

1 **PUBLIC EDUCATION AMENDMENTS**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Thomas V. Hatch**

5

6 **LONG TITLE**

7 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ modifies the membership and terms of the nominating and recruiting committee that
14 selects candidates for membership on the State Board of Education;
- 15 ▶ provides definitions;
- 16 ▶ requires the State Board of Education to assist school districts and charter schools to
17 develop and implement:
- 18 • competency-based education; and
 - 19 • the use of gain scores;
- 20 ▶ requires the State Board of Education to develop and use monetary and
21 nonmonetary incentives, tools, and rewards;
- 22 ▶ requires documentation verifying the qualifications of a person before a
23 competency-based license to teach may be issued; and
- 24 ▶ delays the implementation of new curriculum and graduation requirements.

25 **Monies Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 This bill provides an immediate effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **20A-14-104**, as last amended by Chapter 315, Laws of Utah 2003

32 **53A-1-409**, as enacted by Chapter 315, Laws of Utah 2003

33 **53A-6-104.5**, as enacted by Chapter 315, Laws of Utah 2003

34 **53A-13-108**, as enacted by Chapter 315, Laws of Utah 2003

35

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

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

38 **20A-14-104. Becoming a candidate for membership on the State Board of**
39 **Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

40 (1) (a) Persons interested in becoming a candidate for the State Board of Education
41 shall file a declaration of candidacy according to the procedures and requirements of Sections
42 20A-9-201 and 20A-9-202.

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

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

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

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

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

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

58 ~~[(v) one member jointly appointed by the governing boards of the Utah Food Industry~~

59 Association and Utah Retail Merchants Association;]
60 [~~(vi) one member appointed by the governing board of the American Federation of~~
61 ~~Teachers/Utah;~~]
62 [~~(vii) one member appointed by the governing board of the Utah Education~~
63 ~~Association;~~]
64 [~~(viii) one member appointed by the governing board of the Utah Parent Teacher~~
65 ~~Association;~~]
66 [~~(ix) one member appointed by the governing board of the Utah School Boards~~
67 ~~Association;~~]
68 [~~(x) one member appointed by the governing board of the Utah School Superintendents~~
69 ~~Association; and]~~
70 [~~(xi) one at large member appointed by the governor.]~~
71 (a) one member shall be appointed to represent each of the following business and
72 industry sectors:
73 (i) manufacturing and mining;
74 (ii) transportation and public utilities;
75 (iii) service, trade, and information technology;
76 (iv) finance, insurance, and real estate;
77 (v) construction; and
78 (vi) agriculture; and
79 (b) one member shall be appointed to represent each of the following education
80 sectors:
81 (i) teachers;
82 (ii) school administrators;
83 (iii) parents;
84 (iv) local school board members;
85 (v) charter schools; and
86 (vi) higher education.
87 (3) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)
88 through (vi) shall be appointed from lists containing at least two names submitted by
89 organizations representing each of the respective sectors.

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

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

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

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

98 ~~[(4)]~~ (5) The nominating and recruiting committee shall:

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

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

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

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

107 ~~[(5)]~~ (6) The nominating committee shall select a broad variety of candidates who
108 possess outstanding professional qualifications relating to the powers and duties of the State
109 Board of Education, including experience in the following areas:

110 (a) business and industry administration;

111 (b) business and industry human resource management;

112 (c) business and industry finance;

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

114 (i) metrics and evaluation;

115 (ii) manufacturing;

116 (iii) retailing;

117 (iv) natural resources;

118 (v) information technology;

119 (vi) construction;

120 (vii) banking;

- 121 (viii) science and engineering; and
 122 (ix) medical and healthcare;
 123 (e) higher education administration;
 124 (f) applied technology education;
 125 (g) public education administration;
 126 (h) public education instruction;
 127 (i) economic development;
 128 (j) labor; and
 129 (k) other life experiences that would benefit the State Board of Education.

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

131 **53A-1-409. Competency-based education -- Recommendations -- Coordination.**

132 (1) As used in this section:

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

136 (b) "Competency-based education" means an education approach that requires students
 137 to acquire a competency and includes a classroom structure and operation that aid and facilitate
 138 the acquisition of specified competencies on an individual basis wherein students are allowed
 139 to master and demonstrate competencies as fast as they are able.

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

143 (2) The State Board of Education shall:

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

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

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

151 ~~[(b)]~~ (ii) a weighted competency unit that distributes public education monies based on

152 student achievement resulting from competency-based program objectives, strategies, and
153 standards;

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

156 ~~[(d)]~~ (iv) the reallocation of teaching resources from noncore electives into grades 1-3,
157 7-12 math, and 7-12 English; and

158 ~~[(e)]~~ (v) a teacher development program focused on achieving progress in core
159 academics[-];

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

161 (i) competency-based education; and

162 (ii) the use of gain scores; and

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

166 Section 3. Section **53A-6-104.5** is amended to read:

167 **53A-6-104.5. Licensing by competency.**

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

170 (2) A local school board or charter school may request, and the State Board of
171 Education shall grant, upon receipt of documentation from the local school board or charter
172 school verifying the person's qualifications as specified in this section, a competency-based
173 license to a person who meets the qualifications specified in this section and Section
174 53A-6-401.

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

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

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

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

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

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

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

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

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

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

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

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

198 (4) A school district or charter school:

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

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

203 Section 4. Section **53A-13-108** is amended to read:

204 **53A-13-108. Curriculum and graduation requirements.**

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

209 (a) use competency-based standards and assessments;

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

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

214 and 2.0 units in science.

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

217 Section 5. **Effective date.**

218 If approved by two-thirds of all the members elected to each house, this bill takes effect
219 upon approval by the governor, or the day following the constitutional time limit of Utah
220 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
221 the date of veto override.

Legislative Review Note

as of 2-3-04 2:13 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 SB0185

Public Education Amendments

11-Feb-04

10:02 AM

State Impact

Any cost associated with this bill can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst