

**STRATEGIC PLANNING FOR PUBLIC
EDUCATION AMENDMENTS**

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: David H. Steele

AN ACT RELATING TO PUBLIC EDUCATION; MODIFYING AND UPDATING PROVISIONS DEALING WITH STRATEGIC PLANNING FOR THE STATE'S PUBLIC EDUCATION SYSTEM; MAKING CERTAIN TECHNICAL CHANGES; AND PROVIDING A REPEALER.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-1a-102 (Repealed 06/30/02), as repealed and reenacted by Chapter 318, Laws of Utah 1999

53A-1a-104, as enacted by Chapter 47, Laws of Utah 1992

53A-1a-105, as last amended by Chapter 340, Laws of Utah 1996

53A-1a-106, as last amended by Chapter 310, Laws of Utah 1997

53A-1a-108, as last amended by Chapter 12, Laws of Utah 1996

53A-1a-109, as last amended by Chapter 61, Laws of Utah 1996

53A-1a-201, as last amended by Chapter 318, Laws of Utah 1999

53A-16-101.5, as enacted by Chapter 376, Laws of Utah 1999

63-55-253, as last amended by Chapters 15, 134 and 375, Laws of Utah 1997

REPEALS:

53A-1a-303.5, as last amended by Chapter 10, Laws of Utah 1997

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

Section 1. Section **53A-1a-102 (Repealed 06/30/02)** is amended to read:

**53A-1a-102 (Repealed 06/30/02). Education Strategic Plans -- Content --
Involvement of Strategic Planning Committee for Public and Higher Education.**

(1) The State Board of Education and State Board of Regents shall:

(a) [~~have~~] conduct ongoing strategic planning for their respective education systems; and

(b) prepare a written strategic plan for their respective systems every three years.

(2) (a) The State Board of Regents shall complete its first written plan by September 1, 1999, and complete subsequent plans by September 1 in each third year.

(b) The State Board of Education shall complete its first written plan by September 1, 2000, and complete subsequent plans by September 1 in each third year.

(3) (a) ~~[The boards]~~ Each board shall submit a copy of each written plan in the appropriate year to the Strategic Planning for Public and Higher Education Committee and the Utah Tomorrow Strategic Planning Committee.

(b) The Strategic Planning for Public and Higher Education Committee shall submit a copy of each plan to the Legislature as part of its annual report required under Section 53A-1a-202.

(4) Each strategic plan shall include at least the following components:

(a) the respective education system's mission;

(b) system goals that address issues critical for accomplishing the mission;

(c) the objectives to be accomplished during the years following submission of the strategic plan;

(d) action plans specifying the means of accomplishing the goals and objectives, including proposed statutes, policies, programs, and initiatives; and

(e) performance measures required to report on the accomplishment of goals and objectives and the implementation and outcomes of action plans.

Section 2. Section **53A-1a-104** is amended to read:

53A-1a-104. Characteristics of public education system.

~~[It is the intent of the]~~ The Legislature ~~[to]~~ shall assist in maintaining a public education system that has the following characteristics:

(1) assumes that all students have the ability to learn and that each student departing the system will be prepared to achieve success in productive employment, further education, or both;

(2) provides a personalized education plan or personalized education occupation plan for each student, which involves the student, the student's parent or guardian, and school personnel in establishing the plan;

(3) provides students with the knowledge and skills to take responsibility for their decisions and to make appropriate choices;

(4) [~~assures~~] provides opportunities for students to exhibit the capacity to learn, think, reason, and work effectively, individually and in groups;

(5) offers a world-class curriculum that enables students to successfully compete in a global society, and to succeed as citizens of a [~~participatory democracy~~] constitutional republic;

(6) incorporates an information retrieval system that provides students, parents, and educators with reliable, useful, and timely data on the progress of each student;

(7) attracts and retains excellent teachers for every classroom and provides recognition, rewards, and compensation for their excellence;

(8) empowers each school district and public school to create its own vision and plan to achieve results consistent with the objectives outlined in this chapter;

(9) uses technology to improve teaching and learning processes and for the delivery of educational services;

(10) promotes ongoing research and development projects at the district and the school level that are directed at improving or enhancing public education;

(11) offers a public school choice program, which gives students and their parents options to best meet the student's personalized education needs; and

(12) emphasizes the involvement of educators, parents, and the community at large in the educational process by allowing them to be involved in establishing and implementing educational goals and participating in decision-making at the school site.

Section 3. Section **53A-1a-105** is amended to read:

53A-1a-105. Parental participation in educational process -- Employer support.

(1) The Legislature recognizes the importance of parental participation in the educational process in order for students to achieve and maintain high levels of performance.

