

Representative Stephen H. Urquhart proposes the following substitute bill:

PUBLIC EDUCATION AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Thomas V. Hatch

This act modifies the State System of Public Education Code and the Election Code relating to the governance and funding of the public education system, the core academic skills, assessment and accountability, and school choice. This act modifies the membership of and the qualifications used by the nominating committee to select candidates for membership on the State Board of Education. This act expands local school board membership for certain local school boards. This act expands the state superintendent of public instruction's annual report. This act requires the core curriculum to increase in depth and complexity from year to year and focus on consistent and continual progress in the core academic areas of English and mathematics. This act modifies the membership of the education evaluation program district joint committees. This act provides an emphasis on competency-based education and progress-based assessments as a characteristic of the public education system. This act allows local boards of education to hire a superintendent and other administrators with outstanding professional qualifications who do not hold an administrative/supervisory license. This act prohibits a local school board from entering into a collective bargaining agreement that prohibits or limits individual contracts of employment. This act allows teacher licenses to be awarded based on the demonstrated competence of the teacher. This act makes teachers with ^h [district-specific] COMPETENCY-BASED ^h licenses at-will employees who are ineligible for career employee status. This act increases curriculum and graduation requirements for grades 9 through 12 in language arts, mathematics, and science. This act requires the State Board of Education to study, make recommendations, and report to the Education



26 **Interim Committee on an enumerated list of strategies to improve public education. This**
 27 **act appropriates \$150,000 for fiscal year 2002-03 only to the Office of Legislative**
 28 **Research and General Counsel to allow the Education Interim Committee to issue a**
 29 **specified request for proposals. This act requires the Public Education Appropriations**
 30 **Subcommittee to study and report on specified funding issues. This act requires the State**
 31 **Board of Regents to study and report on specified issues. This act authorizes additional**
 32 **legislative committee meetings during the 2003 interim and appropriates \$24,500 from**
 33 **the General Fund, for fiscal year 2002-03 only, to cover the additional meeting expenses.**
 34 **This act appropriates ~~h~~ [\$4,000,000] \$1,800,000 ~~h~~ from the Uniform School Fund, for the fiscal**
 34a **year**
 35 **beginning on July 1, 2003, to the State Board of Education to begin implementing**
 36 **competency-based education processes. This act authorizes a State Education Summit**
 37 **Meeting, requires certain reports for the summit, enumerates its participants, and**
 38 **specifies its purpose. This act makes technical corrections.**

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

40 AMENDS:

41 **20A-14-104**, as last amended by Chapter 184, Laws of Utah 1997
 42 **20A-14-105**, as enacted by Chapter 1, Laws of Utah 1995
 43 **20A-14-202**, as last amended by Chapter 331, Laws of Utah 2000
 44 **53A-1-301**, as last amended by Chapter 244, Laws of Utah 2002
 45 **53A-1-402.6**, as last amended by Chapters 299 and 324, Laws of Utah 2002
 46 **53A-1a-104**, as last amended by Chapter 86, Laws of Utah 2001
 47 **53A-3-301**, as last amended by Chapter 331, Laws of Utah 2000
 48 **53A-3-402**, as last amended by Chapters 322 and 324, Laws of Utah 2002
 49 **53A-3-403**, as last amended by Chapter 53, Laws of Utah 1992
 50 **53A-3-404**, as last amended by Chapter 297, Laws of Utah 2001
 51 **53A-3-411**, as enacted by Chapter 2, Laws of Utah 1988
 52 **53A-6-103**, as last amended by Chapter 253, Laws of Utah 2002
 53 **53A-6-104**, as last amended by Chapter 41, Laws of Utah 2002
 54 **53A-6-502**, as enacted by Chapter 108, Laws of Utah 1999
 55 **53A-8-106**, as repealed and reenacted by Chapter 324, Laws of Utah 1999
 56 **53A-10-103**, as last amended by Chapter 78, Laws of Utah 1990

57 ENACTS:

58 **53A-1-409**, Utah Code Annotated 1953

59 **53A-6-104.5**, Utah Code Annotated 1953

60 **53A-6-110**, Utah Code Annotated 1953

61 **53A-13-108**, Utah Code Annotated 1953

62 This act enacts uncodified material.

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

64 Section 1. Section **20A-14-104** is amended to read:

65 **20A-14-104. Becoming a candidate for membership on the State Board of**
 66 **Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

67 (1) (a) Persons interested in becoming a candidate for the State Board of Education
 68 shall file a declaration of candidacy according to the procedures and requirements of Sections
 69 20A-9-201 and 20A-9-202.

70 (b) By ~~[June]~~ May 1 of the year in which a State Board of Education member's term
 71 expires, the lieutenant governor shall submit the name of each person who has filed a
 72 declaration of candidacy for the State Board of Education to the nominating and recruiting
 73 committee for the State Board of Education [~~district in which that candidate resides~~].

74 (2) ~~h (a) h~~ By [May] November 1 of [~~the year in which a State Board of Education member's~~
 75 ~~term expires;~~] 2003 and every four years thereafter, ~~h [the governor shall:~~

76 ~~——(a) appoint] h~~ a nominating and recruiting committee consisting of [~~seven~~] ~~h [15]~~ 11 ~~h~~
 76a members,

77 each to serve a [~~one-year~~] four-year term, [~~for the state board district that member represents;~~]

78 ~~h [of which]~~ SHALL BE APPOINTED AS FOLLOWS h :

79 ~~h [(i) seven members shall have education expertise, including at least one member with~~
 80 ~~special education expertise;~~

81 ~~——(ii) seven members shall have business, industry, or employer expertise; and~~

82 ~~——(iii) one member shall be a public member;]~~

82a (i) ONE MEMBER APPOINTED BY THE GOVERNING BOARD OF THE UTAH FARM BUREAU;

82b (ii) ONE MEMBER APPOINTED BY THE GOVERNING BOARD OF THE UTAH

82c MANUFACTURER'S ASSOCIATION;

82d (iii) ONE MEMBER APPOINTED BY THE GOVERNING BOARD OF THE UTAH TAXPAYERS

82e ASSOCIATION;

82f (iv) ONE MEMBER APPOINTED BY THE GOVERNING BOARD OF THE UTAH STATE CHAMBER

82g OF COMMERCE;

82h (v) ONE MEMBER JOINTLY APPOINTED BY THE GOVERNING BOARDS OF THE UTAH h

82i **h FOOD INDUSTRY ASSOCIATION AND UTAH RETAIL MERCHANTS ASSOCIATION;**
82j **(vi) ONE MEMBER APPOINTED BY THE GOVERNING BOARD OF THE AMERICAN**
82k **FEDERATION OF TEACHERS/ UTAH;**
82l **(vii) ONE MEMBER APPOINTED BY THE GOVERNING BOARD OF THE UTAH EDUCATION**
82m **ASSOCIATION;**
82n **(viii) ONE MEMBER APPOINTED BY THE GOVERNING BOARD OF THE UTAH PARENT**
82o **TEACHER ASSOCIATION;**
82p **(ix) ONE MEMBER APPOINTED BY THE GOVERNING BOARD OF THE UTAH SCHOOL**
82q **BOARDS ASSOCIATION;**
82r **(x) ONE MEMBER APPOINTED BY THE GOVERNING BOARD OF THE UTAH SCHOOL**
82s **SUPERINTENDENTS ASSOCIATION; AND**
82t **(xi) ONE AT LARGE MEMBER APPOINTED BY THE GOVERNOR. h**
83 **h [(b) ensure that [each] one member of the nominating and recruiting committee resides**
84 **within [the] each state board district; and] h**
85 **[(c) ensure that:]**
86 **[(i) one member of the nominating committee serves on a local school board within the**
87 **state board district;]**

88 ~~[(ii) one member of the nominating committee is employed as a school district or~~
 89 ~~public school administrator;]~~

90 ~~[(iii) one member of the nominating committee is employed as a public school~~
 91 ~~teacher;]~~

92 ~~[(iv) one member of the nominating committee belongs to a parent association that~~
 93 ~~provides direct and ongoing support to public schools within the district; and]~~

94 ~~[(v) three members of the nominating committee represent economic interests and the~~
 95 ~~public at large; and]~~

96 ~~[(d)]~~ **h** ~~[(c) designate]~~ **(b) THE MEMBERS SHALL ELECT h** one member to serve as chair for
 96a the committee.

