

1 **ANNUAL REPORTS GIVEN TO THE**
2 **LEGISLATURE**
3 2002 GENERAL SESSION
4 STATE OF UTAH

5 **Sponsor: Marda Dillree**

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

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

20 AMENDS:

21 **53A-1-403.5 (Repealed 07/01/07)**, as last amended by Chapters 26 and 375, Laws of Utah
22 1997

23 **53A-1-603**, as last amended by Chapter 93, Laws of Utah 2001

24 **53A-1-606.5**, as last amended by Chapter 179, Laws of Utah 2001

25 **53A-1-801**, as enacted by Chapter 27, Laws of Utah 1999

26 **53A-1a-602**, as enacted by Chapter 238, Laws of Utah 2001

27 **53A-3-402.11**, as repealed and reenacted by Chapter 341, Laws of Utah 2000



- 28 **53A-3-424**, as enacted by Chapter 172, Laws of Utah 2001
- 29 **53A-3-602.5 (Effective 07/01/02)**, as last amended by Chapter 93, Laws of Utah 2001
- 30 **53A-11-904**, as last amended by Chapter 82, Laws of Utah 2001
- 31 **53A-12-201.5**, as enacted by Chapter 337, Laws of Utah 2001
- 32 **53A-15-205**, as last amended by Chapter 5, Laws of Utah 2001, First Special Session
- 33 **53A-15-701**, as enacted by Chapter 52, Laws of Utah 1996
- 34 **53B-6-105.5**, as enacted by Chapter 238, Laws of Utah 2001
- 35 **53B-6-105.9**, as enacted by Chapter 238, Laws of Utah 2001
- 36 **53B-8b-109**, as enacted by Chapter 390, Laws of Utah 1997
- 37 **63-75-7**, as last amended by Chapter 1, Laws of Utah 2000

38 REPEALS:

- 39 **53A-1a-109**, as last amended by Chapter 59, Laws of Utah 2000

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

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

42 **53A-1-403.5 (Repealed 07/01/07). Education of persons in custody of Department of**
43 **Corrections -- Contracting for services -- Recidivism reduction plan -- Collaboration among**
44 **state agencies -- Annual report.**

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

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

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

- 52 (i) inmate assessment;
- 53 (ii) cognitive problem-solving skills;
- 54 (iii) basic literacy skills;
- 55 (iv) career skills;
- 56 (v) job placement;
- 57 (vi) postrelease tracking and support;
- 58 (vii) research and evaluation;

59 (viii) family involvement and support; and

60 (ix) multiagency collaboration.

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

63 (i) local boards of education;

64 (ii) Department of Corrections;

65 (iii) Department of Workforce Services;

66 (iv) Department of Human Services;

67 (v) Board of Pardons and Parole;

68 (vi) State Office of Rehabilitation; and

69 (vii) the Governor's Office.

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

72 (4) The boards shall make [~~annual reports to the Legislature through~~] a report to the
73 Education Interim Committee on the effectiveness of the recidivism reduction plan before October
74 1, 2006.

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

76 **53A-1-603. Duties of State Board of Education.**

77 (1) The State Board of Education shall:

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

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

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

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

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

- 90 (a) a statewide norm-referenced test to all students in grades 3, 5, 8, and 11;
- 91 (b) statewide criterion-referenced tests in all grade levels and courses in basic skill areas
92 of the core curriculum;
- 93 (c) a direct writing assessment to all students in grades 6 and 9, with the first assessment
94 to be administered during the 2001-02 school year; and
- 95 (d) a tenth grade basic skills competency test as detailed in Section 53A-1-611, with the
96 first test to be administered during the 2002-03 school year.
- 97 (3) The board shall adopt rules for the conduct and administration of U-PASS to include
98 the following:
- 99 (a) the computation of student performance based on information that is disaggregated
100 with respect to race, ethnicity, gender, limited English proficiency, and those students who qualify
101 for free or reduced price school lunch;
- 102 (b) security features to maintain the integrity of the system, which could include statewide
103 uniform testing dates, multiple test forms, and test administration protocols;
- 104 (c) the exemption of student test scores, by exemption category, such as limited English
105 proficiency, mobility, and students with disabilities, with the percent or number of student test
106 scores exempted being publically reported at a district level;
- 107 (d) compiling of criterion-referenced and direct writing test scores and test score averages
108 at the classroom level to allow for:
- 109 (i) an annual review of those scores by parents of students and professional and other
110 appropriate staff at the classroom level at the earliest point in time and consistent with the timeline
111 of the phase-in referred to in Sections 53A-1-602 and this section, but no later than by the end of
112 the school year beginning with the 2003-04 school year;
- 113 (ii) the assessment of year-to-year student progress in specific classes, courses, and
114 subjects;
- 115 (iii) a teacher to review, prior to the beginning of a new school year for the 2003-04 school
116 year and for each school year thereafter, test scores from the previous school year of students who
117 have been assigned to the teacher's class for the new school year; and
- 118 (iv) allowing a school district to have its tests administered and scored electronically to
119 accelerate the review of test scores and their usefulness to parents and educators under Subsections
120 (3)(d)(i), (ii), and (iii), without violating the integrity of U-PASS; and