(2) It is, therefore, the policy of the state to:

(a) [~~expect that~~] encourage parents [~~shall~~] to provide a home environment that values education and send their children to school prepared to learn;

(b) rely upon school districts and schools to provide opportunities for parents of students to be involved in establishing and implementing educational goals for their respective schools and students; and

(c) expect employers to recognize the need for parents and members of the community to participate in the public education system in order to help students achieve and maintain excellence[; and].

~~[(d) have the State Board of Education, local school boards, school community councils, and school directors work with employers to develop policies and programs that would allow employees opportunities for greater participation in the public education system during school hours.]~~

(3) (a) Each local school board shall adopt a policy on parental involvement in the schools of the district.

(b) The board shall design its policy to build consistent and effective communication [~~between~~] among parents [~~of students enrolled in the district and the~~], teachers, and administrators [~~assigned to their children's schools~~].

(c) The policy shall provide parents with the opportunity to be actively involved in their children's education and to be informed of:

(i) the importance of the involvement of parents in directly affecting the success of their children's educational efforts; and

(ii) groups and organizations that may provide instruction and training to parents to help improve their children's academic success and support their academic efforts.

Section 4. Section **53A-1a-106** is amended to read:

53A-1a-106. School district and individual school powers.

(1) In order to acquire and develop the characteristics listed in Section 53A-1a-104, each school district and each public school within its respective district shall implement a comprehensive system of accountability in which students advance through public schools by demonstrating competency in required skills and mastery of required knowledge through the use of diverse assessment instruments such as authentic and criterion referenced tests, projects, and portfolios.

(2) (a) Each school district and public school [~~is authorized and encouraged to do the~~

~~following~~] shall:

(i) develop and implement programs integrating technology into the curriculum, instruction, and student assessment;

(ii) [~~increase~~] provide for teacher and parent involvement in [~~decision-making~~] policy-making at the school site;

(iii) implement a public school choice program to give parents, students, and teachers greater flexibility in designing and choosing among programs with different focuses [~~between~~] through schools within the same district and [~~between different~~] other districts, subject to space availability, demographics, and legal and performance criteria;

(iv) establish strategic planning at both the district and school level and site-based decision making programs at the school level;

(v) provide opportunities for each student to acquire and develop academic and occupational knowledge, skills, and abilities;

(vi) participate in ongoing research and development projects primarily at the school level aimed at improving the quality of education within the system; and

(vii) involve business and industry in the education process through the establishment of partnerships with the business community at the district and school level.

(b) (i) Each school district, in consultation with its teachers, school community councils or similar entities, and the State Board of Education, shall establish policies to provide for the effective implementation of a personalized student education plan (SEP) or student education/occupation plan (SEOP) for each student at the school site.

(ii) The policies shall include guidelines and expectations for:

(A) [~~for~~] recognizing the student's accomplishments and strengths;

(B) [~~for~~] planning, monitoring, and managing education and career development;

(C) [~~for~~] an on-going partnership involving students, parents, and school personnel in the process, to include at least two annual SEP conferences at the elementary level, involving the student, the student's parent or guardian, and school personnel, and at least one individual SEOP conference held annually in grades 7-11, with an optional conference in grade 12, involving the student, the

student's parent or guardian, and school personnel, and at least one small group SEOP conference in grade 12 and at least one small group SEOP conference in grade 7 or 8 and 9 or 10 involving the student, the student's parent or guardian, and school personnel; ~~and~~

(D) ensuring that SEP and SEOP conferences are held in compliance with applicable rules of the State Board of Education and do not result in significant loss of class time for students; and

~~[(D) for]~~ (E) identifying and obtaining adequate resources, such as time and training, required for a successful program.

(iii) (A) The State Board of Education shall provide guidelines, after receiving input from local school boards, as to what constitutes the makeup of a small group SEOP.

(B) Nothing in Subsection (2)(b) prevents parents or guardians from having additional conferences with school personnel on matters related to their students.

(iv) Time spent during the school day to implement SEPs and SEOPs is considered part of the school term referred to in Subsection 53A-17a-103(5).

(3) A school district or public school may submit proposals to modify or waive rules or policies of a supervisory authority within the public education system in order to acquire or develop the characteristics listed in Section 53A-1a-104.

(4) (a) Each school district and public school shall make an annual report to its patrons on its activities under this section.

(b) The reporting process shall involve participation from teachers, parents, and the community at large in determining how well the district or school is performing.

(c) The State Board of Education shall receive a copy of each report and make a summary report to the strategic planning committee referred to in Section 53A-1a-102.

Section 5. Section **53A-1a-108** is amended to read:

53A-1a-108. School community councils authorized -- Composition.

