

Senator D. Chris Butters proposes the following substitute bill:

**PUBLIC EDUCATION AMENDMENTS**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Thomas V. Hatch**

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5 **This act modifies the State System of Public Education Code and the Election Code**  
6 **relating to the governance and funding of the public education system, the core academic**  
7 **skills, assessment and accountability, and school choice. This act modifies the**  
8 **membership of and the qualifications used by the nominating committee to select**  
9 **candidates for membership on the State Board of Education. This act expands local**  
10 **school board membership for certain local school boards. This act expands the state**  
11 **superintendent of public instruction's annual report. This act requires the core**  
12 **curriculum to increase in depth and complexity from year to year and focus on consistent**  
13 **and continual progress in the core academic areas of English and mathematics. This act**  
14 **modifies the membership of the education evaluation program district joint committees.**  
15 **This act provides an emphasis on competency-based education and progress-based**  
16 **assessments as a characteristic of the public education system. This act allows local**  
17 **boards of education to hire a superintendent and other administrators with outstanding**  
18 **professional qualifications who do not hold an administrative/supervisory license. This**  
19 **act prohibits a local school board from entering into a collective bargaining agreement**  
20 **that prohibits or limits individual contracts of employment. This act allows teacher**  
21 **licenses to be awarded based on the demonstrated competence of the teacher. This act**  
22 **makes teachers with district-specific licenses at-will employees who are ineligible for**  
23 **career employee status. This act increases curriculum and graduation requirements for**  
24 **grades 9 through 12 in language arts, mathematics, and science. This act creates the**  
25 **Competency based Education Block Grant Program and appropriates, beginning on July**



26 **1, 2003, \$30,000,000 to the program. This act modifies Corporate Franchise and Income**  
27 **Taxes and the Individual Income Tax Act to provide for nonrefundable tax credits for**  
28 **contributions made to a scholarship granting organization to be used for tuition grants**  
29 **for a qualifying student to attend a private school, or nonrefundable tax credits for**  
30 **amounts paid for tuition to a private school on behalf of a qualifying student. This act**  
31 **appropriates \$1,000,000 from the General Fund, for fiscal year 2003-04 only, to the State**  
32 **Board of Education for distribution to school districts with declining enrollment that are**  
33 **impacted by this act. The act provides definitions and establishes procedures and**  
34 **requirements for administering the tax credits. The act establishes duties of scholarship**  
35 **granting organizations and provides penalties. The act authorizes the State Tax**  
36 **Commission to make rules. This act authorizes the Division of Consumer Protection to**  
37 **enforce certain private school requirements. This act requires the State Board of**  
38 **Education to study, make recommendations, and report to the Education Interim**  
39 **Committee on an enumerated list of strategies to improve public education. This act**  
40 **appropriates \$150,000 for fiscal year 2002-03 only to the Office of Legislative Research**  
41 **and General Counsel to allow the Education Interim Committee to issue a specified**  
42 **request for proposals. This act requires the Public Education Appropriations**  
43 **Subcommittee to study and report on specified funding issues. This act requires the State**  
44 **Board of Regents to study and report on specified issues. This act authorizes additional**  
45 **legislative committee meetings during the 2003 interim and appropriates \$24,500 from**  
46 **the General Fund, for fiscal year 2002-03 only, to cover the additional meeting expenses.**  
47 **This act authorizes a State Education Summit Meeting, requires certain reports for the**  
48 **summit, enumerates its participants, and specifies its purpose. This act makes technical**  
49 **corrections. This act has retrospective operation for taxable years beginning on or after**  
50 **January 1, 2003.**

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

52 AMENDS:

- 53 **13-2-1**, as last amended by Chapter 222, Laws of Utah 2002
- 54 **20A-14-104**, as last amended by Chapter 184, Laws of Utah 1997
- 55 **20A-14-105**, as enacted by Chapter 1, Laws of Utah 1995
- 56 **20A-14-202**, as last amended by Chapter 331, Laws of Utah 2000

- 57           **53A-1-301**, as last amended by Chapter 244, Laws of Utah 2002
- 58           **53A-1-402.6**, as last amended by Chapters 299 and 324, Laws of Utah 2002
- 59           **53A-1a-104**, as last amended by Chapter 86, Laws of Utah 2001
- 60           **53A-3-301**, as last amended by Chapter 331, Laws of Utah 2000
- 61           **53A-3-402**, as last amended by Chapters 322 and 324, Laws of Utah 2002
- 62           **53A-3-403**, as last amended by Chapter 53, Laws of Utah 1992
- 63           **53A-3-404**, as last amended by Chapter 297, Laws of Utah 2001
- 64           **53A-3-411**, as enacted by Chapter 2, Laws of Utah 1988
- 65           **53A-6-103**, as last amended by Chapter 253, Laws of Utah 2002
- 66           **53A-6-104**, as last amended by Chapter 41, Laws of Utah 2002
- 67           **53A-6-502**, as enacted by Chapter 108, Laws of Utah 1999
- 68           **53A-8-106**, as repealed and reenacted by Chapter 324, Laws of Utah 1999
- 69           **53A-10-103**, as last amended by Chapter 78, Laws of Utah 1990
- 70           **63-55b-153**, as last amended by Chapters 49, 219 and 301, Laws of Utah 2002

71 ENACTS:

- 72           **53A-1-409**, Utah Code Annotated 1953
- 73           **53A-6-104.5**, Utah Code Annotated 1953
- 74           **53A-6-110**, Utah Code Annotated 1953
- 75           **53A-13-108**, Utah Code Annotated 1953
- 76           **53A-17a-149**, Utah Code Annotated 1953
- 77           **53A-17a-150**, Utah Code Annotated 1953
- 78           **59-7-616**, Utah Code Annotated 1953
- 79           **59-7-618**, Utah Code Annotated 1953
- 80           **59-10-136**, Utah Code Annotated 1953
- 81           **59-10-137**, Utah Code Annotated 1953

82 This act enacts uncodified material.

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

84           Section 1. Section **13-2-1** is amended to read:

85           **13-2-1. Consumer protection division established -- Functions.**

86           (1) There is established within the Department of Commerce the Division of Consumer  
87 Protection.

