

1                                   **STATE BOARD OF EDUCATION RULES AND**  
2   **REPORTS**

3   2002 GENERAL SESSION  
4   STATE OF UTAH

5   **Sponsor: Margaret Dayton**

6   **This act modifies provisions related to the State System of Public Education by eliminating**  
7   **requirements imposed on the State Board of Education to make certain rules and to report**  
8   **certain information. This act eliminates the requirement that the State Board of Education**  
9   **establish rules and minimum standards governing health, safety, and school building design,**  
10   **siting, and accessibility. This act eliminates redundant requirements imposed on the State**  
11   **Board of Education to adopt rules to promote quality, efficiency, and productivity in the**  
12   **public education system. This act eliminates the requirement that school districts use cost**  
13   **savings derived from board productivity measures to fund education reform programs. This**  
14   **act eliminates the requirement that certain data about high school activities be included in**  
15   **a report of the state superintendent of public instruction and the State Board of Education's**  
16   **school performance report.**

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

18   AMENDS:

19           **53A-1-301**, as last amended by Chapters 138 and 224, Laws of Utah 2000

20           **53A-1-401**, as last amended by Chapter 96, Laws of Utah 1994

21           **53A-1-402**, as last amended by Chapter 5, Laws of Utah 2001, First Special Session

22           **53A-3-602.5 (Effective 07/01/02)**, as last amended by Chapter 93, Laws of Utah 2001

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

24           Section 1. Section **53A-1-301** is amended to read:

25           **53A-1-301. Appointment -- Qualifications -- Duties.**

26           (1) (a) The State Board of Education shall appoint a superintendent of public instruction,  
27   hereinafter called the state superintendent, who is the executive officer of the board and serves at



28 the pleasure of the board.

29 (b) The board shall appoint the state superintendent on the basis of outstanding  
30 professional qualifications.

31 (c) The state superintendent shall administer all programs assigned to the State Board of  
32 Education in accordance with the policies and the standards established by the board.

33 (2) The superintendent shall perform duties assigned by the board, including the following:

34 (a) investigating all matters pertaining to the public schools;

35 (b) adopting and keeping an official seal to authenticate the superintendent's official acts;

36 [~~copies of authenticated documents shall be received as evidence in the courts of this state in the~~  
37 ~~same manner as originals;~~]

38 (c) holding and conducting meetings, seminars, and conferences on educational topics;

39 (d) presenting to the governor and the Legislature each December a report of the public  
40 school system for the preceding year to include:

41 (i) data on the general condition of the schools with recommendations considered desirable  
42 for specific programs;

43 (ii) a complete statement of fund balances;

44 (iii) a complete statement of revenues by fund and source;

45 (iv) a complete statement of adjusted expenditures by fund, the status of bonded  
46 indebtedness, the cost of new school plants, and school levies;

47 (v) a complete statement of state funds allocated to each of the state's 40 school districts  
48 by source, including supplemental appropriations, and a complete statement of expenditures by  
49 each district, including supplemental appropriations, by function and object as outlined in the U.S.  
50 Department of Education publication "Financial Accounting for Local and State School Systems";

51 (vi) a statement that includes such items as fall enrollments, average membership, high  
52 school graduates, licensed and classified employees, pupil-teacher ratios, average salaries,  
53 applicable private school data, and data from standardized norm-referenced tests in grades 5, 8,  
54 and 11 on each school and district;

55 (vii) statistical information regarding incidents of delinquent activity in the schools or at  
56 school-related activities with separate categories for:

57 (A) alcohol and drug abuse;

58 (B) weapon possession;

59 (C) assaults; and

60 (D) arson; and

61 [~~(viii) a statement on the amount of class time missed by students and faculty in grades 9~~  
62 ~~through 12 for activities which occur or for which travel is required during normal class time, to~~  
63 ~~include;~~]

64 [~~(A) the total number of individuals involved, the total amount of normal class time~~  
65 ~~missed, the total miles traveled to and from the activities, and the costs for transporting students~~  
66 ~~and faculty to and from the activities; and]~~

67 [~~(B) a breakdown of the totals under Subsection (viii)(A) by individual school district and~~  
68 ~~a breakdown of the activities by category as follows:]~~

69 [~~(I) athletic contests;]~~

70 [~~(II) music performances and contests;]~~

71 [~~(III) forensics, debate, speech, and drama performances and contests;]~~

72 [~~(IV) school club activities and contests; and]~~

73 [~~(V) all other school-sponsored activities and contests; and]~~

74 [~~(ix)~~ (viii) other statistical and financial information about the school system which the  
75 superintendent considers pertinent;

76 (e) collecting and organizing education data into an automated decision support system  
77 to facilitate school district and school improvement planning, accountability reporting and  
78 performance recognition, and the evaluation of educational policy and program effectiveness to  
79 include:

80 (i) data that are:

81 (A) comparable across schools and school districts;

82 (B) appropriate for use in longitudinal studies; and

83 (C) comprehensive with regard to the data elements required under applicable state or  
84 federal law or state board rule;

85 (ii) features that enable users, most particularly school administrators, teachers, and  
86 parents, to:

87 (A) retrieve school and school district level data electronically;

88 (B) interpret the data visually; and

89 (C) draw conclusions that are statistically valid; and

90 (iii) procedures for the collection and management of education data that:

91 (A) require the state superintendent of public instruction to:

92 (I) collaborate with school districts in designing and implementing uniform data standards  
93 and definitions;

94 (II) undertake or sponsor research to implement improved methods for analyzing education  
95 data;

96 (III) provide for data security to prevent unauthorized access to or contamination of the  
97 data; and

98 (IV) protect the confidentiality of data under state and federal privacy laws; and

99 (B) require all school districts to comply with the data collection and management  
100 procedures established under Subsection (2)(e); and

101 (f) with the approval of the board, preparing and submitting to the governor a budget for  
102 the board to be included in the budget that the governor submits to the Legislature.

103 (3) Upon leaving office, the state superintendent shall deliver to his successor all books,  
104 records, documents, maps, reports, papers, and other articles pertaining to his office.

105 Section 2. Section **53A-1-401** is amended to read:

106 **53A-1-401. Powers of State Board of Education -- Adoption of rules -- Enforcement.**

107 (1) (a) The State Board of Education has general control and supervision of the state's  
108 public education system.

109 (b) "General control and supervision" as used in Article X, Sec. 3, of the Utah Constitution  
110 means directed to the whole system.

111 (2) The board may not govern, manage, or operate school districts, institutions, and  
112 programs, unless granted that authority by statute.

113 (3) The board may adopt rules and policies in accordance with its responsibilities under  
114 the constitution and state laws, and may interrupt disbursements of state aid to any district which  
115 fails to comply with rules adopted in accordance with this Subsection (3).

116 ~~[(4) The board shall adopt rules to promote quality, efficiency, and productivity, and to  
117 eliminate and prevent unnecessary duplication of work or instruction in the public education  
118 system, and require compliance by school districts.]~~

119 ~~[(5) Cost savings generated by the rules adopted under Subsection (4) shall be used by the  
120 affected district to fund education reform programs, including performance-based compensation~~

121 ~~programs for district personnel.]~~

122 ~~[(6)]~~ (4) (a) The board may sell any interest it holds in real property upon a finding by the  
123 board that the property interest is surplus.

124 (b) The board may use the money it receives from a sale under Subsection (4)(a) for capital  
125 improvements, equipment, or materials, but not for personnel or ongoing costs.

126 (c) If the property interest under Subsection (4)(a) was held for the benefit of an agency  
127 or institution administered by the board, the money may only be used for purposes related to the  
128 agency or institution.

129 (d) The board shall advise the Legislature of any sale under Subsection (4)(a) and related  
130 matters during the next following session of the Legislature.

131 Section 3. Section **53A-1-402** is amended to read:

132 **53A-1-402. Board to establish minimum standards for public schools.**

133 (1) The State Board of Education shall establish rules and minimum standards for the  
134 public schools~~[-, to include]~~ that are consistent with this title, including rules and minimum  
135 standards governing the following:

136 (a) (i) the qualification and certification of educators and ancillary personnel who provide  
137 direct student services~~[-];~~;

138 (ii) required school administrative and supervisory services~~[-];~~ and

139 (iii) the evaluation of instructional personnel;

140 (b) (i) access to programs~~[-];~~;

141 (ii) attendance~~[-];~~;

142 (iii) competency levels~~[-];~~;

143 (iv) graduation requirements~~[-];~~ and

144 (v) discipline and control~~[-, and health and safety requirements];~~;

145 (c) (i) school accreditation~~[-];~~;

146 (ii) the academic year~~[-];~~;

147 (iii) alternative and pilot programs~~[-];~~;

148 (iv) curriculum and instruction requirements~~[-];~~;

149 (v) school libraries~~[-];~~ and

150 (vi) services to:

151 (A) persons with a disability as defined by and covered under:

- 152           (I) the Americans with Disabilities Act of 1990, 42 U.S.C. 12102;
- 153           (II) the Rehabilitation Act of 1973, 29 U.S.C. 705(20)(A); and
- 154           (III) the Individuals with Disabilities and Education Act, 20 U.S.C. 1401(3); and
- 155           (B) other special groups;
- 156           ~~[(d) requirements for school design, general educational specifications, school sites, and~~
- 157 ~~building accessibility;]~~
- 158           ~~[(e)]~~ (d) (i) state reimbursed bus routes[;];
- 159           (ii) bus safety and operational requirements[;]; and
- 160           (iii) other transportation needs; and
- 161           ~~[(f)]~~ (e) (i) school productivity and cost effectiveness measures[~~the minimum school~~
- 162 ~~program, school building aid, school lunch, driver education,];~~
- 163           (ii) federal programs[;];
- 164           (iii) school budget formats[;]; and
- 165           (iv) financial, statistical, and student accounting requirements.
- 166           (2) The board shall determine if:
- 167           (a) the minimum standards have been met; and
- 168           (b) required reports are properly submitted.
- 169           (3) The board may apply for, receive, administer, and distribute to eligible applicants funds
- 170 made available through programs of the federal government.
- 171           (4) The board shall approve any competency-based high school diploma equivalent before
- 172 any applied technology college may offer the diploma equivalent.
- 173           Section 4. Section **53A-3-602.5 (Effective 07/01/02)** is amended to read:
- 174           **53A-3-602.5 (Effective 07/01/02). School performance report -- Components --**
- 175 **Annual filing.**
- 176           (1) The State Board of Education in collaboration with the state's 40 school districts shall
- 177 develop a school performance report to inform the state's residents of the quality of schools and
- 178 the educational achievement of students in the state's public education system.
- 179           (2) The report shall be written and include the following statistical data for each school
- 180 in each school district, as applicable, and shall also aggregate the data at the district and state level:
- 181           (a) except as provided in Subsection (2)(a)(ii), test scores over the previous year on:
- 182           (i) norm-referenced achievement tests;

- 183 (ii) criterion-referenced tests beginning with the 2001-02 school year, to include the scores  
184 aggregated for all students by grade level or course for the previous two years and an indication  
185 of whether there was a sufficient magnitude of gain in the scores between the two years;
- 186 (iii) writing assessments required under [~~Subsection~~] Section 53A-1-603[(2)(c)]; and  
187 (iv) tenth grade basic skills competency tests required under [~~Subsection~~] Section  
188 53A-1-603[(2)(d)];
- 189 (b) college entrance examinations, including the number and percentage of each graduating  
190 class taking the examinations for the previous four years;
- 191 (c) advanced placement and concurrent enrollment data, including:  
192 (i) the number of students taking advanced placement and concurrent enrollment courses;  
193 (ii) the number and percent of students taking a specific advanced placement course who  
194 take advanced placement tests to receive college credit for the course;
- 195 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and  
196 percent who pass the test; and  
197 (iv) of those students taking a concurrent enrollment course, the number and percent of  
198 those who receive college credit for the course;
- 199 (d) the number and percent of students through grade ten reading at or above grade level;  
200 (e) the number and percent of students who were absent from school ten days or more  
201 during the school year;
- 202 (f) achievement gaps that reflect the differences in achievement of various student groups  
203 as defined by State Board of Education rule;
- 204 (g) the number and percent of "student dropouts" within the district as defined by State  
205 Board of Education rule;
- 206 (h) course-taking patterns and trends in secondary schools;  
207 (i) student mobility;
- 208 (j) staff qualifications, to include years of professional service and the number and percent  
209 of staff who have a degree or endorsement in their assigned teaching area and the number and  
210 percent of staff who have a graduate degree;
- 211 (k) the number and percent of parents who participate in SEP, SEOP, and parent-teacher  
212 conferences;
- 213 [~~(l) the number and percent of students who participate in extracurricular activities, to~~

214 include a statement on the amount of class time missed by students and faculty for those activities  
215 which require them to miss normal class time during the school day and the total number of  
216 individuals involved in missing normal class time;]

217 [~~(m)~~] (l) average class size by grade level and subject;

218 [~~(n)~~] (m) average daily attendance as defined by State Board of Education rule, including  
219 every period in secondary schools; and

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

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

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

227 (b) the average grade given in each math, science, and English course in grades 9 through  
228 12 for which criteria-referenced tests are required under [~~Subsection~~] Section 53A-1-603[~~(2)(b)~~];

229 (c) the number of volunteers and volunteer hours;

230 (d) incidents of student discipline as defined by State Board of Education rule, including  
231 suspensions, expulsions, and court referrals; and

232 (e) the number and percent of students receiving fee waivers and the total dollar amount  
233 of fees waived.

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

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

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

244 (5) (a) For the school year ending June 30, 2003, and for each year thereafter, the state



245 board, through the state superintendent of public instruction, shall issue its report annually by  
246 October 1 to include the required data from the previous school year or years as indicated in  
247 Subsections (2) and (3).

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

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

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

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**Legislative Review Note**  
**as of 12-19-01 9:31 AM**

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

**Office of Legislative Research and General Counsel**