

**REPEAL OF PUBLIC EDUCATION
AMENDMENTS**

2004 GENERAL SESSION
STATE OF UTAH

Sponsor: Judy Ann Buffmire

LONG TITLE

General Description:

This bill repeals the amendments to the State System of Public Education Code and the Election Code passed in 2003 S.B.154, Public Education Amendments.

Highlighted Provisions:

This bill:

- ▶ repeals modifications to the governance of public education;
- ▶ repeals modifications to the funding of the public education system;
- ▶ repeals modifications to the core academic skills, assessment and accountability, and school choice; and
- ▶ repeals uncodified sections of code.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-14-104, as last amended by Chapter 315, Laws of Utah 2003

20A-14-105, as last amended by Chapter 315, Laws of Utah 2003

~~**H** [20A-14-202, as last amended by Chapter 315, Laws of Utah 2003] **h**~~

53A-1-301, as last amended by Chapters 221 and 315, Laws of Utah 2003



- 28 **53A-1-402.6**, as last amended by Chapter 315, Laws of Utah 2003
- 29 **53A-1a-104**, as last amended by Chapter 315, Laws of Utah 2003
- 30 **53A-3-301**, as last amended by Chapters 231 and 315, Laws of Utah 2003
- 31 **53A-3-402**, as last amended by Chapter 315, Laws of Utah 2003
- 32 **53A-3-403**, as last amended by Chapter 315, Laws of Utah 2003
- 33 **53A-3-404**, as last amended by Chapters 221 and 315, Laws of Utah 2003
- 34 **53A-3-411**, as last amended by Chapters 284 and 315, Laws of Utah 2003
- 35 **53A-6-103**, as last amended by Chapter 315, Laws of Utah 2003
- 36 **53A-6-104**, as last amended by Chapter 315, Laws of Utah 2003
- 37 **53A-8-106**, as last amended by Chapter 315, Laws of Utah 2003
- 38 **53A-10-103**, as last amended by Chapter 315, Laws of Utah 2003

39 REPEALS:

- 40 **53A-1-409**, as enacted by Chapter 315, Laws of Utah 2003
- 41 **53A-6-104.5**, as enacted by Chapter 315, Laws of Utah 2003
- 42 **53A-6-110**, as enacted by Chapter 315, Laws of Utah 2003
- 43 **53A-13-108**, as enacted by Chapter 315, Laws of Utah 2003

44 **Uncodified Material Affected:**

45 REPEALS UNCODIFIED MATERIAL:

- 46 **Uncodified Section 21, Chapter 315, Laws of Utah 2003**
- 47 **Uncodified Section 22, Chapter 315, Laws of Utah 2003**
- 48 **Uncodified Section 23, Chapter 315, Laws of Utah 2003**
- 49 **Uncodified Section 24, Chapter 315, Laws of Utah 2003**
- 50 **Uncodified Section 25, Chapter 315, Laws of Utah 2003**
- 51 **Uncodified Section 26, Chapter 316, Laws of Utah 2003**
- 52 **Uncodified Section 27, Chapter 315, Laws of Utah 2003**



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

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

56 **20A-14-104. Becoming a candidate for membership on the State Board of**
57 **Education -- Nominating and recruiting committee -- Membership -- Duties.**

58 (1) (a) Persons interested in becoming a candidate for the State Board of Education

59 shall file a declaration of candidacy according to the procedures and requirements of Sections
60 20A-9-201 and 20A-9-202.

61 (b) By May 1 of the year in which a State Board of Education member's term expires,
62 the lieutenant governor shall submit the name of each person who has filed a declaration of
63 candidacy for the State Board of Education to the nominating and recruiting committee for the
64 State Board of Education district in which the candidate resides.

