

**Senator Thomas V. Hatch** 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 district-specific 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 creates the Competency based Education Block Grant Program and appropriates, beginning on July**



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

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

39 AMENDS:

- 40 **20A-14-104**, as last amended by Chapter 184, Laws of Utah 1997
- 41 **20A-14-105**, as enacted by Chapter 1, Laws of Utah 1995
- 42 **20A-14-202**, as last amended by Chapter 331, Laws of Utah 2000
- 43 **53A-1-301**, as last amended by Chapter 244, Laws of Utah 2002
- 44 **53A-1-402.6**, as last amended by Chapters 299 and 324, Laws of Utah 2002
- 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 **53A-10-103**, as last amended by Chapter 78, Laws of Utah 1990

56 ENACTS:

57           **53A-1-409**, 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 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 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 and recruiting committee for the  
 73 State Board of Education [~~district in which that candidate resides~~].

74           (2) 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, the governor shall:

76           (a) appoint a nominating and recruiting committee consisting of [~~seven~~] 15 members,  
 77 each to serve a [~~one-year~~] four-year term, [~~for the state board district that member represents;~~]  
 78 of which:

79           (i) seven members shall have education expertise;

80           (ii) seven members shall have business, industry, or employer expertise; and

81           (iii) one member shall be a public member;

82           (b) ensure that [~~each~~] one member of the nominating and recruiting committee resides  
 83 within [~~the~~] each state board district; and

84           [~~(c) ensure that:~~]

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

87           [~~(ii) one member of the nominating committee is employed as a school district or~~

88 ~~public school administrator;]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

116 (a) business and industry administration;

117 (b) business and industry human resource management;

118 (c) business and industry finance;

- 119            (d) business and industry, including expertise in:
- 120            (i) metrics and evaluation;
- 121            (ii) manufacturing;
- 122            (iii) retailing;
- 123            (iv) natural resources;
- 124            (v) information technology;
- 125            (vi) construction; and
- 126            (v) banking;
- 127            (e) higher education administration;
- 128            (f) applied technology education;
- 129            (g) public education administration;
- 130            (h) public education instruction;
- 131            (i) economic development; and
- 132            (j) labor.

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

134            **20A-14-105. Becoming a candidate for membership on the State Board of**  
135 **Education -- Selection of candidates by the governor -- Ballot placement.**

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

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

151 **20A-14-202. Local Boards of Education -- Membership -- When elected --**

152 **Qualifications -- Avoiding conflicts of interest.**

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

155 (b) The board of education of a school district with a student population of more than  
156 14,000 students but fewer than 24,000 students shall increase from five to seven members  
157 beginning with the ~~[2002]~~ 2004 regular general election.

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

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

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

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

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

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

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

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

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

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

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

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

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

186 **53A-1-301. Appointment -- Qualifications -- Duties.**

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

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

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

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

196 (a) core curriculum and graduation requirements;

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

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

201 (d) remediation programs;

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

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

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

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

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

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

214           ~~[(2)]~~ (3) The superintendent shall perform duties assigned by the board, including the  
215 following:

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

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

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

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

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

224           (ii) a complete statement of fund balances;

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

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

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

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

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

239           (A) alcohol and drug abuse;

240           (B) weapon possession;

241           (C) assaults; and

242           (D) arson; ~~and~~



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

274 data; and

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

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

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

280 ~~[(3)]~~ (4) Upon leaving office, the state superintendent shall deliver to his successor all  
281 books, records, documents, maps, reports, papers, and other articles pertaining to his office.

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

283 **53A-1-402.6. Core curriculum.**

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

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

289 (b) apply mathematics;

290 (c) access, analyze, and apply information; and

291 (d) work cooperatively and effectively in terms.

292 (2) The board shall:

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

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

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

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

303 (b) mathematics, including basic computational skills.

304 ~~[(3)]~~ (4) Local school boards shall design their school programs, that are supported by

305 generally accepted scientific standards of evidence, to focus on the core curriculum with the  
306 expectation that each program will enhance or help achieve mastery of the core curriculum.

307 [~~(4)~~] (5) Except as provided in Section 53A-13-101, each school may select  
308 instructional materials and methods of teaching, that are supported by generally accepted  
309 scientific standards of evidence, that it considers most appropriate to meet core curriculum  
310 objectives.

