.
- (3) The compensation and duties of board employees shall be established by the board and paid from money appropriated for that purpose.

Amended by Chapter 144, 2016 General Session

53A-1-303 Advice by superintendent -- Written opinions.

- (1) The state superintendent shall advise superintendents, school boards, and other school officers upon all matters involving the welfare of the schools.
- (2) The superintendent shall, when requested by district superintendents or other school officers, provide written opinions on questions of public education, administrative policy, and procedure, but not upon questions of law.
- (3) Upon request by the state superintendent, the attorney general shall issue written opinions on questions of law.
- (4) Opinions issued under this section shall be considered to be correct and final unless set aside by a court of competent jurisdiction or by subsequent legislation.

Enacted by Chapter 2, 1988 General Session

53A-1-304 Autism Awareness Restricted Account.

- (1) There is created in the General Fund a restricted account known as the "Autism Awareness Restricted Account."
- (2) The account shall be funded by:
 - (a) contributions deposited into the account in accordance with Section 41-1a-422;
 - (b) private contributions; and
 - (c) donations or grants from public or private entities.
- (3) Upon appropriation by the Legislature, the superintendent shall distribute funds in the account to one or more charitable organizations that:
 - (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;
 - (b) promote access to resources and responsible information for individuals of all ages who have, or are affected by, autism or related conditions;
 - (c) is an independent organization that has representation from state agencies and private providers serving individuals with autism spectrum disorder and their families in the state;
 - (d) includes representation of:
 - (i) national and local autism advocacy groups, as available; and
 - (ii) interested parents and professionals; and
 - (e) does not endorse any specific treatment, therapy, or intervention used for autism.
- (4)
 - (a) An organization described in Subsection (3) may apply to the superintendent to receive a distribution in accordance with Subsection (3).
 - (b) An organization that receives a distribution from the superintendent in accordance with Subsection (3) shall expend the distribution only to:
 - (i) pay for autism education and public awareness of programs and related services in the state;
 - (ii) enhance programs designed to serve individuals with autism;
 - (iii) provide support to caregivers providing services for individuals with autism;
 - (iv) pay for academic scholarships and research efforts in the area of autism spectrum disorder; and

- (v) pay the costs of issuing or reordering Autism Awareness Support special group license plate decals.
- (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education may make rules providing procedures for an organization to apply to the superintendent to receive a distribution under Subsection (3).

Amended by Chapter 303, 2011 General Session