65 (2) ~~[(a)]~~ By ~~[November]~~ December 1 of ~~[2003 and every four years thereafter,]~~ the year
66 preceding the year in which a State Board of Education member's term expires, the governor
67 shall:

68 (a) appoint a nominating and recruiting committee consisting of ~~[11]~~ seven members,
69 each to serve a ~~[four-year]~~ one-year term, ~~[shall be appointed as follows:]~~ for the state board
70 district that member represents;

71 ~~[(i) one member appointed by the governing board of the Utah Farm Bureau;]~~

72 ~~[(ii) one member appointed by the governing board of the Utah Manufacturer's~~
73 ~~Association;]~~

74 ~~[(iii) one member appointed by the governing board of the Utah Taxpayers~~
75 ~~Association;]~~

76 ~~[(iv) one member appointed by the governing board of the Utah State Chamber of~~
77 ~~Commerce;]~~

78 ~~[(v) one member jointly appointed by the governing boards of the Utah Food Industry~~
79 ~~Association and Utah Retail Merchants Association;]~~

80 ~~[(vi) one member appointed by the governing board of the American Federation of~~
81 ~~Teachers/Utah;]~~

82 ~~[(vii) one member appointed by the governing board of the Utah Education~~
83 ~~Association;]~~

84 ~~[(viii) one member appointed by the governing board of the Utah Parent Teacher~~
85 ~~Association;]~~

86 ~~[(ix) one member appointed by the governing board of the Utah School Boards~~
87 ~~Association;]~~

88 ~~[(x) one member appointed by the governing board of the Utah School Superintendents~~
89 ~~Association; and]~~

90 ~~[(xi) one at large member appointed by the governor.]~~

91 (b) ensure that each member of the nominating and recruiting committee resides within
92 the state board district;

93 (c) ensure that:

94 (i) one member of the nominating and recruiting committee serves on a local school
95 board within the state board district;

96 (ii) one member of the nominating and recruiting committee is employed as a school
97 district or public school administrator;

98 (iii) one member of the nominating and recruiting committee is employed as a public
99 school teacher;

100 (iv) one member of the nominating and recruiting committee belongs to a parent
101 association that provides direct and ongoing support to public schools within the district; and

102 (v) three members of the nominating and recruiting committee represent economic
103 interests and the public at large; and

104 ~~[(b) The members shall elect]~~ (d) designate one member to serve as chair for the
105 committee.

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

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

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

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

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

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

119 (c) submit a list of at least three candidates for ~~[each]~~ the state board position to the
120 governor by July 1; and

121 (d) ensure that the list includes appropriate background information on each candidate.

122 (5) The nominating committee shall select a broad variety of candidates who possess
 123 outstanding professional qualifications relating to the powers and duties of the State Board of
 124 Education~~[, including experience in the following areas:]~~.

125 [~~(a) business and industry administration;~~]

126 [~~(b) business and industry human resource management;~~]

127 [~~(c) business and industry finance;~~]

128 [~~(d) business and industry, including expertise in:~~]

129 [~~(i) metrics and evaluation;~~]

130 [~~(ii) manufacturing;~~]

131 [~~(iii) retailing;~~]

132 [~~(iv) natural resources;~~]

133 [~~(v) information technology;~~]

134 [~~(vi) construction;~~]

135 [~~(vii) banking;~~]

136 [~~(viii) science and engineering; and]~~

137 [~~(ix) medical and healthcare;~~]

138 [~~(e) higher education administration;~~]

139 [~~(f) applied technology education;~~]

140 [~~(g) public education administration;~~]

141 [~~(h) public education instruction;~~]

142 [~~(i) economic development;~~]

143 [~~(j) labor; and]~~

144 [~~(k) other life experiences that would benefit the State Board of Education.~~]

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

146 **20A-14-105. Becoming a candidate for membership on the State Board of**

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

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

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

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

154 (2) If the governor fails to select two candidates for a state board district by September
155 1, the nominating and recruiting committee from that district shall:

156 (a) select the two candidates; and

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

158 (3) The lieutenant governor shall:

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

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

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

163 **20A-14-202. Local Boards of Education -- Membership -- When elected --**

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

165 (1) (a) ~~Ĥ~~ [f] **Except as provided in Subsection (1)(b), the [j] [The] ĥ** board of education of
165a a school

166 district with a student population of up to 24,000 students shall consist of five members.

