

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 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, mathematics, and science. This act requires U-PASS scores to be aligned with national benchmarks. This act creates the Competency-based Education Council and specifies its membership, chairs, term of office, compensation, duties, and required report. This act provides an emphasis on competency-based education and measurement systems 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 district-specific licenses 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 creates the Competency based Education Block Grant Program and appropriates, beginning on July 1, 2003, \$30,000,000 to the program. This act requires the State Board of Education to study, make recommendations, and report to



28 **the Education Interim Committee on an enumerated list of strategies to improve public**
29 **education. This act appropriates \$150,000 for fiscal year 2002-03 only to the Office of**
30 **Legislative Research and General Counsel to allow the Education Interim Committee to**
31 **issue a specified request for proposals. This act requires the Public Education**
32 **Appropriations Subcommittee to study and report on specified funding issues. This act**
33 **authorizes additional legislative committee meetings during the 2003 interim and**
34 **appropriates \$24,500 from the General Fund, for fiscal year 2003-04 only, to cover the**
35 **additional meeting expenses. This act makes technical corrections.**

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

37 AMENDS:

38 **20A-14-104**, as last amended by Chapter 184, Laws of Utah 1997
39 **20A-14-105**, as enacted by Chapter 1, Laws of Utah 1995
40 **20A-14-202**, as last amended by Chapter 331, Laws of Utah 2000
41 **53A-1-301**, as last amended by Chapter 244, Laws of Utah 2002
42 **53A-1-402**, as last amended by Chapter 244, Laws of Utah 2002
43 **53A-1-402.6**, as last amended by Chapters 299 and 324, Laws of Utah 2002
44 **53A-1-603**, as last amended by Chapter 7, Laws of Utah 2002, Fifth Special Session
45 **53A-1a-104**, as last amended by Chapter 86, Laws of Utah 2001
46 **53A-3-301**, as last amended by Chapter 331, Laws of Utah 2000
47 **53A-3-402**, as last amended by Chapters 322 and 324, Laws of Utah 2002
48 **53A-3-403**, as last amended by Chapter 53, Laws of Utah 1992
49 **53A-3-404**, as last amended by Chapter 297, Laws of Utah 2001
50 **53A-3-411**, as enacted by Chapter 2, Laws of Utah 1988
51 **53A-6-103**, as last amended by Chapter 253, Laws of Utah 2002
52 **53A-6-104**, as last amended by Chapter 41, Laws of Utah 2002
53 **53A-6-502**, as enacted by Chapter 108, Laws of Utah 1999
54 **53A-8-106**, as repealed and reenacted by Chapter 324, Laws of Utah 1999

55 ENACTS:

56 **53A-1-901**, Utah Code Annotated 1953
57 **53A-1-902**, Utah Code Annotated 1953
58 **53A-6-104.5**, Utah Code Annotated 1953

59 **53A-6-110**, Utah Code Annotated 1953
 60 **53A-13-108**, Utah Code Annotated 1953
 61 **53A-17a-149**, 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 committees -- 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 1 of the year in which a State Board of Education member's term expires,
 71 the lieutenant governor shall submit the name of each person who has filed a declaration of
 72 candidacy for the State Board of Education to the nominating committee for the State Board of
 73 Education [~~district in which that candidate resides~~].

74 (2) By May 1 of the year in which a State Board of Education member's term expires,
 75 the governor shall:

76 (a) appoint a nominating committee consisting of [~~seven~~] ten members, each to serve a
 77 one-year term, [~~for the state board district that member represents;~~] of which:

78 (i) five members shall have education expertise; and

79 (ii) five members shall have business, industry, or employer expertise;

80 (b) ensure that each member of the nominating committee resides within the state
 81 [~~board district~~]; and

82 [~~(c) ensure that:~~]

83 [~~(i) one member of the nominating committee serves on a local school board within the~~
 84 ~~state board district;~~]

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

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

89 [~~(iv) one member of the nominating committee belongs to a parent association that~~

90 provides direct and ongoing support to public schools within the district; and]

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

93 [~~(d)~~ (c) designate one member to serve as chair for the committee.

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

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

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

101 (4) [~~Each~~] The nominating committee shall:

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

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

107 (c) ensure that the list includes appropriate background information on each candidate.

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

111 (a) business and industry administration;

112 (b) business and industry human resource management;

113 (c) business and industry finance;

114 (d) business and industry, including expertise in:

115 (i) metrics and evaluation;

116 (ii) manufacturing;

117 (iii) retailing;

118 (iv) natural resources;

119 (v) information technology;

120 (vi) construction; and

- 121 (v) banking;
 122 (e) higher education administration;
 123 (f) applied technology education;
 124 (g) public education administration;
 125 (h) public education instruction;
 126 (i) economic development; and
 127 (j) labor.