121 (e) providing that:

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

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

127 ~~[(4) The board shall make an annual report to the Legislature's Education Interim
128 Committee on the timelines required under Subsections (3)(d)(i) and (iii) that begin with the
129 2003-04 school year to include recommendations for any necessary modifications to the timelines.]~~

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

131 **53A-1-606.5. Reading achievement in grades one through three -- Monitoring --**
132 **Reporting -- Additional instruction.**

133 (1) (a) The Legislature recognizes that:

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

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

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

138 (iv) reading problems exist in almost every classroom;

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

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

143 (b) It is therefore:

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

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

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

152 (ii) The information shall be reported [~~as part of the U-PASS testing program as~~] in the
153 school performance report required under Section 53A-3-602.5, beginning with the [~~2001-02~~]
154 2002-03 school year, and include the following for each school district and elementary school:

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

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

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

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

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

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

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

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

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

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

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

186 (c) Each reading achievement plan shall include:

187 (i) an assessment component that:

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

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

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

193 (ii) an intervention component:

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

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

199 (C) that includes parental participation; and

200 (D) that, as resources allow, involves a reading specialist; and

201 (iii) a reporting component consistent with the data to be included in the school
202 performance report required under Section 53A-3-602.5.

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

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

206 **53A-1-801. Child literacy program -- Coordinated activities.**

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

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

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

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

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

220 **53A-1a-602. Job Enhancement Committee -- Composition -- Duties -- Appropriation.**

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

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

224 (i) two members of the State Board of Education selected by the board;

225 (ii) two members of the State Board of Regents selected by the board;

226 (iii) six members of the general public who have business experience in mathematics,
227 physics, chemistry, physical science, learning technology, or information technology selected by
228 the governor; and

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

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

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

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

238 (i) the prioritized critical areas of need identified under Subsection (5)(a); and

239 (ii) the awards being made on a competitive basis.

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

243 (d) The State Board of Education, through the superintendent of public instruction, shall
244 provide staff support for the committee and adequate and reliable data on the state's supply of and

245 demand for qualified secondary teachers in [~~the subjects listed in Subsection 53A-1a-601(1)~~]
246 mathematics, physics, chemistry, physical science, learning technologies, and information
247 technology.

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

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

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

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

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

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

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

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

264 **53A-3-402.11. Reading Performance Improvement Scholarship Program.**

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

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

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

271 (a) teach in grades kindergarten through three;

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

273 and

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

275 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

276 board shall provide by rule for:

277 (a) the application procedure for the scholarship; and

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

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

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

283 **53A-3-424. Rulemaking -- Reporting.**

284 ~~[(1)]~~ The State Office of Education may make rules in accordance with Title 63, Chapter
285 46a, Utah Administrative Rulemaking Act, regarding compliance standards and reporting
286 requirements for local school boards with respect to the policy required by Section 53A-3-422.

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

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

291 **53A-3-602.5 (Effective 07/01/02). School performance report -- Components --**
292 **Annual filing.**

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

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

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

299 (i) norm-referenced achievement tests;

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

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

304 (iv) tenth grade basic skills competency tests required under ~~[Subsection]~~ Section
305 53A-1-603[(2)(d)];

306 (b) college entrance examinations, including the number and percentage of each graduating

- 307 class taking the examinations for the previous four years;
- 308 (c) advanced placement and concurrent enrollment data, including:
- 309 (i) the number of students taking advanced placement and concurrent enrollment courses;
- 310 (ii) the number and percent of students taking a specific advanced placement course who
- 311 take advanced placement tests to receive college credit for the course;
- 312 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and
- 313 percent who pass the test; and
- 314 (iv) of those students taking a concurrent enrollment course, the number and percent of
- 315 those who receive college credit for the course;
- 316 (d) the number and percent of students through grade ten reading at or above grade level;
- 317 (e) the number and percent of students who were absent from school ten days or more
- 318 during the school year;
- 319 (f) achievement gaps that reflect the differences in achievement of various student groups
- 320 as defined by State Board of Education rule;
- 321 (g) the number and percent of "student dropouts" within the district as defined by State
- 322 Board of Education rule;
- 323 (h) course-taking patterns and trends in secondary schools;
- 324 (i) student mobility;
- 325 (j) staff qualifications, to include years of professional service and the number and percent
- 326 of staff who have a degree or endorsement in their assigned teaching area and the number and
- 327 percent of staff who have a graduate degree;
- 328 (k) the number and percent of parents who participate in SEP, SEOP, and parent-teacher
- 329 conferences;
- 330 (l) the number and percent of students who participate in extracurricular activities, to
- 331 include a statement on the amount of class time missed by students and faculty for those activities
- 332 which require them to miss normal class time during the school day and the total number of
- 333 individuals involved in missing normal class time;
- 334 (m) average class size by grade level and subject;
- 335 (n) average daily attendance as defined by State Board of Education rule, including every
- 336 period in secondary schools; and
- 337 (o) enrollment totals disaggregated with respect to race, ethnicity, gender, limited English

338 proficiency, and those students who qualify for free or reduced price school lunch.

