

**ANNUAL REPORTS GIVEN TO THE
LEGISLATURE**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Marda Dillree

This act modifies provisions relating to the State System of Public Education and State System of Higher Education by eliminating or amending requirements to submit reports to the Legislature. This act eliminates or reduces the number of reports the State Board of Education is required to make on a recidivism reduction plan, statewide testing timelines, reading achievement, kindergarten assessments, a reading specialist scholarship program, textbook needs and spending, and highly impacted schools. This act eliminates reporting of volunteer hours in the school performance report. This act sets a date for reports from the Job Enhancement Committee and Families, Agencies, and Communities Together Council. This act removes the Education Interim Committee from the list of recipients of reports from the Disability Determination Services Advisory Council and board of directors of the Utah Educational Savings Plan Trust. This act consolidates reports of the Technology Initiative Advisory Board and Board of Regents relating to the Engineering and Computer Science Initiative. This act makes technical amendments.

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

AMENDS:

53A-1-403.5 (Repealed 07/01/07), as last amended by Chapters 26 and 375, Laws of Utah 1997

53A-1-603, as last amended by Chapter 93, Laws of Utah 2001

53A-1-606.5, as last amended by Chapter 179, Laws of Utah 2001

53A-1-801, as enacted by Chapter 27, Laws of Utah 1999

53A-1a-602, as enacted by Chapter 238, Laws of Utah 2001

53A-3-402.11, as repealed and reenacted by Chapter 341, Laws of Utah 2000

53A-3-424, as enacted by Chapter 172, Laws of Utah 2001

53A-3-602.5 (Effective 07/01/02), as last amended by Chapter 93, Laws of Utah 2001

53A-11-904, as last amended by Chapter 82, Laws of Utah 2001

53A-12-201.5, as enacted by Chapter 337, Laws of Utah 2001

53A-15-205, as last amended by Chapter 5, Laws of Utah 2001, First Special Session

53A-15-701, as enacted by Chapter 52, Laws of Utah 1996

53B-6-105.5, as enacted by Chapter 238, Laws of Utah 2001

53B-6-105.9, as enacted by Chapter 238, Laws of Utah 2001

53B-8b-109, as enacted by Chapter 390, Laws of Utah 1997

63-75-7, as last amended by Chapter 1, Laws of Utah 2000

REPEALS:

53A-1a-109, as last amended by Chapter 59, Laws of Utah 2000

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

Section 1. Section **53A-1-403.5 (Repealed 07/01/07)** is amended to read:

53A-1-403.5 (Repealed 07/01/07). Education of persons in custody of Department of Corrections -- Contracting for services -- Recidivism reduction plan -- Collaboration among state agencies -- Annual report.

(1) The State Board of Education and the State Board of Regents, subject to legislative appropriation, are responsible for the education of persons in the custody of the Department of Corrections.

(2) In order to fulfill this responsibility, the boards shall, where feasible, contract with appropriate private or public agencies to provide educational and related administrative services.

(3) (a) As its corrections education program, the boards shall develop and implement a recidivism reduction plan, including the following components:

- (i) inmate assessment;
- (ii) cognitive problem-solving skills;
- (iii) basic literacy skills;
- (iv) career skills;
- (v) job placement;
- (vi) postrelease tracking and support;

- (vii) research and evaluation;
- (viii) family involvement and support; and
- (ix) multiagency collaboration.

(b) The plan shall be developed and implemented through the State Office of Education and the Board of Regents office in collaboration with the following entities:

- (i) local boards of education;
- (ii) Department of Corrections;
- (iii) Department of Workforce Services;
- (iv) Department of Human Services;
- (v) Board of Pardons and Parole;
- (vi) State Office of Rehabilitation; and
- (vii) the Governor's Office.

(c) The Legislature may provide appropriations for implementation of the plan through a line item appropriation to any one or a combination of the entities listed in Subsection (3)(b).

(4) The boards shall make [~~annual reports to the Legislature through~~] a report to the Education Interim Committee on the effectiveness of the recidivism reduction plan before October 1, 2006.

Section 2. Section **53A-1-603** is amended to read:

53A-1-603. Duties of State Board of Education.

(1) The State Board of Education shall:

(a) require each school district to implement the Utah Performance Assessment System for Students, hereafter referred to as U-PASS;

(b) require the state superintendent of public instruction to submit and recommend criterion-referenced and norm-referenced achievement tests, a tenth grade basic skills competency test, and a direct writing assessment for grades 6 and 9 to the board for approval and adoption and distribution to each school district by the state superintendent;

(c) develop an assessment method to uniformly measure statewide performance, school district performance, and school performance of students in grades 1 through 12 in mastering basic

skills courses; and

(d) provide for the state to participate in the National Assessment of Educational Progress state-by-state comparison testing program.

(2) Under U-PASS, the state office shall annually require that each district administer:

(a) a statewide norm-referenced test to all students in grades 3, 5, 8, and 11;

(b) statewide criterion-referenced tests in all grade levels and courses in basic skill areas of the core curriculum;

(c) a direct writing assessment to all students in grades 6 and 9, with the first assessment to be administered during the 2001-02 school year; and

(d) a tenth grade basic skills competency test as detailed in Section 53A-1-611, with the first test to be administered during the 2002-03 school year.

(3) The board shall adopt rules for the conduct and administration of U-PASS to include the following:

(a) the computation of student performance based on information that is disaggregated with respect to race, ethnicity, gender, limited English proficiency, and those students who qualify for free or reduced price school lunch;

(b) security features to maintain the integrity of the system, which could include statewide uniform testing dates, multiple test forms, and test administration protocols;

(c) the exemption of student test scores, by exemption category, such as limited English proficiency, mobility, and students with disabilities, with the percent or number of student test scores exempted being publically reported at a district level;

(d) compiling of criterion-referenced and direct writing test scores and test score averages at the classroom level to allow for:

(i) an annual review of those scores by parents of students and professional and other appropriate staff at the classroom level at the earliest point in time and consistent with the timeline of the phase-in referred to in Sections 53A-1-602 and this section, but no later than by the end of the school year beginning with the 2003-04 school year;

(ii) the assessment of year-to-year student progress in specific classes, courses, and subjects;

(iii) a teacher to review, prior to the beginning of a new school year for the 2003-04 school year and for each school year thereafter, test scores from the previous school year of students who have been assigned to the teacher's class for the new school year; and

(iv) allowing a school district to have its tests administered and scored electronically to accelerate the review of test scores and their usefulness to parents and educators under Subsections (3)(d)(i), (ii), and (iii), without violating the integrity of U-PASS; and

(e) providing that:

(i) scores on the tests and assessments required under Subsection (2)(b) shall be considered in determining a student's academic grade for the appropriate course and whether a student shall advance to the next grade level; and

(ii) the student's score on the tenth grade basic skills competency test shall be recorded on the student's transcript of credits.

~~[(4) The board shall make an annual report to the Legislature's Education Interim Committee on the timelines required under Subsections (3)(d)(i) and (iii) that begin with the 2003-04 school year to include recommendations for any necessary modifications to the timelines.]~~

Section 3. Section **53A-1-606.5** is amended to read:

53A-1-606.5. Reading achievement in grades one through three -- Monitoring -- Reporting -- Additional instruction.

(1) (a) The Legislature recognizes that:

(i) reading is the most fundamental skill, the gateway to knowledge and lifelong learning;

(ii) there is an ever increasing demand for literacy in the highly technological society we live in;

(iii) students who do not learn to read will be economically and socially disadvantaged;

(iv) reading problems exist in almost every classroom;

(v) almost all reading failure is preventable if reading difficulties are diagnosed and treated by no later than the end of the third grade; and

(vi) early identification and treatment of reading difficulties can result in students learning to read by the end of the third grade.

(b) It is therefore:

(i) the long-term goal of the state to have every student in the state's public education system reading on or above grade level by the end of the third grade; and

(ii) the short-term goal of the state to have 90% or more of all third graders reading on or above grade level by the end of the third grade in 2006.

(c) (i) The State Board of Education, through the superintendent of public instruction [~~or the superintendent's designee~~], shall [~~make an annual~~] annually report [~~to the State Board of Education and to the Legislature's Education Interim Committee~~] on progress towards achieving the goals established in Subsection (1)(b).