(1) (a) Each public school, in consultation with its [school district, is authorized and encouraged to] local school board, shall establish a school community council at the school building level to [help, develop, and maintain schools that have the characteristics listed in Section 53A-1a-104.] improve student achievement by developing a plan to include:

(i) the school's identified most critical academic needs;
(ii) a recommended course of action to meet the identified academic needs;
(iii) a specific listing of any programs, practices, materials, or equipment that the school will need to implement its action plan to have a direct impact on the instruction of students and result in measurable increased student performance; and

(iv) how the school intends to enhance or improve academic excellence at the school.

(b) The school may develop a multiyear plan, but the plan must be presented and approved annually by the local school board of the district in which the school is located.

(c) The school shall:

(i) implement the plan as developed by the council and approved by the local board;

(ii) provide ongoing support for the council's plan;

(iii) meet school board reporting requirements regarding performance and accountability;

(iv) publicize to its patrons and the general public its plan to enhance or improve academic excellence at the school, including the results of those efforts; and

(v) through its council prepare and present an annual report to its local school board at the end of the school year.

(2) (a) Each council [~~should include in its membership classroom teachers, classified employees, the school principal or the principal's designee, parents of students, members from the community at large and, where appropriate, students.~~] shall consist of school employees, the school's principal, and parents or guardians of students who are attending the school, except for parents who are employed at the school.

(b) Each employee member shall be elected by a majority vote of the employees and serves a two-year term.

(c) (i) Each parent member shall be elected at an election held at the school by a majority vote of those voting at the election and serves a two-year term.

(ii) Only parents or guardians of students attending the school may vote at the election under Subsection (2)(c)(i).

(d) Written notice of the elections held under Subsections (2)(b) and (c) shall be given at least

two weeks prior to the elections.

(e) Council members may serve up to three successive terms.

(f) Initial terms shall be staggered so that no more than 50% of the council members stand for election in any one year.

(g) The principal may appoint council members if employees or parents do not request an election for their respective groups.

(h) The number of parent members shall equal the number of school employees who serve on the council, not counting the principal.

Section 6. Section **53A-1a-109** is amended to read:

53A-1a-109. Annual review and reports.

(1) The Legislature recognizes that the mission of public education shall be accomplished by implementing the strategies and achieving the objectives outlined in the [~~Task Force on~~] Strategic Planning for Public and Higher [~~Education's~~] Education Committee's Utah State Public Education Strategic Plan.

(2) The Legislature, the State Board of Education, each school district, and each public school or school community council shall annually review and report its progress towards achieving the mission and objectives outlined in the strategic plan document referred to in Subsection (1).

(3) (a) Modifications may be made if necessary to accomplish the mission of public education as stated in the strategic plan.

(b) Any modifications or changes shall be reported to the [~~education strategic planning~~] committee [~~referred to in Section 53A-1a-102~~].

(4) (a) The reporting requirement for the Legislature may be satisfied through the strategic planning committee referred to in Section 53A-1a-102 or through the Legislature's education interim, standing, or appropriations committees.

(b) The reporting requirement for the State Board of Education under this part may be satisfied in the annual report to the governor and the Legislature required in Section 53A-1-301.

(c) The reporting requirement for school districts and schools or school community councils may be satisfied in the school district performance report required in Section 53A-3-602.

Section 7. Section **53A-1a-201** is amended to read:

**53A-1a-201. Strategic Planning for Public and Higher Education Committee --
Membership -- Quorum.**

- (1) There is created a Strategic Planning for Public and Higher Education Committee.
- (2) The committee shall consist of the following members:
 - (a) three members of the Senate appointed by the president of the Senate, no more than two of whom may be from the same political party;
 - (b) three members of the House of Representatives appointed by the speaker of the House of Representatives, no more than two of whom may be from the same political party;
 - (c) the governor's designee;
 - (d) [~~one member shall be~~] the state superintendent of public instruction or the superintendent's designee;
 - (e) [~~one member shall be~~] the commissioner of higher education or the commissioner's designee;
 - (f) [~~one member shall be~~] a member of the State Board of Education appointed by the governor in consultation with the board;
 - (g) [~~one member shall be~~] a member of the State Board of Regents appointed by the governor in consultation with the board; and
 - (h) 14 members appointed jointly by the governor, the state superintendent of public instruction, and the commissioner of higher education.
- (3) The 14 members appointed under Subsection (2)(h) shall be men and women who:
 - (a) are representative of the interests of public and higher education;
 - (b) are selected from nominees submitted by community-based organizations of demonstrated effectiveness and other nominees, such as teachers and faculty, school administrators, and local school or institutional board members; and
 - (c) reflect or represent:
 - (i) diverse racial, ethnic, limited English proficiency, Indian tribe, and national origin backgrounds that are found in the state's student population;

- (ii) low-income families;
- (iii) persons with disabilities; and
- (iv) business and labor.