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

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

344 (b) the average grade given in each math, science, and English course in grades 9 through
345 12 for which criteria-referenced tests are required under ~~[Subsection]~~ Section 53A-1-603~~[(2)(b)]~~;

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

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

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

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

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

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

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

365 (b) The state board shall determine the nature and extent of longitudinal data to be reported
366 under Subsections (2)(b), (c), and (d) and (3)(a) during the first three years of the reporting
367 program, with the baseline reporting year beginning July 1, 2002 and ending June 30, 2003.

368 (6) (a) Each local school board shall receive a written or an electronic copy of the report

369 from the state superintendent of public instruction containing the data for that school district in a
370 clear summary format and have it distributed, on a one per household basis, to the residence of
371 students enrolled in the school district before November 30th of each year.

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

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

375 **53A-11-904. Grounds for suspension or expulsion from a public school.**

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

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

380 (b) willful destruction or defacing of school property;

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

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

384 or

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

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

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

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

395 (B) the actual or threatened use of a look alike weapon with intent to intimidate another
396 person or to disrupt normal school activities[;]; or

397 (C) the sale, control, or distribution of a drug or controlled substance as defined in Section
398 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as
399 defined in Section 58-37a-3; or

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

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

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

408 (ii) the superintendent shall determine:

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

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

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

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

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

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

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

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

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

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

429 **53A-12-201.5. State plan to meet textbook needs -- Monitoring and auditing of**
430 **textbook programs.**

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

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

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

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

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

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

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

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

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

448 (2) The State Board of Education shall:

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

451 (i) an adequate supply of textbooks; and

452 (ii) an outdated textbook and a textbook in poor condition; and

453 (b) determine if the definition of textbooks under Section 53A-12-202 should be modified
454 for purposes of this chapter and make its recommendation to the Education Interim Committee of
455 the Legislature prior to November 30, 2001.

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

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

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

462 **53A-15-205. Disability Determination Services Advisory Council -- Membership --**
463 **Duties -- Requirements for DDDS.**

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

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

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

470 (a) the administrator of DDDS;

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

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

475 (i) persons with disabilities;

476 (ii) advocates for persons with disabilities;

477 (iii) health care providers;

478 (iv) representatives of allied state and local agencies; and

479 (v) representatives of the general public.

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

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

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

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

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

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

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

493 are appointed.

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

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

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

500 (b) The chairperson shall set the meeting agenda.

501 (10) The council shall:

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

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

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

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

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

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

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

518 (b) Staff assistance may include:

519 (i) distributing meeting agendas;

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

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

524 (c) Staff assistance shall include maintaining minutes.

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

526 **53A-15-701. Highly impacted schools.**

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

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

533 (i) high student mobility rates within each school;

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

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

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

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

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

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

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

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

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

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

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

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

554 (6) [~~(a)~~] The board shall monitor the program and require each participant school to file

555 a report on the use and effectiveness of the appropriation in meeting the educational needs and
 556 involving parents of students who attend these highly impacted schools.

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

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

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

562 **53B-6-105.5. Technology Initiative Advisory Board -- Composition -- Duties.**

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

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

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

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

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

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

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

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

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

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

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

585 [(t)-a] (c) review and [assessment of] assess engineering, computer science, and related

586 technology programs currently being offered at higher education institutions and their impact on
587 the economic prosperity of the state;

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

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

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

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

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

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

602 **53B-6-105.9. Incentive program for engineering, computer science, and related**
603 **technology faculty.**

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

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

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

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

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

615 (iii) The annual report of the Technology Initiative Advisory Board required by Section
616 53B-6-105.5 shall include the summary report of the institutional matches.

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

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

621 **53B-8b-109. Annual audited financial report.**

622 (1) The board shall submit an annual audited financial report, prepared in accordance with
623 generally accepted accounting principles, on the operations of the trust by November 1 to the
624 governor~~[, the Legislature's Education Interim Committee,]~~ and the state auditor.

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

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

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

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

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

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

637 **63-75-7. Evaluation of programs -- Report to legislative interim committee.**

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

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

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

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

647 Section 17. **Repealer.**

648 This act repeals:
649 Section **53A-1a-109, Annual review and reports.**

Legislative Review Note
as of 11-20-01 9:18 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Education Interim Committee recommended this bill.