(ii) The information shall be reported [~~as part of the U-PASS testing program as~~] in the school performance report required under Section 53A-3-602.5, beginning with the [~~2001-02~~] 2002-03 school year, and include the following for each school district and elementary school:

(A) the number and percent of all students reading on or above grade level at the end of the first, second, and third grades;

(B) the annual reading achievement growth from the prior year and cumulative reading achievement growth from the base year of 2001-02 in the percent of students reading on or above grade level for each year;

(C) those schools that reach the 90% reading achievement goal or achieve a sufficient magnitude of gain each year as determined by the State Board of Education from the 2001-02 base year or do both; and

(D) those elementary schools that fail to achieve a sufficient magnitude of gain each year as determined by the State Board of Education from the 2001-02 base year.

(d) The State Board of Education, through the superintendent of public instruction, shall determine as part of the U-PASS testing program:

(i) the appropriate statewide tests to assess reading levels at the end of each year in the first, second, and third grades;

(ii) an appropriate standard or cut score on each assessment for determining grade level reading mastery; and

(iii) the actual percent of students reading on or above grade level in the first, second, and third grades at each public elementary school as required under Subsection (1)(c)(i) by dividing the headcount enrollment of students reading on or above grade level at that grade by the headcount enrollment of students in the building at that grade on the date that the reading assessment is administered.

(2) Local school boards shall annually review the U-PASS data regarding reading at school and district levels and shall work with districts and schools to review and revise plans as needed to meet the goal set in Subsection (1)(b).

(3) (a) Each school district shall require the elementary schools within its district boundaries to develop, in conjunction with all other school planning processes and requirements, a reading achievement plan at each school for its kindergarten, first, second, and third graders to reach the reading goals set in Subsection (1)(b).

(b) The school principal shall take primary responsibility to provide leadership and allocate resources and support for teachers and students, most particularly for those who are reading below grade level, to achieve the reading goals.

(c) Each reading achievement plan shall include:

(i) an assessment component that:

(A) identifies those students who are reading below grade level;

(B) uses U-PASS and local assessment information throughout the year to determine students' instructional needs; and

(C) is consistent with the exemption provisions of Subsection 53A-1-603(3)(c) regarding such students as students with disabilities or limited English proficiency;

(ii) an intervention component:

(A) that provides adequate and appropriate interventions focused on bringing each student up to reading at or above grade level and which would permit retention in the grade level of a student reading below grade level based on a joint determination made by the principal or the principal's designee, the student's teacher, and the student's parent;

(B) based on best practices identified through proven researched-based methods;

(C) that includes parental participation; and
(D) that, as resources allow, involves a reading specialist; and
(iii) a reporting component consistent with the data to be included in the school performance report required under Section 53A-3-602.5.

(4) The school district shall approve each school's plan prior to its implementation and review each plan annually.

Section 4. Section **53A-1-801** is amended to read:

53A-1-801. Child literacy program -- Coordinated activities.

(1) The State Board of Education, through the state superintendent of public instruction, shall provide for a public service campaign to educate parents on the importance of providing their children with opportunities to develop emerging literacy skills through a statewide "Read to Me" program.

(2) The board shall coordinate its activities under this section with other state and community entities that are engaged in child literacy programs in order to maximize its efforts and resources, including the Utah Commission on National and Community Service.

~~[(3)(a) The board shall make an annual report to the Legislature's Education Interim Committee on its statewide assessment of emerging reading skills in kindergarten in the public schools as required under Section 53A-3-402.9.]~~

~~[(b) The board shall make its first report no later than July 1, 2000, and by July 1, of each succeeding year.]~~

Section 5. Section **53A-1a-602** is amended to read:

53A-1a-602. Job Enhancement Committee -- Composition -- Duties -- Appropriation.

(1) There is created a Job Enhancement Committee to implement and administer the Public Education Job Enhancement Program established in Section 53A-1a-601.

(2) (a) The committee shall consist of:

- (i) two members of the State Board of Education selected by the board;
- (ii) two members of the State Board of Regents selected by the board;
- (iii) six members of the general public who have business experience in mathematics,

physics, chemistry, physical science, learning technology, or information technology selected by the governor; and

(iv) a master high school teacher, who has teaching experience in mathematics, physics, chemistry, physical science, learning technology, or information technology, selected by the superintendent of public instruction.

(b) Committee members shall receive no compensation or benefits for their service on the committee, but may receive per diem and expenses incurred in the performance of their duties at rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(3) (a) The committee shall receive and review applications submitted for participation in the Public Education Job Enhancement Program established under Section 53A-1a-601.