97 (3) (a) The chair, or another member of the committee designated by the chair, shall
 98 schedule and convene all committee meetings.

99 (b) Any formal action by the committee requires the approval of ~~[at least four]~~ a
 100 majority of committee members.

101 (c) Members of the nominating and recruiting committee shall serve without
 102 compensation, but they may be reimbursed for expenses incurred in the performance of their
 103 official duties as established by the Division of Finance.

104 (4) ~~[Each]~~ The nominating and recruiting committee shall:

105 (a) recruit potential candidates for membership on the State Board of Education prior
 106 to the deadline to file a declaration of candidacy;

107 ~~[(a)]~~ (b) prepare a list of candidates for membership on the State Board of Education
 108 [from its district] for each state board district subject to election in that year using the
 109 qualifications under Subsection (5);

110 ~~[(b)]~~ (c) submit a list of [up to five but no fewer than] at least three candidates for [the]
 111 each state board position to the governor by [August] July 1; and

112 ~~[(c)]~~ (d) ensure that the list includes appropriate background information on each
 113 candidate.

114 (5) The nominating committee shall select a broad variety of candidates who possess
 115 outstanding professional qualifications relating to the powers and duties of the State Board of
 116 Education, including experience in the following areas:

117 (a) business and industry administration;

118 (b) business and industry human resource management;

- 119 (c) business and industry finance;
 120 (d) business and industry, including expertise in:
 121 (i) metrics and evaluation;
 122 (ii) manufacturing;
 123 (iii) retailing;
 124 (iv) natural resources;
 125 (v) information technology;
 126 (vi) construction; ^h ~~and~~

127 ~~(v)~~ ^h (vii) banking;

127a ^h (viii) SCIENCE AND ENGINEERING; AND

127b (ix) MEDICAL AND HEALTHCARE; ^h

128 (e) higher education administration;

129 (f) applied technology education;

130 (g) public education administration;

131 (h) public education instruction;

132 (i) economic development;

133 (j) labor; and

134 (k) other life experiences that would benefit the State Board of Education.

135 Section 2. Section **20A-14-105** is amended to read:

136 **20A-14-105. Becoming a candidate for membership on the State Board of**

137 **Education -- Selection of candidates by the governor -- Ballot placement.**

138 (1) By ~~September~~ August 1 of each regular general election year, the governor shall:

139 (a) for each state board district subject to election in that year, select two candidates
 140 for the State Board of Education from the lists submitted by the state board district nominating
 141 ~~committees~~ and recruiting committee; and

142 (b) certify the names of the two candidates from each school board district to the
 143 lieutenant governor.

144 (2) If the governor fails to select two candidates for a state board district by September
 145 1, the nominating and recruiting committee ~~[from that district]~~ shall:

146 (a) select the two candidates; and

147 (b) notify the lieutenant governor of its selections by September 15.

148 (3) The lieutenant governor shall:

149 (a) conduct a lottery to determine the order of the candidates' names on the ballot; and

150 (b) certify the names and order of the names to the county clerks for placement on the
151 nonpartisan section of the ballot.

152 Section 3. Section 20A-14-202 is amended to read:

153 **20A-14-202. Local Boards of Education -- Membership -- When elected --**
154 **Qualifications -- Avoiding conflicts of interest.**

155 (1) (a) ~~The~~ Except as provided in Subsection (1)(b), the board of education of a
156 school district with a student population of up to 24,000 students shall consist of five members.

157 (b) The board of education of a school district with a student population of more than
158 10,000 students but fewer than 24,000 students shall increase from five to seven members
159 beginning with the ~~2002~~ 2004 regular general election.

160 (c) The board of education of a school district with a student population of 24,000 or
161 more students shall consist of seven members.

162 ~~(c)~~ (d) Student population is based on the October 1 student count submitted by
163 districts to the State Office of Education.

164 ~~(d)~~ (e) If the number of members of a local school board is required to change under
165 Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in
166 Sections 20A-14-201 and 20A-14-203.

167 ~~(e)~~ (f) A school district which now has or increases to a seven-member board shall
168 maintain a seven-member board regardless of subsequent changes in student population.

169 ~~(f)~~ (g) (i) Members of a local board of education shall be elected at each regular
170 general election.

171 (ii) Except as provided in Subsection (1)~~(f)~~(g)(iii), no more than three members of a
172 local board of education may be elected to a five-member board, nor more than four members
173 elected to a seven-member board, in any election year.

174 (iii) More than three members of a local board of education may be elected to a
175 five-member board and more than four members elected to a seven-member board in any
176 election year only when required by reapportionment or to fill a vacancy or to implement
177 Subsection (1)(b).

178 ~~(g)~~ (h) One member of the local board of education shall be elected from each local
179 school board district.

180 (2) A member of a local school board shall:

181 (a) be and remain a registered voter in the local school board district from which the
182 member is elected or appointed; and

183 (b) maintain his primary residence within the local school board district from which the
184 member is elected or appointed.

185 (3) A member of a local school board may not, during the member's term in office, also
186 serve as an employee of that board.

187 Section 4. Section **53A-1-301** is amended to read:

188 **53A-1-301. Appointment -- Qualifications -- Duties.**

189 (1) (a) The State Board of Education shall appoint a superintendent of public
190 instruction, hereinafter called the state superintendent, who is the executive officer of the board
191 and serves at the pleasure of the board.

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

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

196 (2) The superintendent shall develop a statewide education strategy focusing on core
197 academics, including the development of:

198 (a) core curriculum and graduation requirements;

199 (b) a process to select instructional materials that best correlate to the core curriculum
200 and graduation requirements that are supported by generally accepted scientific standards of
201 evidence;

202 (c) professional development programs for teachers, superintendents, and principals;

203 (d) remediation programs;

204 (e) a method for creating individual student learning targets, and a method of
205 measuring an individual student's performance toward those targets;

206 (f) progress-based assessments for ongoing performance evaluations of districts and
207 schools;

208 (g) incentives to achieve the desired outcome of individual student progress in core
209 academics, and which do not create disincentives for setting high goals for the students;

210 (h) an annual report card for school and district performance, measuring learning and
211 reporting progress-based assessments;

212 (i) a systematic method to encourage innovation in schools and school districts as they
213 strive to achieve improvement in their performance; and

214 (j) a method for identifying and sharing best demonstrated practices across districts and
215 schools.