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

129 **20A-14-105. Becoming a candidate for membership on the State Board of**
 130 **Education -- Selection of candidates by the governor -- Ballot placement.**

- 131 (1) By September 1 of each regular general election year, the governor shall:
 132 (a) for each state board district subject to election in that year, select two candidates
 133 for the State Board of Education from the lists submitted by the state board district nominating
 134 [~~committees~~] committee; and
 135 (b) certify the names of the two candidates from each school board district to the
 136 lieutenant governor.
 137 (2) If the governor fails to select two candidates for a state board district by September
 138 1, the nominating committee [~~from that district~~] shall:
 139 (a) select the two candidates; and
 140 (b) notify the lieutenant governor of its selections by September 15.
 141 (3) The lieutenant governor shall:
 142 (a) conduct a lottery to determine the order of the candidates' names on the ballot; and
 143 (b) certify the names and order of the names to the county clerks for placement on the
 144 nonpartisan section of the ballot.

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

146 **20A-14-202. Local Boards of Education -- Membership -- When elected --**
 147 **Qualifications -- Avoiding conflicts of interest.**

- 148 (1) (a) [~~The~~] Except as provided in Subsection (1)(b), the board of education of a
 149 school district with a student population of up to 24,000 students shall consist of five members.
 150 (b) The board of education of a school district with a student population of more than
 151 14,000 students but fewer than 24,000 students shall increase from five to seven members

152 beginning with the ~~[2002]~~ 2004 regular general election.

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

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

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

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

162 ~~[(f)]~~ (g) (i) Members of a local board of education shall be elected at each regular
163 general election.

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

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

171 ~~[(g)]~~ (h) One member of the local board of education shall be elected from each local
172 school board district.

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

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

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

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

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

181 **53A-1-301. Appointment -- Qualifications -- Duties.**

182 (1) (a) The State Board of Education shall appoint a superintendent of public

183 instruction, hereinafter called the state superintendent, who is the executive officer of the board
184 and serves at the pleasure of the board.

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

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

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

191 (a) core curriculum and graduation requirements;

192 (b) a process to select instructional materials that best correlate to the core curriculum
193 and graduation requirements;

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

195 (d) remediation programs;

196 (e) a method for creating individual student targets and development plans, and a
197 method of measuring an individual student's performance toward those targets;

198 (f) metrics for ongoing performance evaluations of districts and schools;

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

201 (h) an annual report card for school and district performance, measuring learning and
202 reporting value-added;

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

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

207 [~~2~~] (3) The superintendent shall perform duties assigned by the board, including the
208 following:

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

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

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

213 (d) presenting to the governor and the Legislature each December a report of the public

214 school system for the preceding year to include:

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

217 (ii) a complete statement of fund balances;

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

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

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

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

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

232 (A) alcohol and drug abuse;

233 (B) weapon possession;

234 (C) assaults; and

235 (D) arson; and

236 (viii) other statistical and financial information about the school system which the
237 superintendent considers pertinent;

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

242 (i) data that are:

243 (A) comparable across schools and school districts;

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

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

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

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

250 (B) interpret the data visually; and

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

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

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

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

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

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

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

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

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

265 [~~3~~] (4) Upon leaving office, the state superintendent shall deliver to his successor all
266 books, records, documents, maps, reports, papers, and other articles pertaining to his office.

267 Section 5. Section **53A-1-402** is amended to read:

268 **53A-1-402. Board to establish minimum standards for public schools.**

269 (1) The State Board of Education shall establish rules and minimum standards for the
270 public schools that are consistent with this title, including rules and minimum standards
271 governing the following:

272 (a) (i) the qualification and certification of educators and ancillary personnel who
273 provide direct student services;

274 (ii) required school administrative and supervisory services; and

275 (iii) the evaluation of instructional personnel;

- 276 (b) (i) access to programs;
- 277 (ii) attendance;
- 278 (iii) competency levels;
- 279 (iv) graduation requirements; and
- 280 (v) discipline and control;
- 281 (c) (i) school accreditation;
- 282 (ii) the academic year;
- 283 (iii) alternative and pilot programs;
- 284 (iv) curriculum and instruction requirements;
- 285 (v) school libraries; and
- 286 (vi) services to:
 - 287 (A) persons with a disability as defined by and covered under:
 - 288 (I) the Americans with Disabilities Act of 1990, 42 U.S.C. 12102;
 - 289 (II) the Rehabilitation Act of 1973, 29 U.S.C. 705(20)(A); and
 - 290 (III) the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3); and
 - 291 (B) other special groups;
- 292 (d) (i) state reimbursed bus routes;
- 293 (ii) bus safety and operational requirements; and
- 294 (iii) other transportation needs; and
- 295 (e) (i) school productivity and cost effectiveness measures;
- 296 (ii) federal programs;
- 297 (iii) school budget formats; and
- 298 (iv) financial, statistical, and student accounting requirements.
- 299 (2) The board shall determine if:
 - 300 (a) the minimum standards have been met; and
 - 301 (b) required reports are properly submitted.
- 302 (3) The board may apply for, receive, administer, and distribute to eligible applicants
- 303 funds made available through programs of the federal government.
- 304 (4) The board shall approve any competency-based high school diploma equivalent
- 305 before any applied technology college may offer the diploma equivalent.
- 306 (5) The board shall annually report to the Education Interim Committee on the progress

307 of implementing the strategy of focusing on core academics and the results being achieved as
308 measured by individual student progress and national benchmarks.

309 Section 6. Section **53A-1-402.6** is amended to read:

310 **53A-1-402.6. Core curriculum.**

311 (1) In establishing minimum standards related to curriculum and instruction
312 requirements under Section 53A-1-402, the State Board of Education shall, in consultation
313 with local school boards, school superintendents, teachers, employers, and parents [~~define and~~
314 ~~establish~~] implement a core curriculum[-] which will enable students, through teamwork and
315 cooperation, to:

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

317 (b) apply mathematics; and

318 (c) access, analyze, and apply information.

319 (2) The board shall:

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

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

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

328 (a) English, including explicit phonics, spelling, grammar, reading, writing,
329 vocabulary, speech, and listening;

330 (b) mathematics, including basic computational skills; and

331 (c) science.

332 [~~3~~] (4) Local school boards shall design their school programs to focus on the core
333 curriculum with the expectation that each program will enhance or help achieve mastery of the
334 core curriculum.

335 [~~4~~] (5) Except as provided in Section 53A-13-101, each school may select
336 instructional materials and methods of teaching that it considers most appropriate to meet core
337 curriculum objectives.

338 Section 7. Section **53A-1-603** is amended to read:

339 **53A-1-603. Duties of State Board of Education.**

340 (1) The State Board of Education shall:

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

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

347 (c) develop an assessment method to uniformly measure statewide performance,
348 school district performance, and school performance of students in grades 1 through 12 in
349 mastering basic skills courses; [~~and~~]

350 (d) provide for the state to participate in the National Assessment of Educational
351 Progress state-by-state comparison testing program[-]; and

352 (e) align U-PASS scores with national benchmarks to facilitate the comparison of Utah
353 students' progress with the progress of students of other states.

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

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

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

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

360 (d) a tenth grade basic skills competency test as detailed in Section 53A-1-611, with
361 the first test to be administered during the 2003-04 school year.

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

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

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

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

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

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

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

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

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

386 (e) providing that:

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

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

392 Section 8. Section **53A-1-901** is enacted to read:

393 **Part 9. Competency-based Education Council**

394 **53A-1-901. Competency-based Education Council -- Membership -- Chair --**

395 **Term of office -- Compensation.**

396 (1) There is created the Competency-based Education Council.

397 (2) The council shall consist of the following five members:

398 (a) four members appointed by the governor, with the consent of the Senate:

399 (i) one member with experience in information technology development;

400 (ii) one member with experience in competency-based progress;
401 (iii) one member with experience in education research and best practices; and
402 (iv) one member with experience in business and industry; and
403 (b) the state superintendent of public instruction.
404 (3) The council shall elect a chair each year.
405 (4) (a) Except as required by Subsection (4)(b), the term of office of the members
406 appointed by the governor shall be four years, beginning July 1 of the year of appointment.
407 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
408 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
409 members are staggered so that approximately half of the council is appointed every two years.
410 (6) Each member shall hold office until the member's successor is appointed and
411 qualified.
412 (7) When a vacancy occurs in the membership of the council for any reason, the
413 replacement shall be appointed for the unexpired term.
414 (8) The council shall meet at the discretion of the chair.
415 (9) (a) Members may not receive compensation or benefits for their services, but may
416 receive per diem and expenses incurred in the performance of the member's official duties at
417 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
418 (b) Members may decline to receive per diem and expenses for their service.
419 Section 9. Section **53A-1-902** is enacted to read:
420 **53A-1-902. Competency-based Education Council -- Duties -- Report.**
421 (1) The Competency-based Education Council shall:
422 (a) provide expertise to and consult with the board, local school boards, and school
423 districts relating to competency-based progress;
424 (b) monitor the expenditures of the Competency-based Education Block Grant Program
425 under Section 53A-17a-149;
426 (c) make recommendations to the board relating to the amount and allocation of public
427 education monies required to implement:
428 (i) a value-added metrics system; and
429 (ii) a teacher development program focused on achieving progress in core academics;
430 and

431 (d) submit a report to the board prior to September 30 of each year that details the
432 council's findings in accordance with this section, including any recommendations.

433 Section 10. Section **53A-1a-104** is amended to read:

434 **53A-1a-104. Characteristics of public education system.**

435 The Legislature shall assist in maintaining a public education system that has the
436 following characteristics:

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

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

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

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

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

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

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

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

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

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

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

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

468 (13) emphasizes competency-based progress, including tracking and measurement
469 systems.

470 Section 11. Section **53A-3-301** is amended to read:

471 **53A-3-301. Superintendent of schools -- Appointment -- Qualifications -- Term --**
472 **Compensation.**

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

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

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

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

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

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

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

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

491 Section 12. Section **53A-3-402** is amended to read:

492 **53A-3-402. Powers and duties generally.**

493 (1) Each local school board shall:

494 (a) implement the core curriculum utilizing instructional materials that best correlate to
495 the core curriculum;

496 (b) administer tests, which measure the progress of each student, and coordinate with
497 the state superintendent and State Board of Education to assess results and create plans to
498 improve the student's progress which shall be submitted to the State Office of Education for
499 approval;

500 (c) use value-added metrics to identify schools, teachers, and students that need
501 remediation and utilize state and local resources to implement remediation;

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

503 (e) work with the State Office of Education to establish a library of documented best
504 practices for use by the local districts; and

505 (f) coordinate with the State Office of Education and Utah's higher education
506 institutions to develop and implement training programs for school administrators, including
507 basic management training, best practices in instructional methods, budget training, staff
508 management, managing for learning results and continuous improvement, and how to help
509 every child achieve optimal learning in core academics.

510 [~~(1)~~] (2) Local school boards shall spend minimum school program funds for programs
511 and activities for which the State Board of Education has established minimum standards or
512 rules under Section 53A-1-402.

513 [~~(2)~~] (3) (a) A board may purchase, sell, and make improvements on school sites,
514 buildings, and equipment and construct, erect, and furnish school buildings.

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

517 [~~(3)~~] (4) (a) A board may participate in the joint construction or operation of a school
518 attended by children residing within the district and children residing in other districts either
519 within or outside the state.

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

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

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

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

524 ~~[(4)]~~ (5) A board may establish, locate, and maintain elementary, secondary, and
525 applied technology schools.

526 ~~[(5)]~~ (6) A board may enroll children in school who are at least five years of age before
527 September 2 of the year in which admission is sought.

528 ~~[(6)]~~ (7) A board may establish and support school libraries.

529 ~~[(7)]~~ (8) A board may collect damages for the loss, injury, or destruction of school
530 property.

531 ~~[(8)]~~ (9) A board may authorize guidance and counseling services for children and their
532 parents or guardians prior to, during, or following enrollment of the children in schools.

533 ~~[(9)]~~ (10) (a) A board may apply for, receive, and administer funds made available
534 through programs of the federal government.

535 (b) Federal funds are not considered funds within the school district budget under Title
536 53A, Chapter 19, School District Budgets.

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

539 ~~[(10)]~~ (11) (a) A board may organize school safety patrols and adopt rules under which
540 the patrols promote student safety.

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

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

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

548 ~~[(11)]~~ (12) (a) A board may on its own behalf, or on behalf of an educational institution
549 for which the board is the direct governing body, accept private grants, loans, gifts,
550 endowments, devises, or bequests that are made for educational purposes.

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

552 ~~[(12)]~~ (13) (a) A board may appoint and fix the compensation of a compliance officer
553 to issue citations for violations of Subsection 76-10-105(2).

554 (b) A person may not be appointed to serve as a compliance officer without the

555 person's consent.

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

557 [~~13~~] (14) A board shall adopt bylaws and rules for its own procedures.

558 [~~14~~] (15) (a) A board shall make and enforce rules necessary for the control and
559 management of the district schools.

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

562 [~~15~~] (16) A board may hold school on legal holidays other than Sundays.

563 [~~16~~] (17) (a) Each board shall establish for each school year a school traffic safety
564 committee to implement this Subsection [~~16~~] (17).

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

566 (i) the schools within the district;

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

568 (iii) the municipality or county;

569 (iv) state or local law enforcement; and

570 (v) state or local traffic safety engineering.

571 (c) The committee shall:

572 (i) receive suggestions from parents, teachers, and others and recommend school traffic
573 safety improvements, boundary changes to enhance safety, and school traffic safety program
574 measures;

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

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

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

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

585 (e) The board shall require the school community council of each elementary, middle,

586 and junior high school within the district to develop and submit annually to the committee a
587 child access routing plan.

588 ~~[(17)]~~ (18) (a) Each school board shall adopt and implement a comprehensive
589 emergency response plan to prevent and combat violence in its public schools, on school
590 grounds, on its school vehicles, and in connection with school-related activities or events.

591 (b) The board shall implement its plan by July 1, 2000.

592 (c) The plan shall:

593 (i) include prevention, intervention, and response components;

594 (ii) be consistent with the student conduct and discipline polices required for school
595 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

596 (iii) require inservice training for all district and school building staff on what their
597 roles are in the emergency response plan; and

598 (iv) provide for coordination with local law enforcement and other public safety
599 representatives in preventing, intervening, and responding to violence in the areas and activities
600 referred to in Subsection ~~[(17)]~~ (18)(a).

601 (d) The State Board of Education, through the state superintendent of public
602 instruction, shall develop comprehensive emergency response plan models that local school
603 boards may use, where appropriate, to comply with Subsection ~~[(17)]~~ (18)(a).

604 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
605 Education that its plan has been practiced at the school level and presented to and reviewed by
606 its teachers, administrators, students, and their parents and local law enforcement and public
607 safety representatives.

608 ~~[(18)]~~ (19) (a) Each local school board may adopt an emergency response plan for the
609 treatment of sports-related injuries that occur during school sports practices and events.

610 (b) The plan may be implemented by each secondary school in the district that has a
611 sports program for students.

612 (c) The plan may:

613 (i) include emergency personnel, emergency communication, and emergency
614 equipment components;

615 (ii) require inservice training on the emergency response plan for school personnel who
616 are involved in sports programs in the district's secondary schools; and

617 (iii) provide for coordination with individuals and agency representatives who:
 618 (A) are not employees of the school district; and
 619 (B) would be involved in providing emergency services to students injured while
 620 participating in sports events.

621 (d) The board, in collaboration with the schools referred to in Subsection [~~(18)~~]
 622 (19)(b), may review the plan each year and make revisions when required to improve or
 623 enhance the plan.

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

627 [~~(19)~~] (20) A board shall do all other things necessary for the maintenance, prosperity,
 628 and success of the schools and the promotion of education.

629 Section 13. Section **53A-3-403** is amended to read:

630 **53A-3-403. School district fiscal year -- Statistical reports.**

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

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

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

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

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

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

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

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

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

647 Section 14. Section **53A-3-404** is amended to read:

648 **53A-3-404. Annual financial report -- Audit report.**

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

652 (2) The auditors employed under Section 51-2-1 shall complete their field work in
653 sufficient time to allow them to verify necessary audit adjustments included in the annual
654 financial report to the state superintendent.

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

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

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

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

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

666 Section 15. Section **53A-3-411** is amended to read:

667 **53A-3-411. Employment of school personnel -- Length of contract -- Termination**
668 **for cause -- Individual contract of employment.**

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

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

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

675 (b) Subsection (3)(a) does not apply to an agreement that was entered into before May
676 5, 2003.

677 Section 16. Section **53A-6-103** is amended to read:

678 **53A-6-103. Definitions.**

679 As used in this chapter:

680 (1) "Accredited institution" means an institution meeting the requirements of Section
681 53A-6-107.

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

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

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

690 (a) minimum grade point average;

691 (b) standardized testing or assessment;

692 (c) mentoring;

693 (d) recency of professional preparation or experience;

694 (e) graduation from an accredited institution; or

695 (f) evidence relating to moral, ethical, physical, or mental fitness.

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

700 (a) was approved by the governmental agency responsible for licensure of educators in
701 the state in which the program was provided;

702 (b) satisfied requirements for licensure in the state in which the program was provided;

703 (c) required completion of a baccalaureate; and

704 (d) included a supervised field experience.

705 (5) "Board" means the Utah State Board of Education.

706 (6) "Certificate" means a license issued by a governmental jurisdiction outside the
707 state.

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

710 ~~[(7)]~~ (8) "Educator" means:

711 (a) a person who holds a license;

712 (b) a teacher, counselor, administrator, librarian, or other person required, under rules
713 of the board, to hold a license; or

714 (c) a person who is the subject of an allegation which has been received by the board or
715 UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a
716 position requiring licensure.

717 ~~[(8)]~~ (9) "Endorsement" means a stipulation appended to a license setting forth the
718 areas of practice to which the license applies.

719 ~~[(9)]~~ (10) "License" means an authorization issued by the board which permits the
720 holder to serve in a professional capacity in the public schools. The ~~[four]~~ five levels of
721 licensure are:

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

723 (i) a temporary license issued to a person who has not completed requirements for a
724 district-specific, charter school-specific, or level 1, 2, or 3 license, such as:

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

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

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

730 (b) (i) "district-specific license" which:

731 (A) is a license issued by a school district to a teacher based on the teacher's
732 demonstrated teaching skills and abilities; and

733 (B) allows the teacher to teach within the school district; and

734 (ii) "charter school-specific license" which:

735 (A) is a license issued by a charter school to a teacher based on the teacher's
736 demonstrated teaching skills and abilities; and

737 (B) allows the teacher to teach at the charter school;

738 ~~[(10)]~~ (c) "level 1 license," which is a license issued upon completion of an approved
739 preparation program or an alternative preparation program, or pursuant to an agreement under
740 the NASDTEC Interstate Contract, to candidates who have also met all ancillary requirements

741 established by law or rule;

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

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

748 ~~[(10)]~~ (11) "NASDTEC" means the National Association of State Directors of Teacher
749 Education and Certification.

750 ~~[(11)]~~ (12) "NASDTEC Interstate Contract" means the contract implementing Title
751 53A, Chapter 6, Part 2, Compact for Interstate Qualification of Educational Personnel, which is
752 administered through NASDTEC.

753 ~~[(12)]~~ (13) "National Board certification" means a current certificate issued by the
754 National Board for Professional Teaching Standards.

755 ~~[(13)]~~ (14) "Necessarily existent small school" means a school classified as a
756 necessarily existent small school in accordance with Section 53A-17a-109.

757 ~~[(14)]~~ (15) "Office" means the Utah State Office of Education.

758 ~~[(15)]~~ (16) "Rule" means an administrative rule adopted by the board under Title 63,
759 Chapter 46a, Utah Administrative Rulemaking Act.

760 ~~[(16)]~~ (17) "School" means a public or private entity which provides educational
761 services to a minor child.

762 ~~[(17)]~~ (18) "Small school district" means a school district with an enrollment of less
763 than 5,000 students.

764 ~~[(18)]~~ (19) "UPPAC" means the Utah Professional Practices Advisory Commission.
765 Section 17. Section **53A-6-104** is amended to read:

766 **53A-6-104. Board licensure.**

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

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

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

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

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

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

779 (b)(i) The board shall make rules requiring participation in professional development
780 activities in order for educators to retain their licenses.

781 (ii) An educator who is enrolling in a course of study at an institution within the state
782 system of higher education to satisfy the professional development requirements of Subsection
783 (2)(b)(i) is exempt from tuition, except for a semester registration fee established by the State
784 Board of Regents, if:

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

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

791 (3) Unless suspended or revoked by the board, or surrendered by the educator:

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

795 (b) a level 1 license is valid for three years, subject to renewal by the board in
796 accordance with board rules;

797 (c) a level 2 license is valid for five years, subject to renewal by the board in
798 accordance with board rules; and

799 (d) a level 3 license is valid for seven years, subject to renewal by the board in
800 accordance with board rules.

801 Section 18. Section **53A-6-104.5** is enacted to read:

802 **53A-6-104.5. Licensing by competency.**

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

805 (2) A school district or charter school may employ a candidate for a competency-based
806 license if the candidate meets the following qualifications:

807 (a) as a prerequisite for employment, a license candidate who teaches one or more core
808 academic subjects in an elementary school shall:

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

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

813 (b) as a prerequisite for employment, a license candidate who teaches one or more core
814 academic subjects in a middle or secondary school shall:

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

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

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

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

823 (c) as a prerequisite for employment, a license candidate who teaches subjects other
824 than a core academic subject in an elementary, middle, or high school shall:

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

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

828 (3) At the request of a school district or charter school, the board shall issue a letter of
829 authorization permitting a person meeting the qualifications specified in Subsection (2) to be
830 employed by the school district or charter school.

831 (4) A school district or charter school:

832 (a) shall monitor and assess the performance of each candidate for a competency-based
833 license; and

834 (b) may award a candidate a district-specific or charter school-specific license if the
835 candidate:

836 (i) completes a minimum of one year full-time employment experience; and

837 (ii) demonstrates competence in the skills relevant to the teaching position held by the
838 candidate.

839 (5) In lieu of, or in addition to, awarding a license candidate a district-specific or
840 charter-school specific license, a school district or charter school may recommend that the
841 license candidate's training and assessment be reviewed by the Utah State Office of Education
842 for a level 1 license.

843 Section 19. Section **53A-6-110** is enacted to read:

844 **53A-6-110. Administrative/supervisory letters of authorization.**

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

850 (2) The State Board of Education may grant a letter of authorization permitting a
851 person with outstanding professional qualifications to serve in any position at the State Office
852 of Education that requires a person to hold an administrative/supervisory license or certificate.

853 Section 20. Section **53A-6-502** is amended to read:

854 **53A-6-502. Mandatory reporting of physical or sexual abuse of students.**

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

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

863 (3) A school administrator who has received a report under Subsection (2) or who
864 otherwise has reasonable cause to believe that a student may have been physically or sexually

865 abused by an educator shall immediately report that information to the office.

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

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

870 Section 21. Section **53A-8-106** is amended to read:

871 **53A-8-106. Career employee status for provisional employees.**

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

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

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

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

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

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

886 (5) A teacher is not eligible for career employee status if the teacher:

887 (a) holds a letter of authorization and is a candidate for a competency-based license
888 pursuant to Section 53A-6-104.5; or

889 (b) holds a district-specific license issued under Section 53A-6-104.5 and does not
890 hold a level 1, 2, or 3 license as defined in Section 53A-6-103.

891 Section 22. Section **53A-13-108** is enacted to read:

892 **53A-13-108. Curriculum and graduation requirements.**

893 (1) The State Board of Education shall establish curriculum and graduation
894 requirements under Section 53A-1-402 for grades 9 through 12 that, beginning with the
895 graduating class of 2008, require at least:

- 896 (a) 4.0 units of credit in language arts;
897 (b) 3.0 units of credit in mathematics; and
898 (c) 3.0 units of credit in science.
899 (2) School districts may allow students to earn credit by any of the following methods:
900 (a) successful completion of secondary school courses;
901 (b) successful completion of concurrent enrollment classes consistent with Section
902 53A-17a-120;
903 (c) demonstrated competence;
904 (d) assessment;
905 (e) review of student work or projects; or
906 (f) following successful completion of correspondence or electronic coursework
907 offered by an accredited education institution.

908 Section 23. Section **53A-17a-149** is enacted to read:

909 **53A-17a-149. Competency-based Education Block Grant Program -- State**
910 **contributions.**

911 (1) There is appropriated to the State Board of Education for the fiscal year beginning
912 July 1, 2003, \$30,000,000 for the Competency-based Education Block Grant Program.

913 (2) The State Board of Education shall use \$5,000,000 of the appropriation under
914 Subsection (1) to:

915 (a) create specifications for developing and implementing:

916 (i) a value-added metrics system; and

917 (ii) a teacher development program focused on achieving progress in core academics;

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

920 (c) complete an initial pilot program in competency-based educational processes; and

921 (d) develop a joint program between public education and higher education to foster
922 superior teaching as defined by value-added progress in core academics.

923 (3) The State Board of Education shall distribute \$25,000,000 of the appropriation
924 under Subsection (1) to school districts and charter schools according to a formula adopted by
925 the board, after consultation with school districts and charter schools, that allocates the funding
926 in a fair and equitable manner.

927 (4) Schools districts and charter schools shall use their Competency-based Education
 928 Block Grant monies to implement:

929 (a) the specifications developed under Subsection (2)(a) for:

930 (i) a value-added metrics system; and

931 (ii) a teacher development program focused on achieving progress in core academics;

932 and

933 (b) programs in competency-based educational processes.

934 (5) Each local school board shall, in an open public meeting, approve a plan to spend

935 Competency-based Education Block Grant monies in accordance with this section.

936 **Section 24. Legislative finding -- State Board of Education study and**

937 **recommendations -- Reports.**

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

939 (a) prepare each student for the student's choice of higher education or gainful

940 employment, focusing on the core academic skills of reading, writing, science, and

941 mathematics, balanced with exposure to the arts which will enable students, through teamwork

942 and cooperation, to:

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

944 (ii) apply mathematics; and

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

946 (b) train students in the key attributes required for successful living including those

947 described in "What Work Requires of Schools: A SCANS Report for America 2000" from the

948 Secretary's Commission on Achieving Necessary Skills of the U.S. Department of Labor.

949 (2) In accordance with the findings described under Subsection (1), the State Board of

950 Education shall study and make recommendations for:

951 (a) aligning responsibility, authority, accountability, and funding for the State Board of

952 Education, state superintendent, and local school districts;

953 (b) an improved environment of academic achievement;

954 (c) implementing competency-based progress and measurement systems that allow

955 each student to continually progress within and between course levels at an individual optimal

956 rate;

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

- 958 (e) developing, with employers, trades, and professions, competency standards for
959 progress or graduation;
- 960 (f) improving methods of motivating school districts to increase academic discipline,
961 including reduced cutting of classes by students and utilizing means such as closed campuses;
- 962 (g) implementing a value-added metrics system that continually tracks individual
963 student progress each year in each of the core academic areas by:
- 964 (i) tracking student progress from year to year on a longitudinal basis, rather than
965 aggregate levels of performance;
- 966 (ii) utilizing benchmarks to national standards, so that the progress of Utah students
967 can be compared to the progress of students in other states and the nation;
- 968 (iii) providing progress assessment data that follow each student wherever that student
969 attends schools in the state; and
- 970 (iv) making the assessment data available to parents to permit them to make fully
971 informed decisions regarding the districts, schools, and teachers they wish to involve in the
972 educational process for their children;
- 973 (h) developing methods to increase school choice among public schools, including
974 intradistrict and interdistrict transfers, and expansion of alternative schools such as charter
975 schools and New Century schools;
- 976 (i) aligning the current funding mechanisms with the priorities of the strategy focusing
977 on core academics, to include financial incentives and consequences;
- 978 (j) developing a new incremental state funding mechanism for public education that:
979 (i) motivates school districts to focus on achieving value-added progress in core
980 academics;
- 981 (ii) is tied to the metrics system described under Subsection (2)(g);
982 (iii) provides funding details, including adjustments for mobility; and
- 983 (iv) provides school districts, parents, students, and educators an economic incentive
984 for developing economic efficiencies in the delivery of instruction;
- 985 (k) remediating schools and districts that do not meet appropriate standards based on
986 the value-added metrics described above, including possible transfer of control to the State
987 Board of Education;
- 988 (l) developing ways to meet a variety of learning styles;

989 (m) developing savings through building utilization, including double sessions and
990 year-round schedules; and

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

993 (3) (a) The State Board of Education shall make at least two reports on the issues
994 described under Subsection (2) to the Education Interim Committee.

995 (b) A final report, including any proposed legislation, shall be presented to the
996 Education Interim Committee prior to November 30, 2003.

997 Section 25. **Education Interim Committee -- Request for proposals --**
998 **Appropriation.**

999 (1) The Education Interim Committee shall issue a three-stage request for proposals
1000 responding to Utah's need to stretch educational dollars and improve student performance,
1001 including:

1002 (a) the core definition and mission of public education in the state;

1003 (b) how the following features could be used to accelerate student progress and
1004 achievement:

1005 (i) daily and weekly competency-based progress;

1006 (ii) self-paced progress;

1007 (iii) new curriculum structures;

1008 (iv) new information technology;

1009 (v) new classroom operation processes;

1010 (vi) new student and teacher support mechanisms; and

1011 (vii) use of the Internet; and

1012 (c) how the components described under Subsection (1)(b) can be aligned and
1013 harmonized to reduce delivery costs and overhead, including administration and clerical work.

1014 (2) The issuance of the request for proposals under Subsection (1) shall proceed as
1015 follows:

1016 (a) a general and widely advertised invitation for preliminary proposals;

1017 (b) a selection of up to three promising proposals for the development of a complete
1018 proposal, but promising consideration of all complete proposals developed with private funds;
1019 and

1020 (c) a selection of one or more of the final proposals for recommendation to the
1021 Legislature and the educational community for developmental funding and implementation.

1022 (3) There is appropriated from the General Fund for fiscal year 2002-03 only, \$150,000
1023 to the Office of Legislative Research and General Counsel for the Education Interim
1024 Committee to issue the request for proposals described in this section.

1025 **Section 26. Public Education Appropriations Subcommittee -- Study -- Report.**

1026 (1) The Public Education Appropriations Subcommittee shall study and make
1027 recommendations for:

1028 (a) the Competency-based Education Block Grant Program under Section 53A-17a-149
1029 and other programs beyond fiscal year 2003-04, including the amount and allocation of public
1030 education monies, based upon both new public education monies and the reallocation of
1031 monies required to implement:

1032 (i) a value-added metrics system;

1033 (ii) a distribution of public education monies based on numbers of grade level achieved
1034 as measured by the value-added metrics system;

1035 (iii) a plan to assist students, teachers, schools, and districts that need remediation
1036 based upon Subsections (1)(b)(i) and (ii); and

1037 (iv) the reallocation of teachers from non-core electives into grades 1-3, 7-12 math, and
1038 7-12 English; and

1039 (v) a teacher development program focused on achieving progress in core academics;

1040 (b) the role of the Competency-based Education Council created in Section 53A-1-902
1041 in the allocation of monies; and

1042 (c) other issues that may be recommended by the Public Education Appropriations
1043 Subcommittee.

1044 (2) A final report shall be presented before November 30, 2003, to the Executive
1045 Appropriations Committee.

1046 **Section 27. Additional meetings authorized -- Appropriations.**

1047 (1) The Education Interim Committee and the Public Education Appropriations
1048 Subcommittee are each authorized to hold two additional meetings during the 2003 interim.

1049 (2) There is appropriated from the General Fund for fiscal year 2003-04 only, the
1050 following amounts for the additional meetings under Subsection (1):

1051 (a) \$4,500 to the Senate to pay for the compensation and expenses of senators on the
1052 committees;

1053 (b) \$10,000 to the House of Representatives to pay for the compensation and expenses
1054 of representatives on the committees;

1055 (c) \$5,000 to the Office of Legislative Research and General Counsel to pay for
1056 staffing expenses; and

1057 (d) \$5,000 to the Office of the Legislative Fiscal Analyst to pay for staffing expenses.

Legislative Review Note
as of 2-4-03 2:46 PM

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

Office of Legislative Research and General Counsel

Fiscal Note**Public Education Amendments**

17-Feb-03

Bill Number: SB01548:49 AM

This bill appropriates \$150,000 for FY 2003 from the General Fund to the Office of Legislative Research and General Council for interim studies required by the bill. The bill also appropriates \$30,000,000 to the State Board of Education of which \$5,000,000 is for the use of the Board to develop planning required by the bill. The remaining \$25,000,000 is for distribution to local school districts for local requirements under the provisions of the bill. The bill also appropriates \$4,500 to the Senate; \$10,000 to the House of Representatives; \$5,000 to the Office of Legislative Research and General Counsel; and \$5,000 to the Office of the Legislative Fiscal Analyst to pay for interim expenses authorized by the bill. The bill creates a Competency-based Education Council of five members and allows per diem expense for board members to conduct business. The bill provides for school districts with a student population of more than 14,000 students but fewer than 24,000 to increase the number of board members from five to seven. For districts where this would apply there could be some additional expense for the local district for the extra board members. Provisions of the bill increase the nominating committee of candidates for membership on the state board of education from seven members to ten members. This may increase operating costs for per diem expenses of the additional three members. Because of the time frame of developing and implementing all of the provisions of the bill it is impossible to estimate all of the costs for full implementation. Future costs are subject to Legislative appropriations.

	<u>FY 03 Approp.</u>	<u>FY 03 Revenue</u>	<u>FY 04 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Approp.</u>	<u>FY 05 Revenue</u>
General Fund	\$0	\$0	\$24,500	\$0	\$0	\$0
General Fund	\$150,000	\$0	\$0	\$0	\$0	\$0
Uniform School Fund	\$0	\$0	\$30,000,000	\$0	\$30,000,000	\$0
TOTAL	\$150,000	\$0	\$30,024,500	\$0	\$30,000,000	\$0

Individual and Business Impact

It is not possible at this time to estimate what impact this bill may have on individuals or business.

Office of the Legislative Fiscal Analyst