(b) In reviewing applications, the committee shall focus on:

- (i) the prioritized critical areas of need identified under Subsection (5)(a); and
- (ii) the awards being made on a competitive basis.

(c) If the committee approves an application received under Subsection (3)(a), it shall contract directly with the teacher applicant to receive the award or the scholarship for a master's degree, an endorsement, or graduate education, subject to ~~[Subsection]~~ Section 53A-1a-601~~(2)~~.

(d) The State Board of Education, through the superintendent of public instruction, shall provide staff support for the committee and adequate and reliable data on the state's supply of and demand for qualified secondary teachers in ~~[the subjects listed in Subsection 53A-1a-601(1)]~~ mathematics, physics, chemistry, physical science, learning technologies, and information technology.

(4) The committee may apply for grants and matching monies to enhance funding available for the program established in Section 53A-1a-601.

(5) The committee shall make a rule in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, establishing policies and procedures for:

(a) making the awards and offering the scholarships in accordance with prioritized critical areas of need as determined by the committee;

(b) timelines for the submission and approval of applications under Subsection (3); and

(c) the distribution of the awards and scholarships to successful applicants based on available monies provided by legislative appropriation.

(6) The Legislature shall make an annual appropriation to the State Board of Education to fund the Public Education Job Enhancement Program established under Section 53A-1a-601.

(7) ~~[The]~~ Before October 1, 2004, the committee shall make ~~[an annual]~~ a report to the Legislature through the Education Interim Committee, the governor, the State Board of Education, and the State Board of Regents on the status of the program, together with any recommendations for modification, expansion, or termination of the program.

Section 6. Section **53A-3-402.11** is amended to read:

53A-3-402.11. Reading Performance Improvement Scholarship Program.

(1) There is established a Reading Performance Improvement Scholarship Program to assist selected elementary teachers in obtaining a reading endorsement so that they may help improve the reading performance of students in their classes.

(2) The State Board of Education shall award scholarships of up to \$500 to each recipient under the program.

(3) The board shall give weighted consideration to scholarship applicants who:

(a) teach in grades kindergarten through three;

(b) are designated by their schools as, or are seeking the designation of, reading specialist;

and

(c) teach in a rural area of the state.

(4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the board shall provide by rule for:

(a) the application procedure for the scholarship; and

(b) what constitutes a reading specialist at the elementary school level.

~~[(5) The board shall provide the Legislature, through its Education Interim Committee, and the governor with an annual evaluation of the program, together with recommendations for continuance or expansion of the program.]~~

Section 7. Section **53A-3-424** is amended to read:

53A-3-424. Rulemaking -- Reporting.

~~[(1)]~~ The State Office of Education may make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, regarding compliance standards and reporting requirements for local school boards with respect to the policy required by Section 53A-3-422.

~~[(2) The State Office of Education shall make a report to the Education Interim Committee of the Legislature at least once every three years regarding the compliance of local school boards with Section 53A-3-422.]~~

Section 8. Section **53A-3-602.5 (Effective 07/01/02)** is amended to read:

53A-3-602.5 (Effective 07/01/02). School performance report -- Components -- Annual filing.

(1) The State Board of Education in collaboration with the state's 40 school districts shall develop a school performance report to inform the state's residents of the quality of schools and the educational achievement of students in the state's public education system.

(2) The report shall be written and include the following statistical data for each school in each school district, as applicable, and shall also aggregate the data at the district and state level:

(a) except as provided in Subsection (2)(a)(ii), test scores over the previous year on:

(i) norm-referenced achievement tests;

(ii) criterion-referenced tests beginning with the 2001-02 school year, to include the scores aggregated for all students by grade level or course for the previous two years and an indication of whether there was a sufficient magnitude of gain in the scores between the two years;

(iii) writing assessments required under ~~[Subsection]~~ Section 53A-1-603[(2)(c)]; and

(iv) tenth grade basic skills competency tests required under ~~[Subsection]~~ Section 53A-1-603[(2)(d)];

(b) college entrance examinations, including the number and percentage of each graduating class taking the examinations for the previous four years;

(c) advanced placement and concurrent enrollment data, including:

(i) the number of students taking advanced placement and concurrent enrollment courses;