88 (2) The division shall administer and enforce the following:

89 (a) Chapter 5, Unfair Practices Act;

90 (b) Chapter 10a, Music Licensing Practices Act;

91 (c) Chapter 11, Utah Consumer Sales Practices Act;

92 (d) Chapter 15, Business Opportunity Disclosure Act;

93 (e) Chapter 20, New Motor Vehicles Warranties Act;

94 (f) Chapter 21, Credit Services Organizations Act;

95 (g) Chapter 22, Charitable Solicitations Act;

96 (h) Chapter 23, Health Spa Services Protection Act;

97 (i) Chapter 25a, Telephone and Facsimile Solicitation Act;

98 (j) Chapter 26, Telephone Fraud Prevention Act;

99 (k) Chapter 28, Prize Notices Regulation Act;

100 (l) Chapter 30, Utah Personal Introduction Services Protection Act; ~~and~~

101 (m) Chapter 34, Utah Postsecondary Proprietary School Act~~[-]; and~~

102 (n) Section 59-7-618, the requirements of private schools that issue school tuition  
103 certificates.

104 Section 2. Section **20A-14-104** is amended to read:

105 **20A-14-104. Becoming a candidate for membership on the State Board of**  
106 **Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

107 (1) (a) Persons interested in becoming a candidate for the State Board of Education  
108 shall file a declaration of candidacy according to the procedures and requirements of Sections  
109 20A-9-201 and 20A-9-202.

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

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

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

- 119            (i) seven members shall have education expertise;
- 120            (ii) seven members shall have business, industry, or employer expertise; and
- 121            (iii) one member shall be a public member;
- 122            (b) ensure that ~~[each]~~ one member of the nominating and recruiting committee resides
- 123 within ~~[the]~~ each state board district; and
- 124            ~~[(c) ensure that:]~~
- 125            ~~[(i) one member of the nominating committee serves on a local school board within the~~
- 126 ~~state board district;]~~
- 127            ~~[(ii) one member of the nominating committee is employed as a school district or~~
- 128 ~~public school administrator;]~~
- 129            ~~[(iii) one member of the nominating committee is employed as a public school~~
- 130 ~~teacher;]~~
- 131            ~~[(iv) one member of the nominating committee belongs to a parent association that~~
- 132 ~~provides direct and ongoing support to public schools within the district; and]~~
- 133            ~~[(v) three members of the nominating committee represent economic interests and the~~
- 134 ~~public at large; and]~~
- 135            ~~[(d)]~~ (c) designate one member to serve as chair for the committee.
- 136            (3) (a) The chair, or another member of the committee designated by the chair, shall
- 137 schedule and convene all committee meetings.
- 138            (b) Any formal action by the committee requires the approval of ~~[at least four]~~ a
- 139 majority of committee members.
- 140            (c) Members of the nominating and recruiting committee shall serve without
- 141 compensation, but they may be reimbursed for expenses incurred in the performance of their
- 142 official duties as established by the Division of Finance.
- 143            (4) ~~[Each]~~ The nominating and recruiting committee shall:
- 144            (a) recruit potential candidates for membership on the State Board of Education prior
- 145 to the deadline to file a declaration of candidacy;
- 146            ~~[(a)]~~ (b) prepare a list of candidates for membership on the State Board of Education
- 147 ~~[from its district]~~ for each state board district subject to election in that year using the
- 148 qualifications under Subsection (5);
- 149            ~~[(b)]~~ (c) submit a list of ~~[up to five but no fewer than]~~ at least three candidates for ~~[the]~~

150 each state board position to the governor by August 1; and

151 ~~[(e)]~~ (d) ensure that the list includes appropriate background information on each  
152 candidate.

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

156 (a) business and industry administration;

157 (b) business and industry human resource management;

158 (c) business and industry finance;

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

160 (i) metrics and evaluation;

161 (ii) manufacturing;

162 (iii) retailing;

163 (iv) natural resources;

164 (v) information technology;

165 (vi) construction; and

166 (v) banking;

167 (e) higher education administration;

168 (f) applied technology education;

169 (g) public education administration;

170 (h) public education instruction;

171 (i) economic development; and

172 (j) labor.

173 Section 3. Section **20A-14-105** is amended to read:

174 **20A-14-105. Becoming a candidate for membership on the State Board of**  
175 **Education -- Selection of candidates by the governor -- Ballot placement.**

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

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

180 (b) certify the names of the two candidates from each school board district to the

181 lieutenant governor.

182 (2) If the governor fails to select two candidates for a state board district by September  
183 1, the nominating and recruiting committee [~~from that district~~] shall:

184 (a) select the two candidates; and

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

186 (3) The lieutenant governor shall:

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

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

190 Section 4. Section **20A-14-202** is amended to read:

191 **20A-14-202. Local Boards of Education -- Membership -- When elected --**  
192 **Qualifications -- Avoiding conflicts of interest.**

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

195 (b) The board of education of a school district with a student population of more than  
196 14,000 students but fewer than 24,000 students shall increase from five to seven members  
197 beginning with the [~~2002~~] 2004 regular general election.

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

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

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

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

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

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

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

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

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

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

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

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

225 Section 5. Section **53A-1-301** is amended to read:

226 **53A-1-301. Appointment -- Qualifications -- Duties.**

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

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

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

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

236 (a) core curriculum and graduation requirements;

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

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

241 (d) remediation programs;

242 (e) a method for creating individual student targets and development plans, and a



243 method of measuring an individual student's performance toward those targets;

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

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

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

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

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

254 [~~2~~] (3) The superintendent shall perform duties assigned by the board, including the  
255 following:

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

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

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

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

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

264 (ii) a complete statement of fund balances;

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

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

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

273 (vi) a statement that includes such items as fall enrollments, average membership, high

274 school graduates, licensed and classified employees, pupil-teacher ratios, average salaries,  
275 applicable private school data, and data from standardized norm-referenced tests in grades 5, 8,  
276 and 11 on each school and district;

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

279 (A) alcohol and drug abuse;

280 (B) weapon possession;

281 (C) assaults; and

282 (D) arson; [~~and~~]

283 (viii) information about:

284 (A) the implementation of the strategy of focusing on core academics;

285 (B) the implementation of competency-based education and progress-based

286 assessments; and

287 (C) the results being achieved under Subsections (3)(d)(viii)(A) and (B), as measured

288 by individual progress-based assessments and the comparison of Utah Students' progress with

289 the progress of students in other states using standardized norm-referenced tests as

290 benchmarks; and

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

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

297 (i) data that are:

298 (A) comparable across schools and school districts;