167 ~~Ĥ~~ [f] (b) **The board of education of a school district with a student population of more**
167a **than**

168 **10,000 students but fewer than 24,000 students shall increase from five to seven members**

169 **beginning with the 2004 regular general election. [j] ĥ**

170 ~~(e)~~ ~~Ĥ~~ ~~(b)~~ (c) ~~ĥ~~ The board of education of a school district with a student population of
170a 24,000

171 or more students shall consist of seven members.

172 ~~(d)~~ ~~Ĥ~~ ~~(e)~~ (d) ~~ĥ~~ Student population is based on the October 1 student count submitted by
173 districts to the State Office of Education.

174 ~~(e)~~ ~~Ĥ~~ ~~(d)~~ (e) ~~ĥ~~ If the number of members of a local school board is required to change
174a under

175 Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in
176 Sections 20A-14-201 and 20A-14-203.

177 ~~(f)~~ ~~Ĥ~~ ~~(e)~~ (f) ~~ĥ~~ A school district which now has or increases to a seven-member board
177a shall

178 maintain a seven-member board regardless of subsequent changes in student population.

179 ~~(g)~~ ~~Ĥ~~ ~~(f)~~ (g) ~~ĥ~~ (i) Members of a local board of education shall be elected at each regular
180 general election.

181 (ii) Except as provided in Subsection (1)~~(g)~~(f)(iii), no more than three members of a
182 local board of education may be elected to a five-member board, nor more than four members

183 elected to a seven-member board, in any election year.

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

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

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

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

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

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

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

198 **53A-1-301. Appointment -- Qualifications -- Duties.**

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

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

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

206 ~~[(2) The superintendent shall develop a statewide education strategy focusing on core
207 academics, including the development of:]~~

208 ~~[(a) core curriculum and graduation requirements;]~~

209 ~~[(b) a process to select instructional materials that best correlate to the core curriculum
210 and graduation requirements that are supported by generally accepted scientific standards of
211 evidence;]~~

212 ~~[(c) professional development programs for teachers, superintendents, and principals;]~~

213 ~~[(d) remediation programs;]~~

214 ~~[(e) a method for creating individual student learning targets, and a method of~~
215 ~~measuring an individual student's performance toward those targets;]~~

216 ~~[(f) progress-based assessments for ongoing performance evaluations of districts and~~
217 ~~schools;]~~

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

220 ~~[(h) an annual report card for school and district performance, measuring learning and~~
221 ~~reporting progress-based assessments;]~~

222 ~~[(i) a systematic method to encourage innovation in schools and school districts as they~~
223 ~~strive to achieve improvement in their performance; and]~~

224 ~~[(j) a method for identifying and sharing best demonstrated practices across districts~~
225 ~~and schools.]~~

226 ~~[(3)]~~ (2) The superintendent shall perform duties assigned by the board, including the
227 following:

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

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

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

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

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

236 (ii) a complete statement of fund balances;

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

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

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

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

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

251 (A) alcohol and drug abuse;

252 (B) weapon possession;

253 (C) assaults; and

254 (D) arson;

255 (viii) information about:

256 (A) the development and implementation of the strategy of focusing on core
257 academics;

258 (B) the development and implementation of competency-based education and
259 progress-based assessments; and

260 (C) the results being achieved under Subsections [~~3~~] (2)(d)(viii)(A) and (B), as
261 measured by individual progress-based assessments and the comparison of Utah Students'
262 progress with the progress of students in other states using standardized norm-referenced tests
263 as benchmarks; and

264 (ix) other statistical and financial information about the school system which the
265 superintendent considers pertinent;

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

270 (i) data that are:

271 (A) comparable across schools and school districts;

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

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

275 (ii) features that enable users, most particularly school administrators, teachers, and

276 parents, to:

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

278 (B) interpret the data visually; and

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

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

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

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

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

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

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

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

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

293 ~~[(4)]~~ (3) Upon leaving office, the state superintendent shall deliver to his successor all
294 books, records, documents, maps, reports, papers, and other articles pertaining to his office.

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

296 **53A-1-402.6. Core curriculum.**

297 (1) In establishing minimum standards related to curriculum and instruction
298 requirements under Section 53A-1-402, the State Board of Education shall, in consultation
299 with local school boards, school superintendents, teachers, ~~[employers,]~~ and parents
300 ~~[implement]~~ define and establish a core curriculum ~~[which will enable students to, among other~~
301 ~~objectives:].~~

302 ~~[(a) communicate effectively, both verbally and through written communication;]~~

303 ~~[(b) apply mathematics; and]~~

304 ~~[(c) access, analyze, and apply information.]~~

305 (2) The board shall:

306 (a) identify the basic knowledge, skills, and competencies each student is expected to

307 acquire or master as the student advances through the public education system; and

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

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

313 ~~[(a) English, including explicit phonics, spelling, grammar, reading, writing,
314 vocabulary, speech, and listening; and]~~

315 ~~[(b) mathematics, including basic computational skills:]~~

316 ~~[(4)] (3) Local school boards shall design their school programs[, that are supported by
317 generally accepted scientific standards of evidence,] to focus on the core curriculum with the
318 expectation that each program will enhance or help achieve mastery of the core curriculum.~~

319 ~~[(5)] (4) Except as provided in Section 53A-13-101, each school may select
320 instructional materials and methods of teaching[, that are supported by generally accepted
321 scientific standards of evidence,] that it considers most appropriate to meet core curriculum
322 objectives.~~

323 Section 6. Section **53A-1a-104** is amended to read:

324 **53A-1a-104. Characteristics of public education system.**

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

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

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

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

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

337 (5) offers a world-class [core] curriculum that enables students to successfully compete

338 in a global society, and to succeed as citizens of a constitutional republic;

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

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

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

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

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

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

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

358 [~~(13) emphasizes competency-based standards and progress-based assessments,~~
359 ~~including tracking and measurement systems.~~]

360 Section 7. Section **53A-3-301** is amended to read:

361 **53A-3-301. Superintendent of schools -- Appointment -- Qualifications -- Term --**
362 **Compensation.**

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

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

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

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

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

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

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

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

381 Section 8. Section **53A-3-402** is amended to read:

382 **53A-3-402. Powers and duties generally.**

383 [~~(1) Each local school board shall:~~]

384 [~~(a) implement the core curriculum utilizing instructional materials that best correlate~~
385 ~~to the core curriculum and graduation requirements;]~~

386 [~~(b) administer tests, required by the State Board of Education, which measure the~~
387 ~~progress of each student, and coordinate with the state superintendent and State Board of~~
388 ~~Education to assess results and create plans to improve the student's progress which shall be~~
389 ~~submitted to the State Office of Education for approval;]~~

390 [~~(c) use progress-based assessments as part of a plan to identify schools, teachers, and~~
391 ~~students that need remediation and determine the type and amount of federal, state, and local~~
392 ~~resources to implement remediation;]~~

393 [~~(d) develop early warning systems for students or classes failing to make progress;]~~

394 [~~(e) work with the State Office of Education to establish a library of documented best~~
395 ~~practices, consistent with state and federal regulations, for use by the local districts; and]~~

396 [~~(f) implement training programs for school administrators, including basic~~
397 ~~management training, best practices in instructional methods, budget training, staff~~
398 ~~management, managing for learning results and continuous improvement, and how to help~~
399 ~~every child achieve optimal learning in core academics.]~~

400 ~~[(2)]~~ (1) Local school boards shall spend minimum school program funds for programs
401 and activities for which the State Board of Education has established minimum standards or
402 rules under Section 53A-1-402.

403 ~~[(3)]~~ (2) (a) A board may purchase, sell, and make improvements on school sites,
404 buildings, and equipment and construct, erect, and furnish school buildings.

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

407 ~~[(4)]~~ (3) (a) A board may participate in the joint construction or operation of a school
408 attended by children residing within the district and children residing in other districts either
409 within or outside the state.

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

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

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

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

414 ~~[(5)]~~ (4) A board may establish, locate, and maintain elementary, secondary, and
415 applied technology schools.

416 ~~[(6)]~~ (5) A board may enroll children in school who are at least five years of age before
417 September 2 of the year in which admission is sought.

418 ~~[(7)]~~ (6) A board may establish and support school libraries.

419 ~~[(8)]~~ (7) A board may collect damages for the loss, injury, or destruction of school
420 property.