(ii) the number and percent of students taking a specific advanced placement course who

take advanced placement tests to receive college credit for the course;

(iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and percent who pass the test; and

(iv) of those students taking a concurrent enrollment course, the number and percent of those who receive college credit for the course;

(d) the number and percent of students through grade ten reading at or above grade level;

(e) the number and percent of students who were absent from school ten days or more during the school year;

(f) achievement gaps that reflect the differences in achievement of various student groups as defined by State Board of Education rule;

(g) the number and percent of "student dropouts" within the district as defined by State Board of Education rule;

(h) course-taking patterns and trends in secondary schools;

(i) student mobility;

(j) staff qualifications, to include years of professional service and the number and percent of staff who have a degree or endorsement in their assigned teaching area and the number and percent of staff who have a graduate degree;

(k) the number and percent of parents who participate in SEP, SEOP, and parent-teacher conferences;

(l) the number and percent of students who participate in extracurricular activities, to include a statement on the amount of class time missed by students and faculty for those activities which require them to miss normal class time during the school day and the total number of individuals involved in missing normal class time;

(m) average class size by grade level and subject;

(n) average daily attendance as defined by State Board of Education rule, including every period in secondary schools; and

(o) enrollment totals disaggregated with respect to race, ethnicity, gender, limited English proficiency, and those students who qualify for free or reduced price school lunch.

(3) The State Board of Education, in collaboration with the state's school districts, shall provide for the collection and electronic reporting of the following data for each school in each school district:

(a) test scores and trends over the previous four years on the tests referred to in Subsection (2)(a);

(b) the average grade given in each math, science, and English course in grades 9 through 12 for which criteria-referenced tests are required under ~~[Subsection]~~ Section 53A-1-603~~[(2)(b)]~~;

~~[(c) the number of volunteers and volunteer hours;]~~

~~[(d)]~~ (c) incidents of student discipline as defined by State Board of Education rule, including suspensions, expulsions, and court referrals; and

~~[(e)]~~ (d) the number and percent of students receiving fee waivers and the total dollar amount of fees waived.

(4) (a) The State Board of Education shall adopt common definitions and data collection procedures for local school boards to use in collecting and forwarding the data required under Subsections (2) and (3) to the state superintendent of public instruction.

(b) The state board, through the state superintendent of public instruction, shall adopt standard reporting forms and provide a common template for collecting and reporting the data, which shall be used by all school districts.

(c) The state superintendent shall use the automated decision support system ~~[proposed for authorization by the Legislature in the 2000 General Session in Subsection]~~ referred to in Section 53A-1-301~~[(2)(e)]~~ to collect and report the data required under Subsections (2) and (3)~~[-contingent upon approval of the proposal and its required appropriation].~~

(5) (a) For the school year ending June 30, 2003, and for each year thereafter, the state board, through the state superintendent of public instruction, shall issue its report annually by October 1 to include the required data from the previous school year or years as indicated in Subsections (2) and (3).

(b) The state board shall determine the nature and extent of longitudinal data to be reported under Subsections (2)(b), (c), and (d) and (3)(a) during the first three years of the reporting program,

with the baseline reporting year beginning July 1, 2002 and ending June 30, 2003.

(6) (a) Each local school board shall receive a written or an electronic copy of the report from the state superintendent of public instruction containing the data for that school district in a clear summary format and have it distributed, on a one per household basis, to the residence of students enrolled in the school district before November 30th of each year.

(b) Each local school board and the state board shall have a complete report of the statewide data available for copying or in an electronic format at their respective offices.

Section 9. Section **53A-11-904** is amended to read:

53A-11-904. Grounds for suspension or expulsion from a public school.

(1) A student may be suspended or expelled from a public school for any of the following reasons:

(a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;

(b) willful destruction or defacing of school property;

(c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;

(d) possession, control, or use of an alcoholic beverage as defined in Section 32A-1-105; or

(e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with [~~any such~~] that person, regardless of where it occurs.

(2) (a) A student shall be suspended or expelled from a public school for any of the following reasons:

(i) any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:

(A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material under Section 53A-3-502[~~;~~];

(B) the actual or threatened use of a look alike weapon with intent to intimidate another

person or to disrupt normal school activities[;]; or

(C) the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3; or

(ii) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.