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

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

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

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

- 305 (B) interpret the data visually; and
- 306 (C) draw conclusions that are statistically valid; and
- 307 (iii) procedures for the collection and management of education data that:
- 308 (A) require the state superintendent of public instruction to:
- 309 (I) collaborate with school districts in designing and implementing uniform data
- 310 standards and definitions;
- 311 (II) undertake or sponsor research to implement improved methods for analyzing
- 312 education data;
- 313 (III) provide for data security to prevent unauthorized access to or contamination of the
- 314 data; and
- 315 (IV) protect the confidentiality of data under state and federal privacy laws; and
- 316 (B) require all school districts to comply with the data collection and management
- 317 procedures established under Subsection (2)(e); and
- 318 (f) with the approval of the board, preparing and submitting to the governor a budget
- 319 for the board to be included in the budget that the governor submits to the Legislature.
- 320 ~~[(3)]~~ (4) Upon leaving office, the state superintendent shall deliver to his successor all
- 321 books, records, documents, maps, reports, papers, and other articles pertaining to his office.
- 322 Section 6. Section **53A-1-402.6** is amended to read:
- 323 **53A-1-402.6. Core curriculum.**
- 324 (1) In establishing minimum standards related to curriculum and instruction
- 325 requirements under Section 53A-1-402, the State Board of Education shall, in consultation
- 326 with local school boards, school superintendents, teachers, employers, and parents ~~[define and~~
- 327 ~~establish]~~ implement a core curriculum~~[:] which will enable students to:~~
- 328 (a) communicate effectively, both verbally and through written communication;
- 329 (b) apply mathematics;
- 330 (c) access, analyze, and apply information; and
- 331 (d) work cooperatively and effectively in terms.
- 332 (2) The board shall:
- 333 (a) ~~[include in its definition an identification of]~~ identify the basic knowledge, skills,
- 334 and competencies each student is expected to acquire or master as the student advances through
- 335 the public education system; and

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

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

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

343 (b) mathematics, including basic computational skills.

344 [~~3~~] (4) Local school boards shall design their school programs, that are supported by  
345 generally accepted scientific standards of evidence, to focus on the core curriculum with the  
346 expectation that each program will enhance or help achieve mastery of the core curriculum.

347 [~~4~~] (5) Except as provided in Section 53A-13-101, each school may select  
348 instructional materials and methods of teaching, that are supported by generally accepted  
349 scientific standards of evidence, that it considers most appropriate to meet core curriculum  
350 objectives.

351 Section 7. Section **53A-1-409** is enacted to read:

352 **53A-1-409. Competency-based education -- Recommendations -- Coordination.**

353 The State Board of Education shall:

354 (1) provide expertise to and consult with local school boards and school districts  
355 relating to competency-based education and progress-based assessments;

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

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

363 (a) progress-based assessments;

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

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

367 upon Subsections (3)(a) and (b);

368 (d) the reallocation of teachers from non-core electives into grades 1-3, 7-12 math, and  
369 7-12 English; and

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

371 Section 8. Section **53A-1a-104** is amended to read:

372 **53A-1a-104. Characteristics of public education system.**

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

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

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

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

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

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

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

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

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

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

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

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

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

406 (13) emphasizes competency-based progress and progress-based assessments,  
407 including tracking and measurement systems.

408 Section 9. Section **53A-3-301** is amended to read:

409 **53A-3-301. Superintendent of schools -- Appointment -- Qualifications -- Term --**  
410 **Compensation.**

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

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

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

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

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

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

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

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

429 Section 10. Section **53A-3-402** is amended to read:

430 **53A-3-402. Powers and duties generally.**

431 (1) Each local school board shall:

432 (a) implement the core curriculum utilizing instructional materials that best correlate to  
433 the core curriculum;

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

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

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

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

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

448 ~~[(1)]~~ (2) Local school boards shall spend minimum school program funds for programs  
449 and activities for which the State Board of Education has established minimum standards or  
450 rules under Section 53A-1-402.

451 ~~[(2)]~~ (3) (a) A board may purchase, sell, and make improvements on school sites,  
452 buildings, and equipment and construct, erect, and furnish school buildings.

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

455 ~~[(3)]~~ (4) (a) A board may participate in the joint construction or operation of a school  
456 attended by children residing within the district and children residing in other districts either  
457 within or outside the state.

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

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

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

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

462 [~~(4)~~] (5) A board may establish, locate, and maintain elementary, secondary, and  
463 applied technology schools.

464 [~~(5)~~] (6) A board may enroll children in school who are at least five years of age before  
465 September 2 of the year in which admission is sought.

466 [~~(6)~~] (7) A board may establish and support school libraries.

467 [~~(7)~~] (8) A board may collect damages for the loss, injury, or destruction of school  
468 property.

469 [~~(8)~~] (9) A board may authorize guidance and counseling services for children and their  
470 parents or guardians prior to, during, or following enrollment of the children in schools.

471 [~~(9)~~] (10) (a) A board may apply for, receive, and administer funds made available  
472 through programs of the federal government.

473 (b) Federal funds are not considered funds within the school district budget under Title  
474 53A, Chapter 19, School District Budgets.

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

477 [~~(10)~~] (11) (a) A board may organize school safety patrols and adopt rules under which  
478 the patrols promote student safety.

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

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

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

486 [~~(11)~~] (12) (a) A board may on its own behalf, or on behalf of an educational institution  
487 for which the board is the direct governing body, accept private grants, loans, gifts,  
488 endowments, devises, or bequests that are made for educational purposes.

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

490 [~~(12)~~] (13) (a) A board may appoint and fix the compensation of a compliance officer



491 to issue citations for violations of Subsection 76-10-105(2).

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

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

495 [~~13~~] (14) A board shall adopt bylaws and rules for its own procedures.

496 [~~14~~] (15) (a) A board shall make and enforce rules necessary for the control and  
497 management of the district schools.

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

500 [~~15~~] (16) A board may hold school on legal holidays other than Sundays.

501 [~~16~~] (17) (a) Each board shall establish for each school year a school traffic safety  
502 committee to implement this Subsection [~~16~~] (17).

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

504 (i) the schools within the district;

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

506 (iii) the municipality or county;

507 (iv) state or local law enforcement; and

508 (v) state or local traffic safety engineering.

509 (c) The committee shall:

510 (i) receive suggestions from parents, teachers, and others and recommend school traffic  
511 safety improvements, boundary changes to enhance safety, and school traffic safety program  
512 measures;

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

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

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

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

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

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

526 [~~(17)~~] (18) (a) Each school board shall adopt and implement a comprehensive  
527 emergency response plan to prevent and combat violence in its public schools, on school  
528 grounds, on its school vehicles, and in connection with school-related activities or events.

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

530 (c) The plan shall:

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

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

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

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

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

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

546 [~~(18)~~] (19) (a) Each local school board may adopt an emergency response plan for the  
547 treatment of sports-related injuries that occur during school sports practices and events.