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

312 **53A-1-409. Competency-based education -- Recommendations -- Coordination.**

313 The State Board of Education shall:

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

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

316 (2) monitor the expenditures of the Competency-based Education Block Grant Program  
317 under Section 53A-17a-149; and

318 (3) make recommendations to the Public Education Appropriations Subcommittee and  
319 the Legislature relating to the Competency-based Education Block Grant Program under  
320 Section 53A-17a-149 and other programs beyond fiscal year 2003-04, including the amount  
321 and allocation of public education monies, based upon both new public education monies and  
322 the reallocation of monies required to implement:

323 (a) progress-based assessments;

324 (b) a weighted competency unit that distributes public education monies based on  
325 numbers of grade level achieved as measured by the progress-based assessments;

326 (c) a plan to assist students, teachers, schools, and districts that need remediation based  
327 upon Subsections (3)(a) and (b);

328 (d) the reallocation of teachers from non-core electives into grades 1-3, 7-12 math, and  
329 7-12 English; and

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

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

332 **53A-1a-104. Characteristics of public education system.**

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

335 (1) assumes that all students have the ability to learn and that each student departing

336 the system will be prepared to achieve success in productive employment, further education, or  
337 both;

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

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

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

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

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

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

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

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

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

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

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

366 (13) emphasizes competency-based progress and progress-based assessments.

367 including tracking and measurement systems.

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

369 **53A-3-301. Superintendent of schools -- Appointment -- Qualifications -- Term --**  
370 **Compensation.**

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

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

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

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

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

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

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

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

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

390 **53A-3-402. Powers and duties generally.**

391 (1) Each local school board shall:

392 (a) implement the core curriculum utilizing instructional materials that best correlate to  
393 the core curriculum;

394 (b) administer tests, required by the State Board of Education, which measure the  
395 progress of each student, and coordinate with the state superintendent and State Board of  
396 Education to assess results and create plans to improve the student's progress which shall be  
397 submitted to the State Office of Education for approval;

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

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

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

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

408 [~~(1)~~] (2) Local school boards shall spend minimum school program funds for programs  
409 and activities for which the State Board of Education has established minimum standards or  
410 rules under Section 53A-1-402.

411 [~~(2)~~] (3) (a) A board may purchase, sell, and make improvements on school sites,  
412 buildings, and equipment and construct, erect, and furnish school buildings.

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

415 [~~(3)~~] (4) (a) A board may participate in the joint construction or operation of a school  
416 attended by children residing within the district and children residing in other districts either  
417 within or outside the state.

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

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

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

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

422 [~~(4)~~] (5) A board may establish, locate, and maintain elementary, secondary, and  
423 applied technology schools.

424 [~~(5)~~] (6) A board may enroll children in school who are at least five years of age before  
425 September 2 of the year in which admission is sought.

426 [~~(6)~~] (7) A board may establish and support school libraries.

427 [~~(7)~~] (8) A board may collect damages for the loss, injury, or destruction of school  
428 property.

429            [~~(8)~~] (9) A board may authorize guidance and counseling services for children and their  
430 parents or guardians prior to, during, or following enrollment of the children in schools.

431            [~~(9)~~] (10) (a) A board may apply for, receive, and administer funds made available  
432 through programs of the federal government.

433            (b) Federal funds are not considered funds within the school district budget under Title  
434 53A, Chapter 19, School District Budgets.

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

437            [~~(10)~~] (11) (a) A board may organize school safety patrols and adopt rules under which  
438 the patrols promote student safety.

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

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

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

446            [~~(11)~~] (12) (a) A board may on its own behalf, or on behalf of an educational institution  
447 for which the board is the direct governing body, accept private grants, loans, gifts,  
448 endowments, devises, or bequests that are made for educational purposes.

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

450            [~~(12)~~] (13) (a) A board may appoint and fix the compensation of a compliance officer  
451 to issue citations for violations of Subsection 76-10-105(2).

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

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

455            [~~(13)~~] (14) A board shall adopt bylaws and rules for its own procedures.

456            [~~(14)~~] (15) (a) A board shall make and enforce rules necessary for the control and  
457 management of the district schools.

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

460            [~~(15)~~] (16) A board may hold school on legal holidays other than Sundays.

461            [~~(16)~~] (17) (a) Each board shall establish for each school year a school traffic safety

462 committee to implement this Subsection [~~(16)~~] (17).

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

464            (i) the schools within the district;

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

466            (iii) the municipality or county;

467            (iv) state or local law enforcement; and

468            (v) state or local traffic safety engineering.