(b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:

(i) within 45 days after the expulsion the student shall appear before the student's local school board superintendent or the superintendent's designee, accompanied by a parent or legal guardian; and

(ii) the superintendent shall determine:

(A) what conditions must be met by the student and the student's parent for the student to return to school;

(B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53A-11-907, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and

(C) if it would be in the best interest of both the school district and the student to modify the expulsion term to less than a year, conditioned on approval by the local school board and giving highest priority to providing a safe school environment for all students.

(3) A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.

(4) A suspension or expulsion under this section is not subject to the age limitations under Subsection 53A-11-102(1).

(5) [~~(a)~~] Each local school board shall prepare an annual report for the State Board of Education on:

[~~(i)~~] (a) each violation committed under this section; and

~~[(i)]~~ (b) each action taken by the school district against a student who committed the violation.

~~[(b) The State Board of Education shall make an annual report by November 30 to the Legislature's Education Interim Committee on the information compiled under Subsection (5)(a).]~~

Section 10. Section **53A-12-201.5** is amended to read:

53A-12-201.5. State plan to meet textbook needs -- Monitoring and auditing of textbook programs.

(1) (a) The State Board of Education, in consultation with local school boards and local superintendents, shall design and implement a statewide plan to:

(i) provide for an adequate supply of textbooks for students in the state's public schools on an ongoing basis; and

(ii) replace outdated textbooks or textbooks in poor condition.

(b) The board shall review the plan annually and make modifications if necessary to meet the requirements of Subsection (1)(a).

(c) (i) Each local school board shall provide an annual report to the State Board of Education by August 1 on:

(A) the district's textbook needs from the just completed school year;

(B) monies received prior to and during the school year to meet those needs by source and amount; and

(C) how the monies received under Subsection (1)(c)(i)(B) were spent to meet the needs identified under Subsection (1)(c)(i)(A).

(ii) The state board, through the superintendent of public instruction, shall provide a summary report of the data received under Subsection (1)(c)(i) to the Legislative Education Interim Committee by October 1 ~~[of]~~ each year through 2005.

(2) The State Board of Education shall:

(a) make a rule in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, that provides uniform guidelines for determining what constitutes:

(i) an adequate supply of textbooks; and

(ii) an outdated textbook and a textbook in poor condition; and
(b) determine if the definition of textbooks under Section 53A-12-202 should be modified for purposes of this chapter and make its recommendation to the Education Interim Committee of the Legislature prior to November 30, 2001.

(3) (a) The State Board of Education and the Legislative Auditor General's Office shall jointly monitor and conduct an audit of the funding sources and expenditures for textbooks in the state's public schools.

(b) The monitoring and audit shall cover a period of at least three but no more than five years, beginning with the 2000-01 school year.

Section 11. Section **53A-15-205** is amended to read:

53A-15-205. Disability Determination Services Advisory Council -- Membership -- Duties -- Requirements for DDDS.

(1) As used in this section, "council" means the Disability Determination Services Advisory Council created in Subsection (2).

(2) There is created the Disability Determination Services Advisory Council to act as an advisory council to the State Board of Education regarding the Division of Disability Determination Services (DDDS) established under Chapter 24, Part 5.

(3) The council is composed of the following members:

(a) the administrator of DDDS;
(b) a representative of the United States Department of Health and Human Services, Social Security Administration, appointed by the board; and

(c) nine persons, appointed by the board in accordance with Subsections (5) and (6), who represent a cross section of:

- (i) persons with disabilities;
- (ii) advocates for persons with disabilities;
- (iii) health care providers;
- (iv) representatives of allied state and local agencies; and
- (v) representatives of the general public.

(4) The members appointed under Subsections (3)(a) and (3)(b) serve as nonvoting members of the council.

(5) In appointing the members described in Subsection (3)(c), the board shall:

(a) solicit nominations from organizations and agencies that represent the interests of members described in that subsection; and

(b) make every effort to create a balance in terms of geography, sex, race, ethnicity, and type of both mental and physical disabilities.

(6) (a) In making initial appointments of members described in Subsection (3)(c), the board shall appoint three members for two-year terms, three members for four-year terms, and three members for six-year terms. All subsequent appointments are for four years.

(b) The board shall fill any vacancy that occurs on the council for any reason by appointing a person for the unexpired term of the vacated member.

(c) Council members are eligible for one reappointment and serve until their successors are appointed.