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

550 (c) The plan may:

551 (i) include emergency personnel, emergency communication, and emergency  
552 equipment components;

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

555 (iii) provide for coordination with individuals and agency representatives who:

556 (A) are not employees of the school district; and

557 (B) would be involved in providing emergency services to students injured while  
558 participating in sports events.

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

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

565 [~~(19)~~] (20) A board shall do all other things necessary for the maintenance, prosperity,  
566 and success of the schools and the promotion of education.

567 Section 11. Section **53A-3-403** is amended to read:

568 **53A-3-403. School district fiscal year -- Statistical reports.**

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

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

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

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

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

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

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

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

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

585 Section 12. Section **53A-3-404** is amended to read:

586 **53A-3-404. Annual financial report -- Audit report.**

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

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

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

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

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

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

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

604 Section 13. Section **53A-3-411** is amended to read:

605 **53A-3-411. Employment of school personnel -- Length of contract -- Termination**  
606 **for cause -- Individual contract of employment.**

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

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

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

613 (b) Subsection (3)(a) does not apply to an agreement that was entered into before May  
614 5, 2003.

615 Section 14. Section **53A-6-103** is amended to read:

616 **53A-6-103. Definitions.**

617 As used in this chapter:

618 (1) "Accredited institution" means an institution meeting the requirements of Section  
619 53A-6-107.

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

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

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

628 (a) minimum grade point average;

629 (b) standardized testing or assessment;

630 (c) mentoring;

631 (d) recency of professional preparation or experience;

632 (e) graduation from an accredited institution; or

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

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

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

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

641 (c) required completion of a baccalaureate; and

642 (d) included a supervised field experience.

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

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

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

648           ~~[(7)]~~ (8) "Educator" means:

649           (a) a person who holds a license;

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

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

655           ~~[(8)]~~ (9) "Endorsement" means a stipulation appended to a license setting forth the  
656 areas of practice to which the license applies.

657           ~~[(9)]~~ (10) "License" means an authorization issued by the board which permits the  
658 holder to serve in a professional capacity in the public schools. The ~~[four]~~ five levels of  
659 licensure are:

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

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

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

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

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

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

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

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

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

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

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

676           ~~[(b)]~~ (c) "level 1 license," which is a license issued upon completion of an approved

677 preparation program or an alternative preparation program, or pursuant to an agreement under  
678 the NASDTEC Interstate Contract, to candidates who have also met all ancillary requirements  
679 established by law or rule;

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

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

686 ~~[(10)]~~ (11) "NASDTEC" means the National Association of State Directors of Teacher  
687 Education and Certification.

688 ~~[(11)]~~ (12) "NASDTEC Interstate Contract" means the contract implementing Title  
689 53A, Chapter 6, Part 2, Compact for Interstate Qualification of Educational Personnel, which is  
690 administered through NASDTEC.

691 ~~[(12)]~~ (13) "National Board certification" means a current certificate issued by the  
692 National Board for Professional Teaching Standards.

693 ~~[(13)]~~ (14) "Necessarily existent small school" means a school classified as a  
694 necessarily existent small school in accordance with Section 53A-17a-109.

695 ~~[(14)]~~ (15) "Office" means the Utah State Office of Education.

696 ~~[(15)]~~ (16) "Rule" means an administrative rule adopted by the board under Title 63,  
697 Chapter 46a, Utah Administrative Rulemaking Act.

698 ~~[(16)]~~ (17) "School" means a public or private entity which provides educational  
699 services to a minor child.

700 ~~[(17)]~~ (18) "Small school district" means a school district with an enrollment of less  
701 than 5,000 students.

702 ~~[(18)]~~ (19) "UPPAC" means the Utah Professional Practices Advisory Commission.

703 Section 15. Section **53A-6-104** is amended to read:

704 **53A-6-104. Board licensure.**

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

706 (b) ~~[(1)]~~ A person employed in a position that requires licensure by the board shall hold  
707 the appropriate license.

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

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

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

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

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

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

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

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

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

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

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

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

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



739 Section 16. Section **53A-6-104.5** is enacted to read:

740 **53A-6-104.5. Licensing by competency.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

769 (4) A school district or charter school:

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

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

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

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

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

781 Section 17. Section **53A-6-110** is enacted to read:

782 **53A-6-110. Administrative/supervisory letters of authorization.**

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

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

791 Section 18. Section **53A-6-502** is amended to read:

792 **53A-6-502. Mandatory reporting of physical or sexual abuse of students.**

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

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

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

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

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

808 Section 19. Section **53A-8-106** is amended to read:

809 **53A-8-106. Career employee status for provisional employees.**

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

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

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

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

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

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

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

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

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

830 Section 20. Section **53A-10-103** is amended to read:

831 **53A-10-103. Establishment of educator evaluation program -- Joint committee.**

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

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

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

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

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

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

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

843 Section 21. Section **53A-13-108** is enacted to read:

844 **53A-13-108. Curriculum and graduation requirements.**

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

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

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

851 (c) 3.0 units of credit in science.

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

853 (a) successful completion of secondary school courses;

854 (b) successful completion of concurrent enrollment classes consistent with Section  
855 53A-17a-120;

856 (c) demonstrated competence;

857 (d) assessment;

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

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

861 Section 22. Section **53A-17a-149** is enacted to read:

862 **53A-17a-149. Competency-based Education Block Grant Program -- State**

863 **contributions.**

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

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

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

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

871 (c) create specifications for developing and implementing:

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

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

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

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

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

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

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

890 Section 23. Section **53A-17a-150** is enacted to read:

891 **53A-17a-150. Appropriation for school districts with declining enrollment.**

892 (1) For fiscal year 2003-04 only, there is appropriated \$1,000,000 from the General  
893 Fund to the State Board of Education to be distributed to school districts that:

894 (a) experience a net decline in enrollment in the 2003-04, 2004-05, or 2005-06 school  
895 year; and

896 (b) all or a part of the decline can be attributed to the enactment of Section 59-7-616,  
897 59-10-136, or 59-10-137.

898 (2) The appropriation under Subsection (1) shall be nonlapsing.

899 (3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
900 board shall make rules establishing criteria and procedures for the distribution of funds  
901 appropriated under Subsection (1).

902 Section 24. Section **59-7-616** is enacted to read:

903 **59-7-616. Tax credit for contributions to scholarship granting organizations --**

904 **Definitions -- Duties of scholarship granting organizations -- Penalties.**

905 (1) As used in this section:

906 (a) (i) "Private school" means an elementary or secondary school within this state that:

907 (A) is not owned and controlled by a governmental entity;

908 (B) provides instruction for one or more grades kindergarten through 12; and

909 (C) at which the compulsory attendance requirements of Section 53A-11-101 may be

910 met.