(4) (a) The president of the Senate shall designate a Senate cochair for the committee.

(b) The speaker of the House of Representatives shall designate a House cochair for the committee.

(5) If a member cannot continue to serve on the committee for any reason, a replacement shall be chosen by the authority that made the original appointment.

(6) A majority of the committee is a quorum for the transaction of business.

(7) (a) The committee may create public education and higher education subcommittees to focus on specific issues within their respective systems as well as on issues that overlap both systems.

(b) The committee members who serve on a subcommittee may, by majority vote, expand the membership of the subcommittee but not the membership of the committee.

(c) Those invited to serve on a subcommittee who are not members of the committee shall serve without compensation.

~~[(8) The committee shall terminate on June 30, 2002, unless reauthorized by the Legislature.]~~

Section 8. Section **53A-16-101.5** is amended to read:

53A-16-101.5. School LAND Trust Account -- Contents -- Purpose -- Distribution of funds -- School plans for use of funds.

(1) (a) There is established a School LAND Trust Program for the state's public schools to enhance student academic performance and improve educational excellence.

(b) As used in this section, "academic or educational excellence" means student performance in acquiring and mastering skills in the required state school curriculum.

(2) The program shall be funded from that portion of the Uniform School Fund consisting of all the interest and dividends on the State School Fund remaining after the deduction of the amount retained in the State School Fund to protect the fund against losses due to inflation as prescribed by the Utah Constitution Article X, Section 5.

(3) (a) The State Board of Education shall allocate all the monies referred to in Subsection

(2) annually for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter as follows:

(i) school districts shall receive 10% of the funds on an equal basis; and

(ii) the remaining 90% of the funds shall be distributed on a per student basis, with each district receiving its allocation on the number of students in the district as compared to the state total.

(c) Each school district shall distribute its allocation under Subsection (3)(a) to each school within the district on an equal per student basis.

(d) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the board may make rules regarding the time and manner in which the student count shall be made for allocation of the monies.

(4) ~~[(a)]~~ In order to receive its allocation under Subsection (3), each school shall ~~[establish]~~ have established a local school ~~[committee by October 1, 1999. (b) The committee shall consist]~~ community council under Section 53A-1a-108 or a designated subcommittee of the council consisting of seven members:

~~[(i)]~~ (a) the school's principal;

~~[(ii)]~~ (b) two teachers appointed by the faculty at the school; and

~~[(iii)]~~ (c) four parents selected by the parents of students at the school and representing various grade levels at the school, one of whom shall be the school's PTA president if the school has one.

~~[(c) The school may use its directors under Subsections 53A-1a-301(3) or 53A-1a-303.5(4)(a) or its community council under Section 53A-1a-108 to fill the requirements of Subsections (4)(a) and (b).]~~

(5) (a) The ~~[committee]~~ community council or its subcommittee shall develop a plan to include:

(i) the school's identified most critical academic needs;

(ii) a recommended course of action to meet the identified academic needs;

(iii) a specific listing of any programs, practices, materials, or equipment which the school will need to implement its action plan to have a direct impact on the instruction of students and result in measurable increased student performance; and

(iv) how the school intends to spend its allocation of funds under this section to enhance or improve academic excellence at the school.

(b) The school may develop a multiyear plan, but the plan must be presented and approved by the local school board of the district in which the school is located annually and as a prerequisite to receiving funds allocated under this section.

(6) (a) Each school shall:

(i) implement the plan as developed by the [~~committee~~] council or its subcommittee and approved by the local school board;

(ii) provide ongoing support for the [~~committee's~~] council's or its subcommittee's plan;

(iii) meet school board reporting requirements regarding financial and performance accountability; and

(iv) publicize to its patrons and the general public on how the funds it received under this section were used to enhance or improve academic excellence at the school, including the results of those efforts.

(b) (i) Each school through its [~~committee~~] council or its subcommittee shall prepare and present an annual report to its local school board at the end of the school year.

(ii) The report shall detail the use of funds received by the school under this section and an assessment of the results obtained from the use of the funds.

Section 9. Section **63-55-253** is amended to read:

63-55-253. Repeal dates, Titles 53A, 53B.

The following provisions of Title 53A are repealed on the following dates:

(1) Title 53A, Chapter 1a, Part 2, Strategic Planning for Public and Higher Education Committee is repealed July 1, 2002.

[~~(1)~~] (2) The State Textbook Commission, created in Section 53A-14-101, is repealed July 1, 2001.

[~~(2)~~] (3) Title 53A, Chapter 20a, Public Education Revenue Bond Act, is repealed July 1, 2007.

Section 10. **Repealer.**

This act repeals:

Section **53A-1a-303.5, Modified program.**

Section 11. **Repeal date.**

Section 53A-1a-303.5 is repealed June 30, 2000.