(7) Five voting members of the council constitute a quorum. The action of a majority of a quorum represents the action of the council.

(8) Members of the council serve without compensation but may be reimbursed for expenses incurred in the performance of their official duties.

(9) (a) The council shall annually elect a chairperson from among the membership described, and shall adopt bylaws governing its activities.

(b) The chairperson shall set the meeting agenda.

(10) The council shall:

(a) advise DDDS and the Social Security Administration regarding its practices and policies on the determination of claims for social security disability benefits;

(b) participate in the development of new internal practices and procedures of DDDS and policies of the Social Security Administration regarding the evaluation of disability claims;

(c) recommend changes to practices and policies to ensure that DDDS is responsive to disabled individuals;

(d) review the DDDS budget to ensure that it is adequate to effectively evaluate disability claims and to meet the needs of persons with disabilities who have claims pending with DDDS; and

(e) review and recommend changes to policies and practices of allied state and federal agencies, health care providers, and private community organizations.

(11) The council shall annually report to the board, the governor, and the Legislative [~~Education and~~] Health and Human Services Interim [~~Committees~~] Committee regarding its activities.

(12) (a) To assist the council in its duties, DDDS shall provide the necessary staff assistance to enable the council to make timely and effective recommendations.

(b) Staff assistance may include:

(i) distributing meeting agendas;

(ii) advising the chairpersons of the council regarding relevant items for council discussion; and

(iii) providing reports, documents, budgets, memorandums, statutes, and regulations regarding the management of DDDS.

(c) Staff assistance shall include maintaining minutes.

Section 12. Section **53A-15-701** is amended to read:

53A-15-701. Highly impacted schools.

(1) There is established a Highly Impacted Schools Program to provide additional resources for individual assistance to students at those schools determined by the board to be highly impacted.

(2) (a) The State Board of Education, in consultation with the governor's office, shall base its determination of highly impacted schools on the following criteria as reported by the schools in their applications:

(i) high student mobility rates within each school;

(ii) the number and percentage of students at each school who apply for free school lunch;

(iii) the number and percentage of ethnic minority students at each school;

(iv) the number and percentage of limited English proficiency students at each school; and

(v) the number and percentage of students at each school from a single parent family.

(b) As used in this section, "single parent family" means a household headed by a male without a wife present or by a female without a husband present.

(3) (a) The board, through the state superintendent of public instruction, shall establish application deadlines for participation in the program.

(b) (i) The appropriation required to implement the Highly Impacted Schools Program shall be made under Title 53A, Chapter 17a, Minimum School Program Act.

(ii) The state superintendent of public instruction shall administer and distribute the appropriation to individual schools according to a formula established by the board.

(c) (i) Each participating school shall receive a base allocation from the appropriation.

(ii) Additional monies from the appropriation shall be allocated on the basis of a formula which takes into consideration the total number of students at each participating school and the number of students at each school who are within the categories listed in Subsection (2).

(4) This appropriation is in addition to any appropriation made for class-size reduction under Section 53A-17a-124.5.

(5) A highly impacted school may use part or all of its allocation to lengthen the school year or extend the school day in order to provide individual assistance to students.

(6) ~~(a)~~ The board shall monitor the program and require each participant school to file a report on the use and effectiveness of the appropriation in meeting the educational needs and involving parents of students who attend these highly impacted schools.

~~[(b) The board shall make an annual report to the Legislature on the success of the overall program.]~~

~~[(7) The funding formula criteria shall be reviewed by the interim education committee by December 1997. In addition, a review shall be prepared by the legislative fiscal analyst.]~~

Section 13. Section **53B-6-105.5** is amended to read:

53B-6-105.5. Technology Initiative Advisory Board -- Composition -- Duties.

(1) There is created a Technology Initiative Advisory Board to assist and make recommendations to the State Board of Regents in its administration of the Engineering and Computer Science Initiative established under Section 53B-6-105.

(2) (a) The advisory board shall consist of individuals appointed by the governor from business and industry who have expertise in the areas of engineering, computer science, and related technologies.

(b) The advisory board shall select a chair and cochair.

(c) The advisory board shall meet at the call of the chair.

(d) The State Board of Regents, through the commissioner of higher education, shall provide staff support for the advisory board.

