

**PUBLIC EDUCATION AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Thomas V. Hatch**

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**LONG TITLE**

**General Description:**

This bill modifies the State System of Public Education Code and the Election Code relating to the governance of the public education system and the implementation of competency-based education.

**Highlighted Provisions:**

This bill:

- ▶ modifies the membership and terms of the nominating and recruiting committee that selects candidates for membership on the State Board of Education;
- ▶ provides definitions;
- ▶ requires the State Board of Education to assist school districts and charter schools to develop and implement:
  - competency-based education; and
  - the use of gain scores;
- ▶ modifies educator licensing provisions;
- ▶ requires the State Board of Education to develop and use monetary and nonmonetary incentives, tools, and rewards;
- ▶ requires documentation verifying the qualifications of a person before a competency-based license to teach may be issued; and
- ▶ delays the implementation of new curriculum and graduation requirements.

**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

53A-1-409, as enacted by Chapter 315, Laws of Utah 2003

53A-6-103, as last amended by Chapter 315, Laws of Utah 2003

53A-6-104.5, as enacted by Chapter 315, Laws of Utah 2003

53A-6-105, as repealed and reenacted by Chapter 108, Laws of Utah 1999

53A-13-108, as enacted by Chapter 315, Laws of Utah 2003

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

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

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

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

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

(2) ~~[(a)]~~ By November 1 of ~~[2003 and every four years thereafter]~~ the year preceding each regular general election year, a nominating and recruiting committee consisting of ~~[11]~~ 12 members, each to serve a ~~[four-year]~~ two-year term, shall be appointed by the governor as follows:

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

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

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

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

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

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

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

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

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

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

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

(a) one member shall be appointed to represent each of the following business and industry sectors:

(i) manufacturing and mining;

(ii) transportation and public utilities;

(iii) service, trade, and information technology;

(iv) finance, insurance, and real estate;

(v) construction; and

(vi) agriculture; and

(b) one member shall be appointed to represent each of the following education sectors:

(i) teachers;

(ii) school administrators;

(iii) parents;

(iv) local school board members;

(v) charter schools; and

(vi) higher education.

(3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i) through (vi) shall be appointed from lists containing at least two names submitted by organizations representing each of the respective sectors.

(b) At least one member of the nominating and recruiting committee shall reside within each state board district in which a member's term expires during the committee's two-year term of office.

~~[(b)]~~ (4) (a) The members shall elect one member to serve as chair for the committee.

~~[(3)-(a)]~~ (b) The chair, or another member of the committee designated by the chair, shall schedule and convene all committee meetings.

~~[(b)]~~ (c) Any formal action by the committee requires the approval of a majority of committee members.

~~[(e)]~~ (d) Members of the nominating and recruiting committee shall serve without compensation, but they may be reimbursed for expenses incurred in the performance of their official duties as established by the Division of Finance.

~~[(4)]~~ (5) The nominating and recruiting committee shall:

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

(b) prepare a list of candidates for membership on the State Board of Education for each state board district subject to election in that year using the qualifications under Subsection ~~[(5)]~~ (6);

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

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

~~[(5)]~~ (6) The nominating committee shall select a broad variety of candidates who possess outstanding professional qualifications relating to the powers and duties of the State Board of Education, including experience in the following areas:

(a) business and industry administration;

- (b) business and industry human resource management;
- (c) business and industry finance;
- (d) business and industry, including expertise in:
  - (i) metrics and evaluation;
  - (ii) manufacturing;
  - (iii) retailing;
  - (iv) natural resources;
  - (v) information technology;
  - (vi) construction;
  - (vii) banking;
  - (viii) science and engineering; and
  - (ix) medical and healthcare;
- (e) higher education administration;
- (f) applied technology education;
- (g) public education administration;
- (h) public education instruction;
- (i) economic development;
- (j) labor; and
- (k) other life experiences that would benefit the State Board of Education.

Section 2. Section **53A-1-409** is amended to read:

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

(1) As used in this section:

(a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or ability that has been organized into a hierarchical arrangement leading to higher levels of knowledge, skill, or ability.

(b) "Competency-based education" means an education approach that requires students to acquire a competency and includes a classroom structure and operation that aid and facilitate the acquisition of specified competencies on an individual basis wherein students are allowed to

master and demonstrate competencies as fast as they are able.

(c) "Gain score" means the measured difference of a student's score at the beginning and end of a time period that may be aggregated at the class, grade, school, and school district levels.

(2) The State Board of Education shall:

~~[(1)]~~ (a) provide expertise to and consult with local school boards and school districts relating to competency-based education and progress-based assessments;

~~[(2)]~~ (b) make recommendations to the Public Education Appropriations Subcommittee, including the amount and allocation of public education monies, based upon both new public education monies and the reallocation of monies required to develop and implement:

~~[(a)]~~ (i) competency-based education and progress-based assessments;

~~[(b)]~~ (ii) a weighted competency unit that distributes public education monies based on student achievement resulting from competency-based program objectives, strategies, and standards;

~~[(c)]~~ (iii) a plan to assist students, teachers, schools, and districts that need remediation based upon Subsections (2)~~[(a)]~~(b)(i) and ~~[(b)]~~ (ii);

~~[(d)]~~ (iv) the reallocation of teaching resources from noncore electives into grades 1-3, 7-12 math, and 7-12 English; and

~~[(e)]~~ (v) a teacher development program focused on achieving progress in core academics[-], including instruction in explicit, systematic, and intensive phonics for teachers in grades kindergarten through 3;

(c) assist school districts and charter schools to develop and implement:

(i) competency-based education; and

(ii) the use of gain scores; and

(d) develop and use monetary and nonmonetary incentives, tools, and rewards to encourage school districts and charter schools to accomplish the items described under Subsections (2)(a) through (c).

Section 3. Section **53A-6-103** is amended to read:

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

As used in this chapter:

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

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

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

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

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

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

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

- (b) satisfied requirements for licensure in the state in which the program was provided;
- (c) required completion of a baccalaureate; and
- (d) included a supervised field experience.

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

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

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

(8) "Educator" means:

(a) a person who holds a license;

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

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

(9) (a) "Endorsement" means a stipulation appended to a license setting forth the areas of practice to which the license applies.

(b) An endorsement shall be issued upon completion of a competency-based teacher preparation program from a regionally accredited university that meets state content standards.

(10) "License" means an authorization issued by the board which permits the holder to serve in a professional capacity in the public schools. The five levels of licensure are:

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

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

(A) a student teacher; or

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

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

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

(c) "level 1 license," which is a license issued upon completion of:

(i) a competency-based teacher preparation program from a regionally accredited university; or

(ii) an approved preparation program or an alternative preparation program, or pursuant



to an agreement under the NASDTEC Interstate Contract, to candidates who have also met all ancillary requirements established by law or rule;

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

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

(11) "NASDTEC" means the National Association of State Directors of Teacher Education and Certification.

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

(13) "National Board certification" means a current certificate issued by the National Board for Professional Teaching Standards.

(14) "Necessarily existent small school" means a school classified as a necessarily existent small school in accordance with Section 53A-17a-109.

(15) "Office" means the Utah State Office of Education.

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

(17) "School" means a public or private entity which provides educational services to a minor child.

(18) "Small school district" means a school district with an enrollment of less than 5,000 students.

(19) "UPPAC" means the Utah Professional Practices Advisory Commission.

Section 4. Section **53A-6-104.5** is amended to read:

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

(1) A competency-based license to teach may be issued based on the demonstrated

competence of a teacher as provided in this section.

(2) A local school board or charter school may request, and the State Board of Education shall grant, upon receipt of documentation from the local school board or charter school verifying the person's qualifications as specified in this section, a competency-based license to a person who meets the qualifications specified in this section and Section 53A-6-401.

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

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

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

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

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

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

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

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

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

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

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

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

(4) A school district or charter school:

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

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

Section 5. Section **53A-6-105** is amended to read:

**53A-6-105. Licensing fees -- Credit to subfund -- Payment of expenses.**

(1) The board shall levy a fee for each new, renewed, or reinstated license or endorsement in accordance with Section 63-38-3.2.

(2) Fee payments are credited to the Professional Practices Restricted Subfund in the Uniform School Fund.

(3) The board shall pay the expenses of issuing licenses and of UPPAC operations, and the costs of collecting license fees from the restricted subfund.

(4) The office shall submit an annual report to the Legislature's Public Education Appropriations Subcommittee informing the Legislature about the fund, fees assessed and collected, and expenditures from the fund.

Section 6. Section **53A-13-108** is amended to read:

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

(1) The State Board of Education shall establish rigorous curriculum and graduation requirements under Section 53A-1-402, and consistent with state and federal regulations, for grades 9 through 12 that, beginning no later than with the graduating class of [~~2007~~] 2008 shall:

(a) use competency-based standards and assessments;

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

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

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