216 [~~2~~] (3) The superintendent shall perform duties assigned by the board, including the
217 following:

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

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

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

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

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

226 (ii) a complete statement of fund balances;

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

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

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

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

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

241 (A) alcohol and drug abuse;

242 (B) weapon possession;

243 (C) assaults; and
244 (D) arson; [~~and~~]
245 (viii) information about:
246 (A) the development and implementation of the strategy of focusing on core
247 academics;
248 (B) the development and implementation of competency-based education and
249 progress-based assessments; and
250 (C) the results being achieved under Subsections (3)(d)(viii)(A) and (B), as measured
251 by individual progress-based assessments and the comparison of Utah Students' progress with
252 the progress of students in other states using standardized norm-referenced tests as
253 benchmarks; and
254 [~~(viii)~~] (ix) other statistical and financial information about the school system which
255 the superintendent considers pertinent;
256 (e) collecting and organizing education data into an automated decision support system
257 to facilitate school district and school improvement planning, accountability reporting and
258 performance recognition, and the evaluation of educational policy and program effectiveness to
259 include:
260 (i) data that are:
261 (A) comparable across schools and school districts;
262 (B) appropriate for use in longitudinal studies; and
263 (C) comprehensive with regard to the data elements required under applicable state or
264 federal law or state board rule;
265 (ii) features that enable users, most particularly school administrators, teachers, and
266 parents, to:
267 (A) retrieve school and school district level data electronically;
268 (B) interpret the data visually; and
269 (C) draw conclusions that are statistically valid; and
270 (iii) procedures for the collection and management of education data that:
271 (A) require the state superintendent of public instruction to:
272 (I) collaborate with school districts in designing and implementing uniform data
273 standards and definitions;

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

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

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

279 (B) require all school districts to comply with the data collection and management
280 procedures established under Subsection [~~(2)~~] (3)(e); and

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

283 [~~(3)~~] (4) Upon leaving office, the state superintendent shall deliver to his successor all
284 books, records, documents, maps, reports, papers, and other articles pertaining to his office.

285 Section 5. Section **53A-1-402.6** is amended to read:

286 **53A-1-402.6. Core curriculum.**

287 (1) In establishing minimum standards related to curriculum and instruction
288 requirements under Section 53A-1-402, the State Board of Education shall, in consultation
289 with local school boards, school superintendents, teachers, employers, and parents [~~define and~~
290 ~~establish~~] implement a core curriculum[~~:-~~] which will enable students to **h**, **AMONG OTHER**

290a **OBJECTIVES** **h** :

291 (a) communicate effectively, both verbally and through written communication;

292 (b) apply mathematics; **h** **AND** **h**

293 (c) access, analyze, and apply information **h** [~~;-and~~

294 ~~—(d) work cooperatively and effectively in teams]~~ **h** .

295 (2) The board shall:

296 (a) [~~include in its definition an identification of~~] identify the basic knowledge, skills,
297 and competencies each student is expected to acquire or master as the student advances through
298 the public education system; and

299 (b) align the core curriculum and tests administered under the Utah Performance
300 Assessment System for Students (U-PASS) with each other.

301 (3) The basic knowledge, skills, and competencies identified pursuant to Subsection
302 (2)(a) shall increase in depth and complexity from year to year and focus on consistent and
303 continual progress within and between grade levels and courses in the core academic areas of:

304 (a) English, including explicit phonics, spelling, grammar, reading, writing,

305 vocabulary, speech, and listening; and

306 (b) mathematics, including basic computational skills.

307 ~~[(3)]~~ (4) Local school boards shall design their school programs, that are supported by

308 generally accepted scientific standards of evidence, to focus on the core curriculum with the

309 expectation that each program will enhance or help achieve mastery of the core curriculum.

310 ~~[(4)]~~ (5) Except as provided in Section 53A-13-101, each school may select

311 instructional materials and methods of teaching, that are supported by generally accepted

312 scientific standards of evidence, that it considers most appropriate to meet core curriculum

313 objectives.

314 Section 6. Section **53A-1-409** is enacted to read:

315 **53A-1-409. Competency-based education -- Recommendations -- Coordination.**

316 The State Board of Education shall:

317 (1) provide expertise to and consult with local school boards and school districts

318 relating to competency-based education and progress-based assessments;

319 ~~h~~ ~~[(2) monitor the expenditures of the Competency-based Education Block Grant Program~~

320 ~~under Section 53A-17a-149; and~~

321 ~~—~~ ~~[(3)]~~ (2) ~~h~~ make recommendations to the Public Education Appropriations Subcommittee,

322 including the amount and allocation of public education monies, based upon both new public

323 education monies and the reallocation of monies required to develop and implement:

324 (a) progress-based assessments;

325 (b) a weighted competency unit that distributes public education monies based on

326 student achievement resulting from competency-based program objectives, strategies, and

327 standards;

328 (c) a plan to assist students, teachers, schools, and districts that need remediation based

329 upon Subsections ~~h~~ [(3)] (2) h (a) and (b);

330 (d) the reallocation of teaching resources from noncore electives into grades 1-3, 7-12

331 math, and 7-12 English; and

332 (e) a teacher development program focused on achieving progress in core academics.

333 Section 7. Section **53A-1a-104** is amended to read:

334 **53A-1a-104. Characteristics of public education system.**

335 The Legislature shall assist in maintaining a public education system that has the

336 following characteristics:

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

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

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

345 (4) provides opportunities for students to exhibit the capacity to learn, think, reason,
346 and work effectively, individually and in groups;

347 (5) offers a world-class core curriculum that enables students to successfully compete
348 in a global society, and to succeed as citizens of a constitutional republic;

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

351 (7) attracts, prepares, inducts, and retains excellent teachers for every classroom in
352 large part through collaborative efforts among the State Board of Education, the State Board of
353 Regents, and school districts, provides effective ongoing professional development
354 opportunities for teachers to improve their teaching skills, and provides recognition, rewards,
355 and compensation for their excellence;

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

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

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

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

364 (12) emphasizes the involvement of educators, parents, business partnerships, and the
365 community at large in the educational process by allowing them to be involved in establishing
366 and implementing educational goals and participating in decision-making at the school site[-];

367 and

368 (13) emphasizes competency-based standards and progress-based assessments,

369 including tracking and measurement systems.

370 Section 8. Section **53A-3-301** is amended to read:

371 **53A-3-301. Superintendent of schools -- Appointment -- Qualifications -- Term --**
372 **Compensation.**

373 (1) A local school board shall appoint a district superintendent of schools who serves
374 as the board's chief executive officer.

375 (2) (a) The board shall appoint the superintendent on the basis of outstanding
376 professional qualifications.

377 (b) The superintendent's term of office is for two years and until a successor is
378 appointed and qualified.

379 (3) If it becomes necessary to appoint an interim superintendent due to a vacancy in the
380 office of superintendent, then the board shall make an appointment during a public meeting for
381 an indefinite term not to exceed one year, which term shall end upon the appointment and
382 qualification of a new superintendent.

383 (4) (a) The superintendent shall hold an administrative/supervisory license issued by
384 the State Board of Education, except as otherwise provided in Subsection (4)(b).