911 (ii) "Private school" does not include a home school.

912 (b) (i) "Qualifying student" means, except as provided in Subsection (1)(b)(ii), an  
913 individual:

914 (A) who is enrolled at a private school as a full-time student as determined by the  
915 private school;

916 (B) for whom the private school has on file a release of information form;

917 (C) who will be under 19 years of age on the last day of the school year as determined

918 by the private school or, if the individual is disabled and has not graduated from high school

919 with a regular diploma, will be under 22 years of age on the last day of the school year as

920 determined by the private school; and

921 (D) who meets one or more of the following criteria:

922 (I) the individual was not enrolled at a private school between July 1, 2002 and January  
923 1, 2003; or

924 (II) the individual is a member of a household as defined in 7 C.F.R. Sec. 245.2 whose

925 household income as determined under 7 C.F.R. Part 245, Determining Eligibility for Free and  
926 Reduced Price Meals and Free Milk in Schools, is less than 100% of the reduced price meals  
927 income eligibility guideline for the applicable household size as published by the U.S.  
928 Department of Agriculture by notice in the Federal Register.

929 (ii) "Qualifying student" does not include a private school student while enrolled in  
930 kindergarten during the 2003-04 school year.

931 (c) "Release of information form" means a form developed by a private school that:

932 (i) states that a parent of a qualifying student consents to the release of the information  
933 contained in the school tuition certificate; and

934 (ii) is consistent with the requirements of 20 U.S.C. Sec. 1232g, Family Educational  
935 Rights and Privacy Act of 1974.

936 (d) "Scholarship granting organization" means an organization that:

937 (i) is exempt from taxation under Section 501(c)(3), Internal Revenue Code; and

938 (ii) makes tuition grants to qualifying students to attend private schools in this state.

939 (e) "School tuition certificate" means a certificate developed by a private school that:

940 (i) is issued by the private school to the first taxpayer or scholarship granting  
941 organization that during the calendar year:

942 (A) makes a:

943 (I) tuition grant to a qualifying student in accordance with this section or Section  
944 59-10-136; or

945 (II) tuition payment on behalf of a qualifying student in accordance with Section  
946 59-10-137; and

947 (B) requests the certificate from the private school; and

948 (ii) lists:

949 (A) the name of the qualifying student:

950 (I) receiving a tuition grant in accordance with this section or Section 59-10-136; or

951 (II) on behalf of whom a tuition payment is made in accordance with Section  
952 59-10-137;

953 (B) the calendar year for which the school tuition certificate is issued; and

954 (C) the value of the weighted pupil unit on the first day of the calendar year described  
955 in Subsection (1)(e)(ii)(B).

956 (f) "Value of the weighted pupil unit" means the amount specified in Section  
957 53A-17a-103 that is multiplied by the number of weighted pupil units to yield the funding level  
958 for the basic state-supported school program.

959 (2) (a) For taxable years beginning on or after January 1, 2003, a taxpayer may claim a  
960 nonrefundable tax credit against the taxes imposed by this chapter as provided in this section  
961 for monetary contributions:

962 (i) the taxpayer makes during a taxable year to a scholarship granting organization; and

963 (ii) that will be used to make tuition grants, in accordance with Subsections (5) through  
964 (7), to qualifying students to attend private school.

965 (b) The maximum tax credit that may be claimed under this section is 50% of the  
966 taxpayer's tax liability imposed by this chapter.

967 (3) The tax credit provided for in this section may not be carried forward or carried  
968 back.

969 (4) A scholarship granting organization shall within 30 days after the day on which a  
970 taxpayer seeking to claim a tax credit under this section or Section 59-10-136 makes a  
971 contribution to the scholarship granting organization, provide to the taxpayer a written  
972 statement:

973 (a) certifying that the contribution shall be used to make tuition grants, in accordance  
974 with Subsections (5) through (7), to qualifying students to attend private schools; and

975 (b) listing the amount of the contribution.

976 (5) A scholarship granting organization shall make tuition payments for a qualifying  
977 student receiving a tuition grant funded from a contribution for which the scholarship granting  
978 organization issues a written statement in accordance with Subsection (4) to any private school  
979 in this state that is not under an injunction from the Division of Consumer Protection in  
980 accordance with Section 59-7-618, as selected by a parent of the qualifying student.

981 (6) (a) A scholarship granting organization may make a tuition grant during a calendar  
982 year to a qualifying student from a contribution for which the scholarship granting organization  
983 issues a written statement in accordance with Subsection (4), if the scholarship granting  
984 organization during the calendar year:

985 (i) does not make tuition grants to that qualifying student from a contribution for which  
986 the scholarship granting organization issues a written statement in accordance with Subsection



987 (4) the total amount of which exceeds the amount specified in Subsection (6)(b); and  
988 (ii) obtains from the private school a school tuition certificate listing the name of that  
989 qualifying student.

990 (b) For the purpose of Subsection (6)(a), a scholarship granting organization may make  
991 tuition grants to:

992 (i) a qualifying student enrolled in private school for only kindergarten during the  
993 calendar year in an amount not to exceed the greater of:

994 (A) \$586; or  
995 (B) \$586 adjusted by the percentage increase in the value of the weighted pupil unit  
996 from January 1, 2003 to the first day of the calendar year for which the private school issues the  
997 school tuition certificate in accordance with this section;

998 (ii) a qualifying student enrolled in private school for both kindergarten and a higher  
999 grade during the calendar year in an amount not to exceed the greater of:

1000 (A) \$1,652; or  
1001 (B) \$1,652 adjusted by the percentage increase in the value of the weighted pupil unit  
1002 from January 1, 2003 to the first day of the calendar year for which the private school issues the  
1003 school tuition certificate in accordance with this section; and

1004 (iii) a qualifying student enrolled in private school for only grades 1-12 during a  
1005 calendar year in an amount not to exceed the greater of:

1006 (A) \$2,132; or  
1007 (B) the value of the weighted pupil unit on the first day of the calendar year for which  
1008 the private school issues the school tuition certificate in accordance with this section.

1009 (c) A private school may not issue more than one school tuition certificate during a  
1010 calendar year that lists the name of a particular qualifying student.

1011 (d) (i) A scholarship granting organization shall pay to the commission a penalty  
1012 calculated under Subsection (6)(d)(ii) if during a calendar year the scholarship granting  
1013 organization makes one or more tuition grants to a qualifying student:

1014 (A) that exceed the total amount described in Subsections (6)(a) and (6)(b); or  
1015 (B) without obtaining from the private school a school tuition certificate listing the  
1016 name of that qualifying student.