469            (c) The committee shall:

470            (i) receive suggestions from parents, teachers, and others and recommend school traffic

471 safety improvements, boundary changes to enhance safety, and school traffic safety program

472 measures;

473            (ii) review and submit annually to the Department of Transportation and affected

474 municipalities and counties a child access routing plan for each elementary, middle, and junior

475 high school within the district;

476            (iii) consult the Utah Safety Council and the Division of Family Health Services and

477 provide training to all school children in kindergarten through grade six, within the district, on

478 school crossing safety and use; and

479            (iv) help ensure the district's compliance with rules made by the Department of

480 Transportation under Section 41-6-20.1.

481            (d) The committee may establish subcommittees as needed to assist in accomplishing

482 its duties under Subsection [~~(16)~~] (17)(c).

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

484 and junior high school within the district to develop and submit annually to the committee a

485 child access routing plan.

486            [~~(17)~~] (18) (a) Each school board shall adopt and implement a comprehensive

487 emergency response plan to prevent and combat violence in its public schools, on school

488 grounds, on its school vehicles, and in connection with school-related activities or events.

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

490            (c) The plan shall:



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

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

525 [~~(19)~~] (20) A board shall do all other things necessary for the maintenance, prosperity,  
526 and success of the schools and the promotion of education.

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

528 **53A-3-403. School district fiscal year -- Statistical reports.**

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

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

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

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

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

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

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

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

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

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

546 **53A-3-404. Annual financial report -- Audit report.**

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

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

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

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

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

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

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

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

565 **53A-3-411. Employment of school personnel -- Length of contract -- Termination**  
566 **for cause -- Individual contract of employment.**

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

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

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

573 (b) Subsection (3)(a) does not apply to an agreement that was entered into before May  
574 5, 2003.

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

576 **53A-6-103. Definitions.**

577 As used in this chapter:

578 (1) "Accredited institution" means an institution meeting the requirements of Section  
579 53A-6-107.

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

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

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

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

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

- 598 (a) was approved by the governmental agency responsible for licensure of educators in  
599 the state in which the program was provided;
- 600 (b) satisfied requirements for licensure in the state in which the program was provided;
- 601 (c) required completion of a baccalaureate; and
- 602 (d) included a supervised field experience.

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

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

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

608 [~~7~~] (8) "Educator" means:

- 609 (a) a person who holds a license;
- 610 (b) a teacher, counselor, administrator, librarian, or other person required, under rules  
611 of the board, to hold a license; or
- 612 (c) a person who is the subject of an allegation which has been received by the board or  
613 UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a  
614 position requiring licensure.

615           ~~[(8)]~~ (9) "Endorsement" means a stipulation appended to a license setting forth the  
616 areas of practice to which the license applies.

617           ~~[(9)]~~ (10) "License" means an authorization issued by the board which permits the  
618 holder to serve in a professional capacity in the public schools. The ~~[four]~~ five levels of  
619 licensure are:

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

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

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

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

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

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

629           (A) is a competency-based license issued by a school district to a teacher based on the  
630 teacher's demonstrated teaching skills and abilities; and

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

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

633           (A) is a competency-based license issued by a charter school to a teacher based on the  
634 teacher's demonstrated teaching skills and abilities; and

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

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

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

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

646           ~~[(10)]~~ (11) "NASDTEC" means the National Association of State Directors of Teacher  
647 Education and Certification.

648           ~~[(11)]~~ (12) "NASDTEC Interstate Contract" means the contract implementing Title  
649 53A, Chapter 6, Part 2, Compact for Interstate Qualification of Educational Personnel, which is  
650 administered through NASDTEC.

651           ~~[(12)]~~ (13) "National Board certification" means a current certificate issued by the  
652 National Board for Professional Teaching Standards.

653           ~~[(13)]~~ (14) "Necessarily existent small school" means a school classified as a  
654 necessarily existent small school in accordance with Section 53A-17a-109.

655           ~~[(14)]~~ (15) "Office" means the Utah State Office of Education.

656           ~~[(15)]~~ (16) "Rule" means an administrative rule adopted by the board under Title 63,  
657 Chapter 46a, Utah Administrative Rulemaking Act.

658           ~~[(16)]~~ (17) "School" means a public or private entity which provides educational  
659 services to a minor child.

660           ~~[(17)]~~ (18) "Small school district" means a school district with an enrollment of less  
661 than 5,000 students.