421 ~~[(9)]~~ (8) A board may authorize guidance and counseling services for children and their
422 parents or guardians prior to, during, or following enrollment of the children in schools.

423 ~~[(10)]~~ (9) (a) A board may apply for, receive, and administer funds made available
424 through programs of the federal government.

425 (b) Federal funds are not considered funds within the school district budget under Title
426 53A, Chapter 19, School District Budgets.

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

429 ~~[(d) A program created with or expanded by federal funds may be reduced to the extent
430 allowed by law when federal funds for that program are subsequently reduced or eliminated.]~~

431 ~~[(11)]~~ (10) (a) A board may organize school safety patrols and adopt rules under which
432 the patrols promote student safety.

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

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

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

440 ~~[(12)]~~ (11) (a) A board may on its own behalf, or on behalf of an educational institution
441 for which the board is the direct governing body, accept private grants, loans, gifts,
442 endowments, devises, or bequests that are made for educational purposes.

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

444 ~~[(13)]~~ (12) (a) A board may appoint and fix the compensation of a compliance officer
445 to issue citations for violations of Subsection 76-10-105(2).

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

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

449 ~~[(14)]~~ (13) A board shall adopt bylaws and rules for its own procedures.

450 ~~[(15)]~~ (14) (a) A board shall make and enforce rules necessary for the control and
451 management of the district schools.

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

454 ~~[(16)]~~ (15) A board may hold school on legal holidays other than Sundays.

455 ~~[(17)]~~ (16) (a) Each board shall establish for each school year a school traffic safety
456 committee to implement this Subsection ~~[(17)]~~ (16).

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

458 (i) the schools within the district;

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

460 (iii) the municipality or county;

461 (iv) state or local law enforcement; and

- 462 (v) state or local traffic safety engineering.
- 463 (c) The committee shall:
 - 464 (i) receive suggestions from parents, teachers, and others and recommend school traffic
 - 465 safety improvements, boundary changes to enhance safety, and school traffic safety program
 - 466 measures;
 - 467 (ii) review and submit annually to the Department of Transportation and affected
 - 468 municipalities and counties a child access routing plan for each elementary, middle, and junior
 - 469 high school within the district;
 - 470 (iii) consult the Utah Safety Council and the Division of Family Health Services and
 - 471 provide training to all school children in kindergarten through grade six, within the district, on
 - 472 school crossing safety and use; and
 - 473 (iv) help ensure the district's compliance with rules made by the Department of
 - 474 Transportation under Section 41-6-20.1.
- 475 (d) The committee may establish subcommittees as needed to assist in accomplishing
- 476 its duties under Subsection [~~(17)~~] (16)(c).
- 477 (e) The board shall require the school community council of each elementary, middle,
- 478 and junior high school within the district to develop and submit annually to the committee a
- 479 child access routing plan.
- 480 [~~(18)~~] (17) (a) Each school board shall adopt and implement a comprehensive
- 481 emergency response plan to prevent and combat violence in its public schools, on school
- 482 grounds, on its school vehicles, and in connection with school-related activities or events.
- 483 (b) The board shall implement its plan by July 1, 2000.
- 484 (c) The plan shall:
 - 485 (i) include prevention, intervention, and response components;
 - 486 (ii) be consistent with the student conduct and discipline polices required for school
 - 487 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;
 - 488 (iii) require inservice training for all district and school building staff on what their
 - 489 roles are in the emergency response plan; and
 - 490 (iv) provide for coordination with local law enforcement and other public safety
 - 491 representatives in preventing, intervening, and responding to violence in the areas and activities
 - 492 referred to in Subsection [~~(18)~~] (17)(a).

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

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

500 [~~(19)~~] (18) (a) Each local school board may adopt an emergency response plan for the
501 treatment of sports-related injuries that occur during school sports practices and events.

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

504 (c) The plan may:

505 (i) include emergency personnel, emergency communication, and emergency
506 equipment components;

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

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

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

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

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

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

519 [~~(20)~~] (19) A board shall do all other things necessary for the maintenance, prosperity,
520 and success of the schools and the promotion of education.