385 (b) A local board of education may request, and the State Board of Education [~~shall~~]
386 may grant, a letter of authorization permitting a person with outstanding professional
387 qualifications to serve as superintendent without holding an administrative/supervisory license
388 [~~if the district has a student population of at least 15,000~~].

389 (5) The board shall set the superintendent's compensation for services.

390 (6) The superintendent qualifies for office by taking the constitutional oath of office.

391 Section 9. Section **53A-3-402** is amended to read:

392 **53A-3-402. Powers and duties generally.**

393 (1) Each local school board shall:

394 (a) implement the core curriculum utilizing instructional materials that best correlate to
395 the core curriculum and graduation requirements;

396 (b) administer tests, required by the State Board of Education, which measure the
397 progress of each student, and coordinate with the state superintendent and State Board of

398 Education to assess results and create plans to improve the student's progress which shall be
 399 submitted to the State Office of Education for approval;

400 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
 401 students that need remediation and determine the type and amount of ~~h~~ FEDERAL, ~~h~~ state ~~h~~, ~~h~~ and
 401a local resources
 402 to implement remediation;

403 (d) develop early warning systems for students or classes failing to make progress;

404 (e) work with the State Office of Education to establish a library of documented best
 405 practices ~~h~~, CONSISTENT WITH STATE AND FEDERAL REGULATIONS, ~~h~~ for use by the local
 405a districts; and

406 (f) implement training programs for school administrators, including basic
 407 management training, best practices in instructional methods, budget training, staff
 408 management, managing for learning results and continuous improvement, and how to help
 409 every child achieve optimal learning in core academics.

410 [~~(+)~~] (2) Local school boards shall spend minimum school program funds for programs
 411 and activities for which the State Board of Education has established minimum standards or
 412 rules under Section 53A-1-402.

413 [~~(2)~~] (3) (a) A board may purchase, sell, and make improvements on school sites,
 414 buildings, and equipment and construct, erect, and furnish school buildings.

415 (b) School sites or buildings may only be conveyed or sold on board resolution
 416 affirmed by at least two-thirds of the members.

417 [~~(3)~~] (4) (a) A board may participate in the joint construction or operation of a school
 418 attended by children residing within the district and children residing in other districts either
 419 within or outside the state.

420 (b) Any agreement for the joint operation or construction of a school shall:

421 (i) be signed by the president of the board of each participating district;

422 (ii) include a mutually agreed upon pro rata cost; and

423 (iii) be filed with the State Board of Education.

424 [~~(4)~~] (5) A board may establish, locate, and maintain elementary, secondary, and
 425 applied technology schools.

426 [~~(5)~~] (6) A board may enroll children in school who are at least five years of age before
 427 September 2 of the year in which admission is sought.

428 [~~(6)~~] (7) A board may establish and support school libraries.

429 ~~[(7)]~~ (8) A board may collect damages for the loss, injury, or destruction of school
430 property.

431 ~~[(8)]~~ (9) A board may authorize guidance and counseling services for children and their
432 parents or guardians prior to, during, or following enrollment of the children in schools.

433 ~~[(9)]~~ (10) (a) A board may apply for, receive, and administer funds made available
434 through programs of the federal government.

435 (b) Federal funds are not considered funds within the school district budget under Title
436 53A, Chapter 19, School District Budgets.

437 (c) Federal funds may only be expended for the purposes for which they are received
438 and are accounted for by the board.

438a **h (d) A PROGRAM CREATED WITH OR EXPANDED BY FEDERAL FUNDS MAY BE**
438b **REDUCED TO THE EXTENT ALLOWED BY LAW WHEN FEDERAL FUNDS FOR THAT PROGRAM ARE**
438c **SUBSEQUENTLY REDUCED OR ELIMINATED. h**

439 ~~[(10)]~~ (11) (a) A board may organize school safety patrols and adopt rules under which
440 the patrols promote student safety.

441 (b) A student appointed to a safety patrol shall be at least ten years old and have written
442 parental consent for the appointment.

443 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
444 of a highway intended for vehicular traffic use.

445 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
446 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
447 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

448 ~~[(H)]~~ (12) (a) A board may on its own behalf, or on behalf of an educational institution
449 for which the board is the direct governing body, accept private grants, loans, gifts,
450 endowments, devises, or bequests that are made for educational purposes.

451 (b) These contributions are not subject to appropriation by the Legislature.

452 ~~[(12)]~~ (13) (a) A board may appoint and fix the compensation of a compliance officer
453 to issue citations for violations of Subsection 76-10-105(2).

454 (b) A person may not be appointed to serve as a compliance officer without the
455 person's consent.

456 (c) A teacher or student may not be appointed as a compliance officer.

457 ~~[(13)]~~ (14) A board shall adopt bylaws and rules for its own procedures.

458 ~~[(14)]~~ (15) (a) A board shall make and enforce rules necessary for the control and
459 management of the district schools.

460 (b) All board rules and policies shall be in writing, filed, and referenced for public
461 access.

462 [~~15~~] (16) A board may hold school on legal holidays other than Sundays.

463 [~~16~~] (17) (a) Each board shall establish for each school year a school traffic safety
464 committee to implement this Subsection [~~16~~] (17).

465 (b) The committee shall be composed of one representative of:

466 (i) the schools within the district;

467 (ii) the Parent Teachers' Association of the schools within the district;

468 (iii) the municipality or county;

469 (iv) state or local law enforcement; and

470 (v) state or local traffic safety engineering.

471 (c) The committee shall:

472 (i) receive suggestions from parents, teachers, and others and recommend school traffic
473 safety improvements, boundary changes to enhance safety, and school traffic safety program
474 measures;

475 (ii) review and submit annually to the Department of Transportation and affected
476 municipalities and counties a child access routing plan for each elementary, middle, and junior
477 high school within the district;

478 (iii) consult the Utah Safety Council and the Division of Family Health Services and
479 provide training to all school children in kindergarten through grade six, within the district, on
480 school crossing safety and use; and

481 (iv) help ensure the district's compliance with rules made by the Department of
482 Transportation under Section 41-6-20.1.

483 (d) The committee may establish subcommittees as needed to assist in accomplishing
484 its duties under Subsection [~~16~~] (17)(c).

485 (e) The board shall require the school community council of each elementary, middle,
486 and junior high school within the district to develop and submit annually to the committee a
487 child access routing plan.

488 [~~17~~] (18) (a) Each school board shall adopt and implement a comprehensive
489 emergency response plan to prevent and combat violence in its public schools, on school
490 grounds, on its school vehicles, and in connection with school-related activities or events.