662           ~~[(18)]~~ (19) "UPPAC" means the Utah Professional Practices Advisory Commission.  
663 Section 14. Section **53A-6-104** is amended to read:

664           **53A-6-104. Board licensure.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

700 **53A-6-104.5. Licensing by competency.**

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

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

705 (a) as a prerequisite for employment, a license candidate who teaches one or more core  
706 academic subjects in an 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) as a prerequisite for employment, a license candidate who teaches one or more core  
712 academic subjects in a middle or 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) as a prerequisite for employment, a license candidate who teaches subjects other  
722 than a core academic subject in an 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 (3) At the request of a school district or charter school, the board shall issue a letter of  
727 authorization permitting a person meeting the qualifications specified in Subsection (2) to be  
728 employed by the school district or charter school.

729 (4) A school district or charter school:

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

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

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

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

737 (5) In lieu of, or in addition to, awarding a license candidate a district-specific or  
738 charter-school specific license, a school district or charter school may recommend that the



739 license candidate's training and assessment be reviewed by the Utah State Office of Education  
740 for a level 1 license.

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

742 **53A-6-110. Administrative/supervisory letters of authorization.**

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

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

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

752 **53A-6-502. Mandatory reporting of physical or sexual abuse of students.**

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

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

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

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

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

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

769 **53A-8-106. Career employee status for provisional employees.**

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

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

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

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

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

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

784 (5) A teacher is an at-will employee and is not eligible for career employee status if the  
785 teacher:

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

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

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

791 **53A-10-103. Establishment of educator evaluation program -- Joint committee.**

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

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

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

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

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

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

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

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

804 **53A-13-108. Curriculum and graduation requirements.**

805 (1) The State Board of Education shall establish curriculum and graduation  
806 requirements under Section 53A-1-402 for grades 9 through 12 that, beginning no later than  
807 with the graduating class of 2007, require at least the following credits or their equivalents in a  
808 competency-based system:

809 (a) 4.0 units of credit in language arts;

810 (b) 3.0 units of credit in mathematics; and

811 (c) 3.0 units of credit in science.

812 (2) School districts may allow students to earn credit by any of the following methods:

813 (a) successful completion of secondary school courses;

814 (b) successful completion of concurrent enrollment classes consistent with Section  
815 53A-17a-120;

816 (c) demonstrated competence;

817 (d) assessment;

818 (e) review of student work or projects; or

819 (f) following successful completion of correspondence or electronic coursework  
820 offered by an accredited education institution.

821 Section 21. Section **53A-17a-149** is enacted to read:

822 **53A-17a-149. Competency-based Education Block Grant Program -- State**  
823 **contributions.**

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

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

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

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

831 (c) create specifications for developing and implementing;

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

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

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

837 (e) for 2003 only, fund the costs of the State Education Summit Meeting that benefit  
838 public education in this state.

839 (3) The State Board of Education shall distribute \$25,000,000 of the appropriation  
840 under Subsection (1) and monies not used under Subsection (2) to school districts and charter  
841 schools according to a formula adopted by the board, after consultation with school districts  
842 and charter schools, that allocates the funding in a fair and equitable manner.

843 (4) Schools districts and charter schools shall use their Competency-based Education  
844 Block Grant monies to improve student academic progress in core academic subjects through  
845 the implementation of competency-based education, as measured by individual progress-based  
846 assessments, including remediation for students not individually progressing, as determined by  
847 progress-based assessments.

848 (5) Each local school board shall, in an open public meeting, approve a plan to spend  
849 Competency-based Education Block Grant monies in accordance with this section.

850 **Section 22. Legislative finding -- State Board of Education study and**  
851 **recommendations -- Reports.**

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

853 (a) prepare each student for the student's choice of higher education or gainful  
854 employment, focusing on the core academic skills of reading, writing, science, and  
855 mathematics, balanced with exposure to the arts which will enable students, through teamwork  
856 and cooperation, to:

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

858 (ii) apply mathematics; and

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

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

- 863 (2) In accordance with the findings described under Subsection (1), the State Board of  
864 Education shall study and make recommendations for:
- 865 (a) aligning responsibility, authority, accountability, and funding for the State Board of  
866 Education, state superintendent, and local school districts;
- 867 (b) an improved environment of academic achievement;
- 868 (c) implementing competency-based progress and measurement systems that allow  
869 each student to continually progress within and between course levels at an individual optimal  
870 rate;
- 871 (d) assuring that each high school senior is progressing in challenging courses;
- 872 (e) developing, with employers, trades, and professions, competency standards for  
873 progress or graduation;
- 874 (f) improving methods of motivating school districts to increase academic discipline,  
875 including reduced cutting of classes by students and utilizing means such as closed campuses;
- 876 (g) implementing a progress-based assessment system that continually tracks individual  
877 student progress each year in each of the core academic areas by:
- 878 (i) tracking student progress from year to year on a longitudinal basis, rather than  
879 aggregate levels of performance;
- 880 (ii) utilizing national norm-referenced tests as benchmarks, so that the progress of Utah  
881 students can be compared to the progress of students in other states and the nation;
- 882 (iii) providing progress assessment data that follow each student wherever that student  
883 attends schools in the state; and
- 884 (iv) making the assessment data available to parents to permit them to make fully  
885 informed decisions regarding the districts, schools, and teachers they wish to involve in the  
886 educational process for their children;
- 887 (h) developing methods to increase school choice among public schools, including  
888 intradistrict and interdistrict transfers, and expansion of alternative schools such as charter  
889 schools and New Century schools;
- 890 (i) aligning the current funding mechanisms with the priorities of the strategy focusing  
891 on core academics, to include financial incentives and consequences;
- 892 (j) developing a new incremental state funding mechanism for public education that:  
893 (i) motivates school districts to focus on achieving value-added progress in core

894 academics:

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

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

897 (iv) provides school districts, parents, students, and educators an economic incentive

898 for developing economic efficiencies in the delivery of instruction;

899 (k) remediating schools and districts that do not meet appropriate standards based on

900 the progress-based assessment described above, including possible transfer of control to the

901 State Board of Education;

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

903 (m) developing savings through building utilization, including double sessions and

904 year-round schedules; and

905 (n) implementing other best demonstrated practices of other states and their school

906 districts that are achieving significant improvement in core academic progress.

907 (3) (a) By August 15, 2003, the State Board of Education shall submit an initial report

908 to the governor's office for use at the State Education Summit Meeting.

909 (b) The State Board of Education shall make at least three annual reports on the issues

910 described under Subsection (2) to the Education Interim Committee.

911 (c) A final report, including any proposed legislation, shall be presented to the

912 Education Interim Committee prior to November 30, 2003, 2004, and 2005.

913 **Section 23. Education Interim Committee -- Request for proposals --**

914 **Appropriation.**

915 (1) The Education Interim Committee, after consultation with the State Board of

916 Education, shall issue a three-stage request for proposals responding to Utah's need to stretch

917 educational dollars and improve student performance, including:

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

919 (b) how the following features could be used to accelerate student progress and

920 achievement:

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

922 (ii) self-paced progress;

923 (iii) new curriculum structures;

924 (iv) new information technology;

925 (v) new classroom operation processes;  
926 (vi) new student and teacher support mechanisms; and  
927 (vii) use of the Internet; and  
928 (c) how the components described under Subsection (1)(b) can be aligned and  
929 harmonized to reduce delivery costs and overhead, including administration and clerical work.

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

932 (a) a general and widely advertised invitation for preliminary proposals;  
933 (b) a selection of up to three promising proposals for the development of a complete  
934 proposal, but promising consideration of all complete proposals developed with private funds;  
935 and

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

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

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

943 **Section 24. Public Education Appropriations Subcommittee -- Study -- Report.**

944 (1) The Public Education Appropriations Subcommittee shall study and make  
945 recommendations for:

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

950 (i) progress-based assessments;

951 (ii) a weighted competency unit that distributes public education monies based on  
952 numbers of grade level achieved as measured by the progress-based assessments;

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

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

956 7-12 English; and

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

958 and

959 (b) other issues that may be recommended by the Public Education Appropriations

960 Subcommittee.

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

963 (b) A final report shall be presented before November 30, 2003, to the Executive

964 Appropriations Committee.

965 **Section 25. Additional meetings authorized -- Appropriations.**

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

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

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

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

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

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

977 **Section 26. State Board of Regents -- Study.**

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

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

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

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



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

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

990            (a) the State Board of Education;

991            (b) the state superintendent of public instruction;

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

993            (d) the Education Interim Committee;

994            (e) the Public Education Appropriations Subcommittee;

995            (f) the governor's office;

996            (g) the State Board of Regents;

997            (h) the commissioner of higher education;

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

999            (j) representatives of educators;

1000           (k) representatives of business, industry, and employers;

1001           (l) representatives of students' parents; and

1002           (m) other invited participants.

1003           (3) The purpose of the State Education Summit Meeting shall be to:

1004           (a) hear the initial reports of the State Board of Education, the Education Interim  
1005 Committee, the Public Education Appropriations Subcommittee, and State Board of Regents  
1006 required under this act;

1007           (b) discuss issues relating to this act, including the emphasis on core academic  
1008 subjects, competency-based education, and progress-based assessments;

1009           (c) develop plans, coordinate efforts, make recommendations, and propose legislation  
1010 needed to implement this act.