(3) Members of the advisory board shall receive no compensation for their service on the board, but may receive per diem and expenses incurred in the performance of their duties at rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(4) The advisory board ~~[has the following duties and responsibilities]~~ shall:

(a) ~~[to]~~ make recommendations to the State Board of Regents on the allocation and distribution of monies appropriated to fund:

(i) the faculty incentive program established in Section 53B-6-105.9; and ~~[the]~~

(ii) equipment purchases required to improve the quality of instructional programs ~~[under Subsection 53B-6-105(2)(b)(i) to include]~~ in engineering, computer science, and related technology;

~~[(i)]~~ (b) prepare a strategic plan that details actions required by the ~~[board of regents]~~ State Board of Regents to meet the intent of the Engineering and Technology Science Initiative; ~~[and]~~

~~[(ii) a]~~ (c) review and ~~[assessment of]~~ assess engineering, computer science, and related technology programs currently being offered at higher education institutions and their impact on the economic prosperity of the state;

~~[(b) to]~~ (d) provide the State Board of Regents with an assessment and reporting plan that:

(i) measures results against expectations under the initiative, including verification of the matching requirements for institutions of higher education to receive monies under ~~[Subsection]~~ Section 53B-6-105.9~~[(+)]~~; and

(ii) includes an analysis of market demand for technical employment, program articulation among higher education institutions in engineering, computer science, and related technology, tracking of student placement, student admission to the initiative program by region, transfer rates,

and retention in and graduation rates from the initiative program; and

~~[(e) to]~~ (e) make an annual report of its activities to the State Board of Regents, the Legislature through the Education Interim Committee and the Higher Education Appropriations Subcommittee, and the governor.

(5) The annual report of the Technology Initiative Advisory Board shall include the summary report of the institutional matches described in Section 53B-6-105.9.

Section 14. Section **53B-6-105.9** is amended to read:

53B-6-105.9. Incentive program for engineering, computer science, and related technology faculty.

(1) The Legislature shall provide an annual appropriation to help fund the faculty incentive component of the Engineering and Computer Science Initiative established under ~~[Subsection]~~ Section 53B-6-105~~[(2)(b)(ii)(B)]~~.

(2) The appropriation shall be used to hire, recruit, and retain outstanding faculty in engineering, computer science, and related technology fields under guidelines established by the State Board of Regents.

(3) (a) State institutions of higher education shall match the appropriation on a one-to-one basis in order to qualify for state monies appropriated under Subsection (1).

(b) (i) Qualifying institutions shall annually report their matching dollars to the board.

(ii) The board shall make a summary report of the institutional matches ~~[to the Education Interim Committee of the Legislature]~~.

(iii) The annual report of the Technology Initiative Advisory Board required by Section 53B-6-105.5 shall include the summary report of the institutional matches.

(4) The board shall make a rule in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, establishing policies and procedures to apply for and distribute the state appropriation to qualifying institutions.

Section 15. Section **53B-8b-109** is amended to read:

53B-8b-109. Annual audited financial report.

(1) The board shall submit an annual audited financial report, prepared in accordance with

generally accepted accounting principles, on the operations of the trust by November 1 to the governor[~~, the Legislature's Education Interim Committee,~~] and the state auditor.

(2) The annual audit shall be made either by the state auditor or by an independent certified public accountant designated by the state auditor and shall include direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not state employees.

(3) The board shall supplement the annual audit with the following information prepared by the board:

(a) studies or evaluations prepared in the preceding year;

(b) a summary of the benefits provided by the trust, including the number of participants and designated beneficiaries under the trust; and

(c) any other information which is relevant in order to make a full, fair, and effective disclosure of the operations of the trust.

Section 16. Section **63-75-7** is amended to read:

63-75-7. Evaluation of programs -- Report to legislative interim committee.

(1) At the end of each fiscal year, a final report shall be submitted to the council summarizing the outcome of each project under this chapter.

(2) (a) The council may conduct an independent evaluation of any or all of the projects to assess the status of services provided and identified outcomes.

(b) The council shall prepare and deliver a report on the program to the Legislature's Education, Health and Human Services, and Judiciary Interim Committees [~~prior to each annual general session~~] before October 1, 2005.

(c) The report shall include a recommendation by the council as to whether the program should be terminated, continued, or expanded.

Section 17. **Repealer.**

This act repeals:

Section **53A-1a-109, Annual review and reports.**