521 Section 9. Section **53A-3-403** is amended to read:

522 **53A-3-403. School district fiscal year -- Statistical reports.**

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

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

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

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

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

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

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

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

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

539 Section 10. Section **53A-3-404** is amended to read:

540 **53A-3-404. Annual financial report -- Audit report.**

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

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

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

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

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

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

555 year.

556 Section 11. Section **53A-3-411** is amended to read:

557 **53A-3-411. Employment of school personnel -- Length of contract -- Termination**
558 **for cause.**

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

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

563 [~~(3)(a) A local school board may not enter into a collective bargaining agreement that~~
564 ~~prohibits or limits individual contracts of employment.]~~

565 [~~(b) Subsection (3)(a) does not apply to an agreement that was entered into before May~~
566 ~~5, 2003.]~~

567 [~~(4)~~] (3) Each local school board shall:

568 (a) ensure that each employment contract complies with the requirements of Section
569 34-32-1.1; and

570 (b) comply with the requirements of Section 34-32-1.1 in employing any personnel,
571 whether by employment contract or otherwise.

572 Section 12. Section **53A-6-103** is amended to read:

573 **53A-6-103. Definitions.**

574 As used in this chapter:

575 (1) "Accredited institution" means an institution meeting the requirements of Section
576 53A-6-107.

577 (2) [~~(a)~~] "Alternative preparation program" means preparation for licensure in
578 accordance with applicable law and rule through other than an approved preparation program.

579 [~~(b) "Alternative preparation program" includes the competency-based licensing~~
580 ~~program described in Section 53A-6-104.5.]~~

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

585 (a) minimum grade point average;

- 586 (b) standardized testing or assessment;
- 587 (c) mentoring;
- 588 (d) recency of professional preparation or experience;
- 589 (e) graduation from an accredited institution; or
- 590 (f) evidence relating to moral, ethical, physical, or mental fitness.

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

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

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

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

603 [~~(7)~~] "~~Core academic subjects~~" means ~~English, reading or language arts, mathematics,~~
 604 ~~science, foreign languages, civics and government, economics, arts, history, and geography.~~]

605 [~~(8)~~] (7) "Educator" means:

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

612 [~~(9)~~] (8) "Endorsement" means a stipulation appended to a license setting forth the
 613 areas of practice to which the license applies.

614 [~~(10)~~] (9) "License" means an authorization issued by the board which permits the
 615 holder to serve in a professional capacity in the public schools. The [~~five~~] four levels of
 616 licensure are:

617 (a) "letter of authorization," which is~~[-(i)]~~ a temporary license issued to a person who
 618 has not completed requirements for a [~~competency-based, or~~] level 1, 2, or 3 license, such as:

619 [~~(A)~~] (i) a student teacher; [~~or~~]

620 [~~(B)~~] (ii) a person participating in an alternative preparation program; or

621 [~~(i)~~] (iii) a license issued, pursuant to board rules, to a person who has achieved
 622 eminence, or has outstanding qualifications, in a field taught in public schools;

623 [~~(b)~~] "~~competency-based license" which is issued to a teacher based on the teacher's~~
 624 ~~demonstrated teaching skills and abilities;~~]

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

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

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

635 [~~(1)~~] (10) "NASDTEC" means the National Association of State Directors of Teacher
 636 Education and Certification.

637 [~~(2)~~] (11) "NASDTEC Interstate Contract" means the contract implementing Title
 638 53A, Chapter 6, Part 2, Compact for Interstate Qualification of Educational Personnel, which is
 639 administered through NASDTEC.

640 [~~(3)~~] (12) "National Board certification" means a current certificate issued by the
 641 National Board for Professional Teaching Standards.

642 [~~(4)~~] (13) "Necessarily existent small school" means a school classified as a
 643 necessarily existent small school in accordance with Section 53A-17a-109.

644 [~~(5)~~] (14) "Office" means the Utah State Office of Education.

645 [~~(6)~~] (15) "Rule" means an administrative rule adopted by the board under Title 63,
 646 Chapter 46a, Utah Administrative Rulemaking Act.