1017 (ii) (A) The penalty for making tuition grants to a qualifying student that exceed the

1018 total amount described in Subsections (6)(a) and (6)(b) is an amount equal to the difference  
1019 between:

1020 (I) the total amount described in Subsections (6)(a) and (6)(b); and

1021 (II) the total amount of tuition grants the scholarship granting organization makes to  
1022 the qualifying student during a calendar year from a contribution for which the scholarship  
1023 granting organization issues a written statement in accordance with Subsection (4).

1024 (B) The penalty for making tuition grants to a qualifying student without obtaining a  
1025 school tuition certificate for the student is an amount equal to the total amount of tuition grants  
1026 the scholarship granting organization makes to the qualifying student during a calendar year  
1027 from a contribution for which the scholarship granting organization issues a written statement  
1028 in accordance with Subsection (4).

1029 (e) The commission shall deposit any penalties the commission collected under this  
1030 Subsection (6) into the Uniform School Fund.

1031 (7) (a) A scholarship granting organization shall expend at least 98% of each  
1032 contribution for which the organization issues a written statement in accordance with  
1033 Subsection (4):

1034 (i) for tuition grants to qualifying students to attend private schools in this state; and  
1035 (ii) within a 12-month period after the day on which the organization receives the  
1036 contribution.

1037 (b) A scholarship granting organization may expend up to 2% of each contribution for  
1038 which the organization issues a written statement in accordance with Subsection (4) to  
1039 administer the tuition grant program.

1040 (c) A scholarship granting organization that fails to comply with the requirements of  
1041 Subsection (7)(a) shall pay to the commission a penalty equal to the sum of:

1042 (i) the amount that is not spent in accordance with Subsection (7)(a); and

1043 (ii) the interest or earnings the scholarship granting organization receives on the  
1044 amount that is not spent in accordance with Subsection (7)(a).

1045 (d) The commission shall deposit any penalties the commission collects under this  
1046 Subsection (7) into the Uniform School Fund.

1047 (8) A scholarship granting organization that receives contributions from taxpayers  
1048 seeking a tax credit pursuant to this section or Section 59-10-136 shall provide to the

1049 commission an annual audit conducted by an independent certified public accountant that  
1050 includes a:

1051 (a) financial audit of its accounts and records; and  
1052 (b) compliance audit of the requirements under this section and Section 59-10-136.  
1053 (9) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
1054 commission may make rules requiring scholarship granting organizations to verify that each  
1055 tuition grant recipient meets the requirements of a qualifying student under Subsection (1)(b).  
1056 (10) In accordance with Title 63, Chapter 46b, Administrative Procedures Act, the  
1057 commission may enjoin a scholarship granting organization that fails to comply with this  
1058 section from accepting contributions from taxpayers seeking to claim a tax credit under this  
1059 section or Section 59-10-136 for a period of up to one year.  
1060 (11) Nothing in this section or Section 13-2-1, 59-7-618, 59-10-136, or 59-10-137  
1061 grants additional authority to any state agency or school district to regulate private schools,  
1062 except as expressly set forth in these sections.

1063 Section 25. Section **59-7-618** is enacted to read:  
1064 **59-7-618. Private school requirements -- School tuition certificates -- Enforcement**  
1065 **-- Orders.**

1066 (1) As used in this section:  
1067 (a) "Private school" is as defined in Section 59-7-616.  
1068 (b) "School tuition certificate" is as defined in Section 59-7-616.  
1069 (2) A private school may not issue a school tuition certificate unless it:  
1070 (a) (i) annually assesses the achievement of each student for which a tuition tax credit  
1071 certificate is issued by administering a standardized achievement test scored by an independent  
1072 party that provides a comparison of the student's performance to other students on a national  
1073 basis; and  
1074 (ii) (A) reports the test results to the student's parents; and  
1075 (B) upon request, makes tests results available to other persons, in manner that does  
1076 not reveal the identity of any student;  
1077 (b) provides to parents the relevant credentials of teachers who will be teaching their  
1078 children;  
1079 (c) provides to parents a statement indicating which, if any, organizations have

1080 accredited the private school; and

1081 (d) has not been enjoined from issuing school tuition certificates in accordance with  
1082 Subsection (3).

1083 (3) (a) The Division of Consumer Protection may use its enforcement powers to  
1084 investigate complaints and convene administrative hearings for a violation of Subsection (2).

1085 (b) If the Division of Consumer Protection finds repeated and willful violations of  
1086 Subsection (2), it shall issue an order that enjoins the private school from issuing a school  
1087 tuition certificate for the subsequent school year.

1088 Section 26. Section **59-10-136** is enacted to read:

1089 **59-10-136. Tax credit for contributions to scholarship granting organizations --**  
1090 **Definitions -- Duties of scholarship granting organizations -- Penalties.**

1091 (1) As used in this section:

1092 (a) "Private school" is as defined in Section 59-7-616.

1093 (b) "Qualifying student" is as defined in Section 59-7-616.

1094 (c) "Scholarship granting organization" is as defined in Section 59-7-616.

1095 (d) "School tuition certificate" is as defined in Section 59-7-616.

1096 (e) "Value of the weighted pupil unit" is as defined in Section 59-7-616.

1097 (2) For taxable years beginning on or after January 1, 2003, a taxpayer may claim a  
1098 nonrefundable tax credit against the taxes imposed by this chapter as provided in this section  
1099 for monetary contributions:

1100 (a) the taxpayer makes during a taxable year to a scholarship granting organization; and

1101 (b) that will be used to make tuition grants, in accordance with Section 59-7-616 and  
1102 rules adopted by the commission under that section, to qualifying students to attend private  
1103 school.

1104 (3) The tax credit provided for in this section may not be carried forward or carried  
1105 back.

1106 (4) A scholarship granting organization shall provide a written statement to a taxpayer  
1107 seeking to claim a tax credit under this section in accordance with Section 59-7-616.

1108 Section 27. Section **59-10-137** is enacted to read:

1109 **59-10-137. Nonrefundable tuition tax credit -- Definitions.**

1110 (1) As used in this section:

- 1111 (a) "Private school" is as defined in Section 59-7-616.
- 1112 (b) "Qualifying student" is as defined in Section 59-7-616.
- 1113 (c) "School tuition certificate" is as defined in Section 59-7-616.
- 1114 (d) "Value of the weighted pupil unit" is as defined in Section 59-7-616.
- 1115 (2) For taxable years beginning on or after January 1, 2003, a taxpayer may claim a
- 1116 nonrefundable tax credit against the taxes imposed by this chapter as provided in this section
- 1117 for amounts paid to a private school for tuition:
- 1118 (a) on behalf of a qualifying student; and
- 1119 (b) during the taxable year.
- 1120 (3) (a) For a taxable year the amount of tax credit that a taxpayer may claim under this
- 1121 section for a qualifying student on whose behalf the taxpayer paid tuition in accordance with
- 1122 Subsection (2) may not exceed the amounts specified in Subsection (3)(b).
- 1123 (b) For the purpose of Subsection (3)(a), a taxpayer may claim a tax credit for tuition
- 1124 paid on behalf of:
- 1125 (i) a qualifying student enrolled in private school for only kindergarten during the
- 1126 taxable year in an amount not to exceed the lesser of:
- 1127 (A) the amount of tuition the taxpayer paid on behalf of the qualifying student during
- 1128 the taxable year; or
- 1129 (B) the greater of:
- 1130 (I) \$586; or
- 1131 (II) \$586 adjusted by the percentage increase in the value of the weighted pupil unit
- 1132 from January 1, 2003 to the first day of the calendar year for which the private school issues the
- 1133 school tuition certificate in accordance with Section 59-7-616;
- 1134 (ii) a qualifying student enrolled in private school for both kindergarten and a higher
- 1135 grade during the taxable year in an amount not to exceed the lesser of:
- 1136 (A) the amount of tuition the taxpayer paid on behalf of the qualifying student during
- 1137 the taxable year; or
- 1138 (B) the greater of:
- 1139 (I) \$1,652; or
- 1140 (II) \$1,652 adjusted by the percentage increase in the value of the weighted pupil unit
- 1141 from January 1, 2003 to the first day of the calendar year for which the private school issues the

1142 school tuition certificate in accordance with Section 59-7-616; and

1143 (iii) a qualifying student enrolled in private school for only grades 1-12 during the  
1144 taxable year in an amount not to exceed the lesser of:

1145 (A) the amount of tuition the taxpayer paid on behalf of the qualifying student during  
1146 the taxable year; or

1147 (B) the greater of:

1148 (I) \$2,132; or

1149 (II) the value of the weighted pupil unit on the first day of the calendar year for which  
1150 the private school issues the school tuition certificate in accordance with this section.

1151 (4) The tax credit provided for in this section may not be carried forward or carried  
1152 back.

1153 (5) A taxpayer may claim a tax credit under this section for a taxable year only if the  
1154 taxpayer obtains from a private school a school tuition certificate listing the name of the  
1155 qualifying student on whose behalf the taxpayer paid tuition in accordance with Subsection (2).

1156 (6) A private school may not issue more than one school tuition certificate during a  
1157 calendar year that lists the name of a particular qualifying student.

1158 Section 28. Section **63-55b-153** is amended to read:

1159 **63-55b-153. Repeal dates -- Titles 53 and 53A.**

1160 (1) Subsection 53-3-205(9)(a)(i)(D) is repealed July 1, 2007.

1161 (2) Subsection 53-3-804(2)(g) is repealed July 1, 2007.

1162 (3) Subsection 53-5-710(4) pertaining to restrictions at Olympic venue secure areas is  
1163 repealed April 1, 2002.

1164 (4) Title 53, Chapter 12, State Olympic Public Safety Command Act, is repealed July  
1165 1, 2003.

1166 (5) Section 53-12-301.1 is repealed April 1, 2002.

1167 (6) Section 53A-1-403.5 is repealed July 1, 2007.

1168 (7) Section 53A-3-602 is repealed July 1, 2002.

1169 (8) Section 53A-17a-149 is repealed July 1, 2006.

1170 Section 29. **Legislative finding -- State Board of Education study and**  
1171 **recommendations -- Reports.**

1172 (1) The Legislature finds that a free public education should:

1173 (a) prepare each student for the student's choice of higher education or gainful  
1174 employment, focusing on the core academic skills of reading, writing, science, and  
1175 mathematics, balanced with exposure to the arts which will enable students, through teamwork  
1176 and cooperation, to:

1177 (i) communicate effectively, both verbally and through written communication;

1178 (ii) apply mathematics; and

1179 (iii) access, analyze, and apply information; and

1180 (b) train students in the key attributes required for successful living including those  
1181 described in "What Work Requires of Schools: A SCANS Report for America 2000" from the  
1182 Secretary's Commission on Achieving Necessary Skills of the U.S. Department of Labor.

1183 (2) In accordance with the findings described under Subsection (1), the State Board of  
1184 Education shall study and make recommendations for:

1185 (a) aligning responsibility, authority, accountability, and funding for the State Board of  
1186 Education, state superintendent, and local school districts;

1187 (b) an improved environment of academic achievement;

1188 (c) implementing competency-based progress and measurement systems that allow  
1189 each student to continually progress within and between course levels at an individual optimal  
1190 rate;

1191 (d) assuring that each high school senior is progressing in challenging courses;

1192 (e) developing, with employers, trades, and professions, competency standards for  
1193 progress or graduation;

1194 (f) improving methods of motivating school districts to increase academic discipline,  
1195 including reduced cutting of classes by students and utilizing means such as closed campuses;

1196 (g) implementing a progress-based assessment system that continually tracks individual  
1197 student progress each year in each of the core academic areas by:

1198 (i) tracking student progress from year to year on a longitudinal basis, rather than  
1199 aggregate levels of performance;

1200 (ii) utilizing national norm-referenced tests as benchmarks, so that the progress of Utah  
1201 students can be compared to the progress of students in other states and the nation;

1202 (iii) providing progress assessment data that follow each student wherever that student  
1203 attends schools in the state; and

1204 (iv) making the assessment data available to parents to permit them to make fully  
1205 informed decisions regarding the districts, schools, and teachers they wish to involve in the  
1206 educational process for their children;

1207 (h) developing methods to increase school choice among public schools, including  
1208 intradistrict and interdistrict transfers, and expansion of alternative schools such as charter  
1209 schools and New Century schools;

1210 (i) aligning the current funding mechanisms with the priorities of the strategy focusing  
1211 on core academics, to include financial incentives and consequences;

1212 (j) developing a new incremental state funding mechanism for public education that:

1213 (i) motivates school districts to focus on achieving value-added progress in core  
1214 academics;

1215 (ii) is tied to the progress-based assessment system described under Subsection (2)(g);

1216 (iii) provides funding details, including adjustments for mobility; and

1217 (iv) provides school districts, parents, students, and educators an economic incentive  
1218 for developing economic efficiencies in the delivery of instruction;

1219 (k) remediating schools and districts that do not meet appropriate standards based on  
1220 the progress-based assessment described above, including possible transfer of control to the  
1221 State Board of Education;

1222 (l) developing ways to meet a variety of learning styles;

1223 (m) developing savings through building utilization, including double sessions and  
1224 year-round schedules; and

1225 (n) implementing other best demonstrated practices of other states and their school  
1226 districts that are achieving significant improvement in core academic progress.

1227 (3) (a) By August 15, 2003, the State Board of Education shall submit an initial report  
1228 to the governor's office for use at the State Education Summit Meeting.

1229 (b) The State Board of Education shall make at least three annual reports on the issues  
1230 described under Subsection (2) to the Education Interim Committee.

1231 (c) A final report, including any proposed legislation, shall be presented to the  
1232 Education Interim Committee prior to November 30, 2003, 2004, and 2005.

1233 Section 30. **Education Interim Committee -- Request for proposals --**

1234 **Appropriation.**



1235 (1) The Education Interim Committee, after consultation with the State Board of  
1236 Education, shall issue a three-stage request for proposals responding to Utah's need to stretch  
1237 educational dollars and improve student performance, including:

1238 (a) the core definition and mission of public education in the state;

1239 (b) how the following features could be used to accelerate student progress and  
1240 achievement:

1241 (i) daily and weekly competency-based progress;

1242 (ii) self-paced progress;

1243 (iii) new curriculum structures;

1244 (iv) new information technology;

1245 (v) new classroom operation processes;

1246 (vi) new student and teacher support mechanisms; and

1247 (vii) use of the Internet; and

1248 (c) how the components described under Subsection (1)(b) can be aligned and  
1249 harmonized to reduce delivery costs and overhead, including administration and clerical work.

1250 (2) The issuance of the request for proposals under Subsection (1) shall proceed as  
1251 follows:

1252 (a) a general and widely advertised invitation for preliminary proposals;

1253 (b) a selection of up to three promising proposals for the development of a complete  
1254 proposal, but promising consideration of all complete proposals developed with private funds;  
1255 and

1256 (c) a selection of one or more of the final proposals for recommendation to the  
1257 Legislature and the educational community for developmental funding and implementation.

1258 (3) There is appropriated from the General Fund for fiscal year 2002-03 only, \$150,000  
1259 to the Office of Legislative Research and General Counsel for the Education Interim  
1260 Committee to issue the request for proposals described in this section.

1261 (4) By August 15, 2003, the Education Interim Committee shall submit an initial report  
1262 to the governor's office for use at the State Education Summit Meeting.

1263 **Section 31. Public Education Appropriations Subcommittee -- Study -- Report.**

1264 (1) The Public Education Appropriations Subcommittee shall study and make  
1265 recommendations for:

1266 (a) the Competency-based Education Block Grant Program under Section 53A-17a-149  
1267 and other programs beyond fiscal year 2003-04, including the amount and allocation of public  
1268 education monies, based upon both new public education monies and the reallocation of  
1269 monies required to implement:

1270 (i) progress-based assessments;

1271 (ii) a weighted competency unit that distributes public education monies based on  
1272 numbers of grade level achieved as measured by the progress-based assessments;

1273 (iii) a plan to assist students, teachers, schools, and districts that need remediation  
1274 based upon Subsections (1)(a)(i) and (ii); and

1275 (iv) the reallocation of teachers from non-core electives into grades 1-3, 7-12 math, and  
1276 7-12 English; and

1277 (v) a teacher development program focused on achieving progress in core academics;  
1278 and

1279 (b) other issues that may be recommended by the Public Education Appropriations  
1280 Subcommittee.

1281 (2) (a) By August 15, 2003, the Public Education Appropriations Subcommittee shall  
1282 submit an initial report to the governor's office for use at the State Education Summit Meeting.

1283 (b) A final report shall be presented before November 30, 2003, to the Executive  
1284 Appropriations Committee.

1285 **Section 32. Additional meetings authorized -- Appropriations.**

1286 (1) The Education Interim Committee and the Public Education Appropriations  
1287 Subcommittee are each authorized to hold two additional meetings during the 2003 interim.

1288 (2) There is appropriated from the General Fund for fiscal year 2002-03 only, the  
1289 following amounts for the additional meetings under Subsection (1):

1290 (a) \$4,500 to the Senate to pay for the compensation and expenses of senators on the  
1291 committees;

1292 (b) \$10,000 to the House of Representatives to pay for the compensation and expenses  
1293 of representatives on the committees;

1294 (c) \$5,000 to the Office of Legislative Research and General Counsel to pay for  
1295 staffing expenses; and

1296 (d) \$5,000 to the Office of the Legislative Fiscal Analyst to pay for staffing expenses.

1297 Section 33. **State Board of Regents -- Study.**

1298 (1) The State Board of Regents shall study and make recommendations on changes to  
1299 the system of higher education that may be required to accommodate and coordinate with  
1300 public education as public education implements competency-based education and  
1301 progress-based assessments.

1302 (2) By August 15, 2003, the State Board of Regents shall submit a report to the  
1303 governor's office for use at the State Education Summit Meeting.

1304 Section 34. **State Education Summit Meeting.**

1305 (1) (a) The governor's office shall organize a State Education Summit Meeting to be  
1306 held after September 1 in 2003.

1307 (b) The State Board of Education and state superintendent of public instruction shall  
1308 provide staff support for the summit meeting.

1309 (2) The participants in the State Education Summit Meeting shall be:

1310 (a) the State Board of Education;

1311 (b) the state superintendent of public instruction;

1312 (c) representatives of local school boards and superintendents;

1313 (d) the Education Interim Committee;

1314 (e) the Public Education Appropriations Subcommittee;

1315 (f) the governor's office;

1316 (g) the State Board of Regents;

1317 (h) the commissioner of higher education;

1318 (i) representatives of Utah's higher education institutions;

1319 (j) representatives of educators;

1320 (k) representatives of business, industry, and employers;

1321 (l) representatives of students' parents; and

1322 (m) other invited participants.

1323 (3) The purpose of the State Education Summit Meeting shall be to:

1324 (a) hear the initial reports of the State Board of Education, the Education Interim  
1325 Committee, the Public Education Appropriations Subcommittee, and State Board of Regents  
1326 required under this act;

1327 (b) discuss issues relating to this act, including the emphasis on core academic

1328 subjects, competency-based education, and progress-based assessments;

1329 (c) develop plans, coordinate efforts, make recommendations, and propose legislation

1330 needed to implement this act.

1331 **Section 35. Retrospective operation.**

1332 This act has retrospective operation for taxable years beginning on or after January 1,

1333 2003.