- 491 (b) The board shall implement its plan by July 1, 2000.
- 492 (c) The plan shall:
- 493 (i) include prevention, intervention, and response components;
- 494 (ii) be consistent with the student conduct and discipline polices required for school
- 495 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;
- 496 (iii) require inservice training for all district and school building staff on what their
- 497 roles are in the emergency response plan; and
- 498 (iv) provide for coordination with local law enforcement and other public safety
- 499 representatives in preventing, intervening, and responding to violence in the areas and activities
- 500 referred to in Subsection [~~(17)~~] (18)(a).
- 501 (d) The State Board of Education, through the state superintendent of public
- 502 instruction, shall develop comprehensive emergency response plan models that local school
- 503 boards may use, where appropriate, to comply with Subsection [~~(17)~~] (18)(a).
- 504 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
- 505 Education that its plan has been practiced at the school level and presented to and reviewed by
- 506 its teachers, administrators, students, and their parents and local law enforcement and public
- 507 safety representatives.
- 508 [~~(18)~~] (19) (a) Each local school board may adopt an emergency response plan for the
- 509 treatment of sports-related injuries that occur during school sports practices and events.
- 510 (b) The plan may be implemented by each secondary school in the district that has a
- 511 sports program for students.
- 512 (c) The plan may:
- 513 (i) include emergency personnel, emergency communication, and emergency
- 514 equipment components;
- 515 (ii) require inservice training on the emergency response plan for school personnel who
- 516 are involved in sports programs in the district's secondary schools; and
- 517 (iii) provide for coordination with individuals and agency representatives who:
- 518 (A) are not employees of the school district; and
- 519 (B) would be involved in providing emergency services to students injured while
- 520 participating in sports events.
- 521 (d) The board, in collaboration with the schools referred to in Subsection [~~(18)~~]

522 ~~(19)~~(b), may review the plan each year and make revisions when required to improve or
523 enhance the plan.

524 (e) The State Board of Education, through the state superintendent of public
525 instruction, shall provide local school boards with an emergency plan response model that local
526 boards may use to comply with the requirements of this Subsection [~~(18)~~] (19).

527 [~~(19)~~] (20) A board shall do all other things necessary for the maintenance, prosperity,
528 and success of the schools and the promotion of education.

529 Section 10. Section **53A-3-403** is amended to read:

530 **53A-3-403. School district fiscal year -- Statistical reports.**

531 (1) A school district's fiscal year begins on July 1 and ends on June 30.

532 (2) (a) The district shall forward statistical reports for the preceding school year,
533 containing items required by law or by the State Board of Education, to the state superintendent
534 not later than November 1 of each year.

535 (b) The reports shall include information to enable the state superintendent to complete
536 the statement required under Subsection 53A-1-301 [~~(2)~~] (3)(d)(v).

537 (3) The district shall forward the opinion on the statistical report of the auditors
538 employed under Section 51-2-1 to the state superintendent not later than October 15 of each
539 year.

540 (4) The district shall include the following information in its report:

541 (a) a summary of the number of students in the district given fee waivers, the number
542 of students who worked in lieu of a waiver, and the total dollar value of student fees waived by
543 the district;

544 (b) a copy of the district's fee and fee waiver policy;

545 (c) a copy of the district's fee schedule for students; and

546 (d) notices of fee waivers provided to a parent or guardian of a student.

547 Section 11. Section **53A-3-404** is amended to read:

548 **53A-3-404. Annual financial report -- Audit report.**

549 (1) The annual financial report of each school district, containing items required by law
550 or by the State Board of Education and attested to by independent auditors, shall be prepared as
551 required by Section 51-2-1.

552 (2) The auditors employed under Section 51-2-1 shall complete their field work in

553 sufficient time to allow them to verify necessary audit adjustments included in the annual
554 financial report to the state superintendent.

555 (3) (a) (i) The district shall forward the annual financial report to the state
556 superintendent not later than October 1.

557 (ii) The report shall include information to enable the state superintendent to complete
558 the statement required under Subsection 53A-1-301[(2)] (3)(d)(v).

559 (b) (i) The State Board of Education shall publish electronically a copy of the report on
560 the Internet not later than December 15.

561 (ii) The report may be combined with the report required to be published under
562 Subsection 53A-3-416(3)(b).

563 (4) The completed audit report shall be delivered to the school district board of
564 education and the state superintendent of public instruction not later than November 30 of each
565 year.

566 Section 12. Section **53A-3-411** is amended to read:

567 **53A-3-411. Employment of school personnel -- Length of contract -- Termination**
568 **for cause -- Individual contract of employment.**

569 (1) A local school board may enter into a written employment contract for a term not to
570 exceed five years.

571 (2) Nothing in the terms of the contract shall restrict the power of a local school board
572 to terminate the contract for cause at any time.

573 (3) (a) A local school board may not enter into a collective bargaining agreement that
574 prohibits or limits individual contracts of employment.

575 (b) Subsection (3)(a) does not apply to an agreement that was entered into before May
576 5, 2003.

577 Section 13. Section **53A-6-103** is amended to read:

578 **53A-6-103. Definitions.**

579 As used in this chapter:

580 (1) "Accredited institution" means an institution meeting the requirements of Section
581 53A-6-107.

582 (2) (a) "Alternative preparation program" means preparation for licensure in
583 accordance with applicable law and rule through other than an approved preparation program.

584 (b) "Alternative preparation program" includes the competency-based licensing
585 program described in Section 53A-6-104.5.

586 (3) "Ancillary requirement" means a requirement established by law or rule in addition
587 to completion of an approved preparation program or alternative education program or
588 establishment of eligibility under the NASDTEC Interstate Contract, and may include any of
589 the following:

- 590 (a) minimum grade point average;
- 591 (b) standardized testing or assessment;
- 592 (c) mentoring;
- 593 (d) recency of professional preparation or experience;
- 594 (e) graduation from an accredited institution; or
- 595 (f) evidence relating to moral, ethical, physical, or mental fitness.

596 (4) "Approved preparation program" means a program for preparation of educational
597 personnel offered through an accredited institution in Utah or in a state which is a party to a
598 contract with Utah under the NASDTEC Interstate Contract and which, at the time the
599 program was completed by the applicant:

- 600 (a) was approved by the governmental agency responsible for licensure of educators in
601 the state in which the program was provided;
 - 602 (b) satisfied requirements for licensure in the state in which the program was provided;
 - 603 (c) required completion of a baccalaureate; and
 - 604 (d) included a supervised field experience.
- 605 (5) "Board" means the Utah State Board of Education.
- 606 (6) "Certificate" means a license issued by a governmental jurisdiction outside the
607 state.

608 (7) "Core academic subjects" means English, reading or language arts, mathematics,
609 science, foreign languages, civics and government, economics, arts, history, and geography.

610 [~~7~~] (8) "Educator" means:

- 611 (a) a person who holds a license;
- 612 (b) a teacher, counselor, administrator, librarian, or other person required, under rules
613 of the board, to hold a license; or
- 614 (c) a person who is the subject of an allegation which has been received by the board or

615 UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a
616 position requiring licensure.

617 ~~[(8)]~~ (9) "Endorsement" means a stipulation appended to a license setting forth the
618 areas of practice to which the license applies.

619 ~~[(9)]~~ (10) "License" means an authorization issued by the board which permits the
620 holder to serve in a professional capacity in the public schools. The ~~[four]~~ five levels of
621 licensure are:

622 (a) "letter of authorization," which is:

623 (i) a temporary license issued to a person who has not completed requirements for a
624 competency-based, or level 1, 2, or 3 license, such as:

625 (A) a student teacher [or a person hired to perform professional services on an
626 emergency basis when fully qualified personnel are not available]; or

627 (B) a person participating in an alternative preparation program; or

628 (ii) a license issued, pursuant to board rules, to a person who has achieved eminence,
629 or has outstanding qualifications, in a field taught in public schools;

630 (b) "competency-based license" which is issued to a teacher based on the teacher's
631 demonstrated teaching skills and abilities;

632 ~~[(b)]~~ (c) "level 1 license," which is a license issued upon completion of an approved
633 preparation program or an alternative preparation program, or pursuant to an agreement under
634 the NASDTEC Interstate Contract, to candidates who have also met all ancillary requirements
635 established by law or rule;

636 ~~[(c)]~~ (d) "level 2 license," which is a license issued after satisfaction of all requirements
637 for a level 1 license as well as any additional requirements established by law or rule relating to
638 professional preparation or experience; and

639 ~~[(d)]~~ (e) "level 3 license," which is a license issued to an educator who holds a current
640 Utah level 2 license and has also received, in the educator's field of practice, National Board
641 certification or a doctorate from an accredited institution.

642 ~~[(10)]~~ (11) "NASDTEC" means the National Association of State Directors of Teacher
643 Education and Certification.

644 ~~[(11)]~~ (12) "NASDTEC Interstate Contract" means the contract implementing Title
645 53A, Chapter 6, Part 2, Compact for Interstate Qualification of Educational Personnel, which is

646 administered through NASDTEC.

647 ~~[(12)]~~ (13) "National Board certification" means a current certificate issued by the
648 National Board for Professional Teaching Standards.

649 ~~[(13)]~~ (14) "Necessarily existent small school" means a school classified as a
650 necessarily existent small school in accordance with Section 53A-17a-109.

651 ~~[(14)]~~ (15) "Office" means the Utah State Office of Education.

652 ~~[(15)]~~ (16) "Rule" means an administrative rule adopted by the board under Title 63,
653 Chapter 46a, Utah Administrative Rulemaking Act.

654 ~~[(16)]~~ (17) "School" means a public or private entity which provides educational
655 services to a minor child.

656 ~~[(17)]~~ (18) "Small school district" means a school district with an enrollment of less
657 than 5,000 students.

658 ~~[(18)]~~ (19) "UPPAC" means the Utah Professional Practices Advisory Commission.
659 Section 14. Section **53A-6-104** is amended to read:

660 **53A-6-104. Board licensure.**

661 (1) (a) The board may issue licenses for educators.

662 (b) ~~[(i)]~~ A person employed in a position that requires licensure by the board shall hold
663 the appropriate license.

664 ~~[(ii) The board shall issue a letter of authorization permitting a person to be employed
665 as a classroom teacher if requested by a local school board which has determined that:]~~

666 ~~[(A) the person has outstanding professional qualifications or extensive job experience
667 in the public or private sector in such areas as mathematics, science, business, information
668 technology, and applied technology; and]~~

669 ~~[(B) employment of the person would permit the school district to better meet the
670 educational goals of students.]~~

671 (2) (a) The board may by rule rank, endorse, or otherwise classify licenses and
672 establish the criteria for obtaining and retaining licenses.

673 (b)(i) The board shall make rules requiring participation in professional development
674 activities **h** **OR COMPLIANCE WITH A SCHOOL DISTRICT PROFESSIONAL DEVELOPMENT PLAN AS**
674a **PROVIDED IN SUBSECTION (4) h** in order for educators to retain their licenses.

675 (ii) An educator who is enrolling in a course of study at an institution within the state
676 system of higher education to satisfy the professional development requirements of Subsection

677 (2)(b)(i) is exempt from tuition, except for a semester registration fee established by the State
678 Board of Regents, if:

679 (A) the educator is enrolled on the basis of surplus space in the class after regularly
680 enrolled students have been assigned and admitted to the class in accordance with regular
681 procedures, normal teaching loads, and the institution's approved budget; and

682 (B) enrollments are determined by each institution under rules and guidelines
683 established by the State Board of Regents in accordance with findings of fact that space is
684 available for the educator's enrollment.

685 (3) ~~h~~ ~~[Unless]~~ **EXCEPT AS PROVIDED IN SUBSECTION (4), UNLESS h** suspended or revoked
685a by the board, or surrendered by the educator:

686 (a) a letter of authorization is valid for one year, or a shorter period as specified by the
687 board, subject to renewal by the board in accordance with board rules [~~for a total of not more~~
688 ~~than four years of full-time equivalent employment~~];

689 (b) a competency-based license remains valid;

690 [~~(b)~~] (c) a level 1 license is valid for three years, subject to renewal by the board in
691 accordance with board rules;

692 [~~(c)~~] (d) a level 2 license is valid for five years, subject to renewal by the board in
693 accordance with board rules; and

694 [~~(d)~~] (e) a level 3 license is valid for seven years, subject to renewal by the board in
695 accordance with board rules.

695a **h (4) UNLESS SUSPENDED OR REVOKED BY THE BOARD, OR SURRENDERED BY THE**
695b **EDUCATOR, A LEVEL 1, LEVEL 2, LEVEL 3, OR COMPETENCY-BASED LICENSE SHALL REMAIN**
695c **VALID IF:**

695d **(a) THE LICENSE HOLDER IS EMPLOYED BY A SCHOOL DISTRICT THAT HAS A**
695e **COMPREHENSIVE PROGRAM TO MAINTAIN AND IMPROVE EDUCATORS' SKILLS IN WHICH**
695f **PERFORMANCE STANDARDS, EDUCATOR EVALUATION, AND PROFESSIONAL DEVELOPMENT ARE**
695g **INTEGRATED; AND**

695h **(b) THE LICENSE HOLDER COMPLIES WITH SCHOOL OR SCHOOL DISTRICT PROFESSIONAL**
695i **DEVELOPMENT REQUIREMENTS. h**

696 Section 15. Section **53A-6-104.5** is enacted to read:

697 **53A-6-104.5. Licensing by competency.**

698 (1) A competency-based license to teach may be issued based on the demonstrated
699 competence of a teacher as provided in this section.

700 (2) A local school board or charter school may request, and the State Board of
701 Education shall grant a competency-based license to a person who meets the qualifications

702 specified in this section **h** AND SECTION 53A-6-401 **h** .

703 (3) A local school board or charter school may request a competency-based license if
704 the candidate meets the following qualifications:

705 (a) a license candidate who teaches one or more core academic subjects in an
706 elementary school shall:

707 (i) hold at least a bachelor's degree; and

708 (ii) have demonstrated, by passing a rigorous state test, subject knowledge and teaching
709 skills in reading, writing, mathematics, and other areas of the basic elementary school
710 curriculum;

711 (b) a license candidate who teaches one or more core academic subjects in a middle or
712 secondary school shall:

713 (i) hold at least a bachelor's degree; and

714 (ii) have demonstrated a high level of competency in each of the academic subjects in
715 which the teacher teaches by:

716 (A) passing a rigorous state academic subject test in each of the academic subjects in
717 which the teacher teaches; or

718 (B) successful completion, in each of the academic subjects in which the teacher
719 teaches, of an academic major, a graduate degree, course work equivalent to an undergraduate
720 academic major, or advanced certification or credentialing; or

721 (c) a license candidate who teaches subjects other than a core academic subject in an
722 elementary, middle, or high school shall:

723 (i) hold a bachelor's degree, associate's degree, or skill certification; and

724 (ii) have skills, talents, or abilities, as evaluated by the employing entity, that make the
725 person suited for the teaching position.

726 (4) A school district or charter school:

727 (a) shall monitor and assess the performance of each teacher holding a
728 competency-based license; and

729 (b) may recommend that the competency-based license holder's training and
730 assessment be reviewed by the Utah State Office of Education for a level 1 license.

731 Section 16. Section **53A-6-110** is enacted to read:

732 **53A-6-110. Administrative/supervisory letters of authorization.**

733 (1) A local school board may request, and the State Board of Education may grant, a
734 letter of authorization permitting a person with outstanding professional qualifications to serve
735 in any position that requires a person to hold an administrative/supervisory license or
736 certificate, including principal, assistant principal, associate principal, vice principal, assistant
737 superintendent, administrative assistant, director, specialist, or other district position.

738 (2) The State Board of Education may grant a letter of authorization permitting a

739 person with outstanding professional qualifications to serve in any position at the State Office
740 of Education that requires a person to hold an administrative/supervisory license or certificate.

741 Section 17. Section **53A-6-502** is amended to read:

742 **53A-6-502. Mandatory reporting of physical or sexual abuse of students.**

743 (1) For purposes of this section, "educator" means, in addition to a person included
744 under [~~Subsection~~] Section 53A-6-103[~~(7)~~], a person, including a volunteer or temporary
745 employee, who at the time of an alleged offense was performing a function in a private school
746 for which a license would be required in a public school.

747 (2) In addition to any duty to report suspected cases of child abuse or neglect under
748 Section 62A-4a-403, an educator who has reasonable cause to believe that a student may have
749 been physically or sexually abused by a school employee shall immediately report the belief
750 and all other relevant information to the school principal, superintendent, or to the office.

751 (3) A school administrator who has received a report under Subsection (2) or who
752 otherwise has reasonable cause to believe that a student may have been physically or sexually
753 abused by an educator shall immediately report that information to the office.

754 (4) Failure to comply with Subsection (2) or (3) shall be considered unprofessional
755 conduct.

756 (5) A person who makes a report under this section in good faith shall be immune from
757 civil or criminal liability that might otherwise arise by reason of that report.

758 Section 18. Section **53A-8-106** is amended to read:

759 **53A-8-106. Career employee status for provisional employees.**

760 (1) A provisional employee must work for a school district on at least a half-time basis
761 for three consecutive years to obtain career employee status.

762 (2) Policies of an employing school district shall determine the status of a career
763 employee in the event of the following:

764 (a) the employee accepts a position which is substantially different from the position in
765 which career status was achieved; or

766 (b) the employee accepts employment in another school district.

767 (3) If an employee who is under an order of probation or remediation in one
768 assignment in a school district is transferred or given a new assignment in the district, the order
769 shall stand until its provisions are satisfied.

770 (4) An employee who is given extra duty assignments in addition to a primary
 771 assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary
 772 employee in those extra duty assignments and may not acquire career status beyond the primary
 773 assignment.

774 (5) A person is an at-will employee and is not eligible for career employee status if the
 775 person:

776 (a) is a teacher who holds a competency-based license pursuant to Section 53A-6-104.5
 777 and does not hold a level 1, 2, or 3 license as defined in Section 53A-6-103; or

778 (b) holds an administrative/supervisory letter of authorization pursuant to Section
 779 53A-6-110.

780 Section 19. Section **53A-10-103** is amended to read:

781 **53A-10-103. Establishment of educator evaluation program -- Joint committee.**

782 (1) Each local school board shall develop an evaluation program in consultation with
 783 its educators through appointment of a joint committee.

784 (2) The joint committee shall be comprised of an equal number of classroom teachers,
 785 parents, and administrators appointed by the board.

786 (3) A board may appoint members of the joint committee from a list of nominees;

787 (a) voted on by classroom teachers in a nomination election [~~and from a list of~~
 788 nominees];

789 (b) voted on by the administrators in a nomination election[-]; and

790 (c) of parents submitted by school community councils within the district.

791 (4) The evaluation program developed by the joint committee must comply with the
 792 requirements of Section 53A-10-106.

793 Section 20. Section **53A-13-108** is enacted to read:

794 **53A-13-108. Curriculum and graduation requirements.**

795 (1) The State Board of Education shall establish rigorous curriculum and graduation
 796 requirements under Section 53A-1-402 ^h, AND CONSISTENT WITH STATE AND FEDERAL

796a REGULATIONS, ^h for grades 9 through 12 that, beginning no later than

797 with the graduating class of 2007 shall:

798 (a) use competency-based standards and assessments;

799 (b) include instruction that stresses general financial literacy from basic budgeting to
 800 financial investments, including bankruptcy education; and

801 (c) increase graduation requirements in language arts, mathematics, and science to
 802 exceed the existing credit requirements of 3.0 units in language arts, 2.0 units in mathematics,
 803 and 2.0 units in science.

804 (2) The State Board of Education shall also establish competency-based standards and
 805 assessments for elective courses.

806 Section 21. **Legislative finding -- State Board of Education study and**
 807 **recommendations -- Reports.**

808 (1) The Legislature finds that a free public education should:

809 (a) prepare each student for the student's choice of higher education or gainful
 810 employment, focusing on the core academic skills of reading, writing, science, and
 811 mathematics, balanced with exposure to the arts ~~h~~ **AND APPLIED TECHNOLOGY** ~~h~~ which will enable
 811a students ~~h~~ [~~through teamwork~~

812 ~~and cooperation,]~~ ~~h~~ to:

813 (i) communicate effectively, both verbally and through written communication;

814 (ii) apply mathematics; and

815 (iii) access, analyze, and apply information; and

816 (b) train students in the key attributes required for successful living ~~h~~ [~~including those~~
 817 ~~described in "What Work Requires of Schools: A SCANS Report for America 2000" from the~~
 818 ~~Secretary's Commission on Achieving Necessary Skills of the U.S. Department of Labor]~~ ~~h~~ .

819 (2) In accordance with the findings described under Subsection (1), the State Board of
 820 Education shall study and make recommendations for:

821 (a) aligning responsibility, authority, accountability, and funding for the State Board of
 822 Education, state superintendent, and local school districts;

823 (b) an improved environment of academic achievement;

824 (c) implementing competency-based progress and measurement systems that allow
 825 each student to continually progress within and between course levels at an individual optimal
 826 rate;

827 (d) assuring that each high school senior is progressing in challenging courses;

828 (e) developing, with employers, trades, professions, and the State Board of Regents
 829 competency standards for progress or graduation;

830 (f) improving methods of motivating school districts to increase academic discipline,
 831 including reduced cutting of classes by students and utilizing means such as closed campuses;

832 (g) implementing a progress-based assessment system that continually tracks individual
 833 student progress each year in each of the core academic areas by:

834 (i) tracking student progress from year to year on a longitudinal basis, rather than
 835 aggregate levels of performance;

836 (ii) utilizing national norm-referenced tests as benchmarks, so that the progress of Utah
 837 students can be compared to the progress of students in other states and the nation;

838 (iii) providing progress assessment data that follow each student wherever that student
 839 attends schools in the state; and

840 (iv) making the assessment data available to parents to permit them to make fully
 841 informed decisions regarding the districts, schools, and teachers they wish to involve in the
 842 educational process for their children;

843 (h) developing methods to increase school choice among public schools, including
 844 intradistrict and interdistrict transfers, and expansion of alternative schools such as charter
 845 schools and New Century schools;

846 (i) aligning the current funding mechanisms with the priorities of the strategy focusing
 847 on core academics, to include financial incentives and consequences;

848 (j) developing a new incremental state funding mechanism for public education that:

849 (i) motivates school districts to focus on achieving value-added progress in core
 850 academics;

851 (ii) is tied to the progress-based assessment system described under Subsection (2)(g);

852 (iii) provides funding details, including adjustments for mobility; and

853 (iv) provides school districts, parents, students, and educators an economic incentive
 854 for developing economic efficiencies in the delivery of instruction;

855 (k) remediating schools and districts that do not meet appropriate standards based on
 856 the progress-based assessment described above, including possible transfer of control to the
 857 State Board of Education;

858 (l) developing ways to meet a variety of learning styles;

859 (m) developing savings through building utilization ^h [~~including double sessions and~~

860 year-round schedules] AND PER SQUARE FOOT COST LIMITATION IN BUILDING CONSTRUCTION

860a PROGRAMS ^h ; and

861 (n) implementing other best demonstrated practices of other states and their school
 862 districts that are achieving significant improvement in core academic progress.

863 (3) (a) By August 15, 2003, the State Board of Education shall submit an initial report
 864 to the governor's office for use at the State Education Summit Meeting.

865 (b) The State Board of Education shall make at least three annual reports on the issues
 866 described under Subsection (2) to the Education Interim Committee.

867 (c) A final report, including any proposed legislation, shall be presented to the
 868 Education Interim Committee prior to November 30, 2003, 2004, and 2005.

869 Section 22. **Education Interim Committee -- Request for proposals --**
 870 **Appropriation.**

871 (1) The Education Interim Committee, after consultation with the State Board of
 872 Education ^h AND THE PUBLIC EDUCATION LEGISLATIVE TASK FORCE ^h, shall issue a three-stage
 872a request for proposals responding to Utah's need to stretch

873 educational dollars and improve student performance, including:

874 (a) the definition of the core mission of public education in the state;

875 (b) how the following features could be used to accelerate student progress and
 876 achievement, including the costs saved or required for implementation and program
 877 maintenance:

878 (i) daily and weekly competency-based progress;

879 (ii) self-paced progress;

880 (iii) technologies to support assessment and student tracking;

881 (iv) new student and teacher support mechanisms;

882 (v) new delivery methods, including the use of the Internet; and

883 (vi) strategies for reallocating resources to core curriculum requirements; and

884 (c) how the components described under Subsection (1)(b) can be aligned and
 885 harmonized to reduce delivery costs and overhead, including administration and clerical work.

886 (2) The issuance of the request for proposals under Subsection (1) shall proceed as
 887 follows:

888 (a) a general and widely advertised invitation for preliminary proposals;

889 (b) a selection of up to three promising proposals for the development of a complete
 890 proposal, but promising consideration of all complete proposals developed with private funds;
 891 and

892 (c) a selection of one or more of the final proposals for recommendation to the
 893 Legislature and the educational community for developmental funding and implementation.

894 (3) There is appropriated from the General Fund for fiscal year 2002-03 only, \$150,000
895 to the Office of Legislative Research and General Counsel for the Education Interim
896 Committee to issue the request for proposals described in this section.

897 (4) By August 15, 2003, the Education Interim Committee shall submit an initial report
898 to the governor's office for use at the State Education Summit Meeting.

899 **Section 23. Public Education Appropriations Subcommittee -- Study -- Report.**

900 (1) The Public Education Appropriations Subcommittee shall:

901 (a) receive the study of the State Board of Education made in accordance with Section
902 53A-1-409;

903 (b) make recommendations for the allocation of public education monies, based upon
904 both new public education monies and the reallocation of monies required to implement
905 competency-based education standards and assessments; and

906 (c) other issues that may be recommended by the Public Education Appropriations
907 Subcommittee.

908 (2) (a) By August 15, 2003, the Public Education Appropriations Subcommittee shall
909 submit an initial report to the governor's office for use at the State Education Summit Meeting.

910 (b) A final report shall be presented before November 30, 2003, to the Executive
911 Appropriations Committee.

912 **Section 24. Additional meetings authorized -- Appropriations.**

913 (1) The Education Interim Committee and the Public Education Appropriations
914 Subcommittee are each authorized to hold two additional meetings during the 2003 interim.

915 (2) There is appropriated from the General Fund for fiscal year 2002-03 only, the
916 following amounts for the additional meetings under Subsection (1):

917 (a) \$4,500 to the Senate to pay for the compensation and expenses of senators on the
918 committees;

919 (b) \$10,000 to the House of Representatives to pay for the compensation and expenses
920 of representatives on the committees;

921 (c) \$5,000 to the Office of Legislative Research and General Counsel to pay for
922 staffing expenses; and

923 (d) \$5,000 to the Office of the Legislative Fiscal Analyst to pay for staffing expenses.

924 **Section 25. State Board of Regents -- Study.**

925 (1) The State Board of Regents shall study and make recommendations on changes to
 926 the system of higher education that may be required to accommodate and coordinate with
 927 public education as public education implements competency-based education and
 928 progress-based assessments.

929 (2) By August 15, 2003, the State Board of Regents shall submit a report to the
 930 governor's office for use at the State Education Summit Meeting.

931 **Section 26. State Board of Education -- Appropriation.**

932 (1) There is appropriated for the fiscal year beginning July 1, 2003, ~~h~~ [\$4,000,000]
 932a \$1,800,000 h from
 933 the Uniform School Fund to the State Office of Education.

934 (2) The State Board of Education shall use the appropriation under Subsection (1) to:

935 (a) create a definition of how competency-based educational processes will be
 936 employed in the public education system;

937 (b) complete an initial pilot program in competency-based educational processes;

938 (c) create specifications for developing and implementing:

939 (i) a progress-based assessment system to measure and monitor individual student
 940 progress in core academic subjects; and

941 (ii) a teacher development plan focused on achieving progress in core academic
 942 subjects; and

943 (d) develop a joint program between public education and higher education to foster
 944 superior teaching as defined by progress-based assessments in core academic subjects.

945 **Section 27. State Education Summit Meeting.**

946 (1) (a) The governor's office shall organize a State Education Summit Meeting to be
 947 held after September 1 in 2003.

948 (b) The State Board of Education and state superintendent of public instruction shall
 949 provide staff support for the summit meeting.

950 (2) The participants in the State Education Summit Meeting shall be:

951 (a) the State Board of Education;

952 (b) the state superintendent of public instruction;

953 (c) representatives of local school boards and superintendents;

954 (d) the Education Interim Committee;

955 (e) the Public Education Appropriations Subcommittee;

956 (f) the governor's office;

957 (g) the State Board of Regents;

958 (h) the commissioner of higher education;

959 (i) representatives of Utah's higher education institutions;

960 (j) representatives of educators;

961 (k) representatives of business, industry, and employers;

961a **h (l) THE PUBLIC EDUCATION LEGISLATIVE TASK FORCE; h**

962 **h [(tt)] (m) h** representatives of students' parents; and

963 **h [(tt)] (n) h** other invited participants.

964 (3) The purpose of the State Education Summit Meeting shall be to:

965 (a) hear the initial reports of the State Board of Education, the Education Interim

966 Committee, the Public Education Appropriations Subcommittee, and State Board of Regents

967 required under this act;

968 (b) discuss issues relating to this act, including the emphasis on core academic

969 subjects, competency-based education, and progress-based assessments; and

970 (c) develop plans, coordinate efforts, make recommendations, and propose legislation

971 needed to implement this act.