647 [~~(7)~~] (16) "School" means a public or private entity which provides educational

648 services to a minor child.

649 ~~[(18)]~~ (17) "Small school district" means a school district with an enrollment of less
650 than 5,000 students.

651 ~~[(19)]~~ (18) "UPPAC" means the Utah Professional Practices Advisory Commission.

652 Section 13. Section **53A-6-104** is amended to read:

653 **53A-6-104. Board licensure.**

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

655 (b) A person employed in a position that requires licensure by the board shall hold the
656 appropriate license.

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

659 (b) (i) The board shall make rules requiring participation in professional development
660 activities ~~[or compliance with a school district professional development plan as provided in~~
661 ~~Subsection (4)]~~ in order for educators to retain their licenses.

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

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

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

672 (3) ~~[Except as provided in Subsection (4), unless]~~ Unless suspended or revoked by the
673 board, or surrendered by the educator:

674 (a) a letter of authorization is valid for one year, or a shorter period as specified by the
675 board, subject to renewal by the board in accordance with board rules;

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

677 (c) a level 1 license is valid for three years, subject to renewal by the board in
678 accordance with board rules;

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

681 (e) a level 3 license is valid for seven years, subject to renewal by the board in
682 accordance with board rules.

683 ~~[(4) Unless suspended or revoked by the board, or surrendered by the educator, a level~~
684 ~~1, level 2, level 3, or competency-based license shall remain valid if:]~~

685 ~~[(a) the license holder is employed by a school district that has a comprehensive~~
686 ~~program to maintain and improve educators' skills in which performance standards, educator~~
687 ~~evaluation, and professional development are integrated; and]~~

688 ~~[(b) the license holder complies with school or school district professional~~
689 ~~development requirements.]~~

690 Section 14. Section **53A-8-106** is amended to read:

691 **53A-8-106. Career employee status for provisional employees.**

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

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

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

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

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

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

706 ~~[(5) A person is an at-will employee and is not eligible for career employee status if the~~
707 ~~person:]~~

708 ~~[(a) is a teacher who holds a competency-based license pursuant to Section~~
709 ~~53A-6-104.5 and does not hold a level 1, 2, or 3 license as defined in Section 53A-6-103; or]~~

710 ~~[(b) holds an administrative/supervisory letter of authorization pursuant to Section~~
711 ~~53A-6-110.]~~

712 Section 15. Section **53A-10-103** is amended to read:

713 **53A-10-103. Establishment of educator evaluation program -- Joint committee.**

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

716 (2) The joint committee shall be comprised of an equal number of classroom teachers,
717 ~~[parents,]~~ and administrators appointed by the board.

718 (3) A board may appoint members of the joint committee from a list of nominees~~[-(a)]~~
719 voted on by classroom teachers in a nomination election~~[-(b)]~~ and from a list of nominees
720 voted on by the administrators in a nomination election~~[-and]~~.

721 ~~[(c) of parents submitted by school community councils within the district.]~~

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

724 Section 16. **Repealer.**

725 This bill repeals:

726 Section **53A-1-409, Competency-based education -- Recommendations --**
727 **Coordination.**

728 Section **53A-6-104.5, Licensing by competency.**

729 Section **53A-6-110, Administrative/supervisory letters of authorization.**

730 Section **53A-13-108, Curriculum and graduation requirements.**

731 **Uncodified Section 21, Chapter 315, Laws of Utah 2003**

732 **Uncodified Section 22, Chapter 315, Laws of Utah 2003**

733 **Uncodified Section 23, Chapter 315, Laws of Utah 2003**

734 **Uncodified Section 24, Chapter 315, Laws of Utah 2003**

735 **Uncodified Section 25, Chapter 315, Laws of Utah 2003**

736 **Uncodified Section 26, Chapter 316, Laws of Utah 2003**

737 **Uncodified Section 27, Chapter 315, Laws of Utah 2003**

Legislative Review Note

as of 1-15-04 1:09 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0224

Repeal of Public Education Amendments

26-Jan-04

5:41 PM

State Impact

Assuming the provisions of this bill apply only to Senate Bill 154 passed during the 2003 General Session, the bill can be implemented within existing resources.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst