

REDUCTIONS TO EDUCATION MANDATES

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Dougall

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to public school funding, administration, and reporting requirements.

Highlighted Provisions:

This bill:

- ▶ exempts tenth grade students from passing the tenth grade basic skills competency test for two years;
- ▶ exempts a local school board from the requirement to develop and administer certain activity disclosure statements for two years;
- ▶ exempts a school district from certain requirements related to the disposal of textbooks for two years;
- ▶ exempts a local school board from the requirement to prepare and present an annual presentation on adoption for two years;
- ▶ exempts a school district from certain requirements related to an independent evaluation of the purchasing of instructional materials for two years;
- ▶ amends provisions related to the transportation levy;
- ▶ amends provisions related to a school district's or charter school's requirement to file certain information on the Utah Public Finance Website to allow a public school two years before complying with the requirements; and
- ▶ makes technical changes.



28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53A-1-603**, as last amended by Laws of Utah 2009, Chapter 300

35 **53A-1-611**, as last amended by Laws of Utah 2009, Chapter 277

36 **53A-3-420**, as last amended by Laws of Utah 2007, Chapter 114

37 **53A-12-207**, as enacted by Laws of Utah 1991, Chapter 106

38 **53A-13-107**, as last amended by Laws of Utah 2002, Chapter 279

39 **53A-14-107**, as last amended by Laws of Utah 2008, Chapter 397

40 **53A-17a-127**, as last amended by Laws of Utah 2009, Chapter 391

41 **63A-3-405**, as enacted by Laws of Utah 2009, Chapter 310



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

44 Section 1. Section **53A-1-603** is amended to read:

45 **53A-1-603. Duties of State Board of Education.**

46 (1) Except as provided in Subsection (5), the State Board of Education shall:

47 (a) require each school district and charter school to implement the Utah Performance
48 Assessment System for Students, hereafter referred to as U-PASS;

49 (b) require the state superintendent of public instruction to submit and recommend
50 criterion-referenced and norm-referenced achievement tests, a tenth grade basic skills
51 competency test, an online writing assessment for grades 5 and 8, and a test for students in
52 grade 3 to measure reading grade level to the board for approval and adoption and distribution
53 to each school district and charter school by the state superintendent;

54 (c) develop an assessment method to uniformly measure statewide performance, school
55 district performance, and school performance of students in grades 2 through 12 in mastering
56 basic skills courses; and

57 (d) provide for the state to participate in the National Assessment of Educational
58 Progress state-by-state comparison testing program.

59 (2) Except as provided in Subsection (5) and Subsection 53A-1-611(6), under
60 U-PASS, the state office shall annually require that each district and charter school, as
61 applicable, administer:

- 62 (a) a statewide norm-referenced test to all students in grades 3, 5, and 8;
- 63 (b) statewide criterion-referenced tests in grades 2 through 12 and courses in basic skill
64 areas of the core curriculum;
- 65 (c) an online writing assessment to all students in grades 5 and 8;
- 66 (d) a tenth grade basic skills competency test as detailed in Section 53A-1-611; and
- 67 (e) a test to all students in grade 3 to measure reading grade level.

68 (3) The board shall adopt rules for the conduct and administration of U-PASS to
69 include the following:

- 70 (a) the computation of student performance based on information that is disaggregated
71 with respect to race, ethnicity, gender, limited English proficiency, and those students who
72 qualify for free or reduced price school lunch;
- 73 (b) security features to maintain the integrity of the system, which could include
74 statewide uniform testing dates, multiple test forms, and test administration protocols;
- 75 (c) the exemption of student test scores, by exemption category, such as limited
76 English proficiency, mobility, and students with disabilities, with the percent or number of
77 student test scores exempted being publically reported at a district level;
- 78 (d) compiling of criterion-referenced and online writing test scores and test score
79 averages at the classroom level to allow for:
 - 80 (i) an annual review of those scores by parents of students and professional and other
81 appropriate staff at the classroom level at the earliest point in time;
 - 82 (ii) the assessment of year-to-year student progress in specific classes, courses, and
83 subjects;
 - 84 (iii) a teacher to review, prior to the beginning of a new school year, test scores from
85 the previous school year of students who have been assigned to the teacher's class for the new
86 school year; and
 - 87 (iv) allowing a school district or charter school to have its tests administered and
88 scored electronically to accelerate the review of test scores and their usefulness to parents and
89 educators under Subsections (3)(d)(i), (ii), and (iii), without violating the integrity of U-PASS;

90 and

91 (e) providing that:

92 (i) scores on the tests and assessments required under Subsection (2)(b) shall be
93 considered in determining a student's academic grade for the appropriate course and whether a
94 student shall advance to the next grade level; and

95 (ii) except as provided in Subsection 53A-1-611(6), the student's score on the tenth
96 grade basic skills competency test shall be recorded on the student's transcript of credits.

97 (4) The State Board of Education shall consider administering the basic skills
98 competency test on a Saturday to preserve instructional time.

99 (5) (a) The State Board of Education may exempt a school district or charter school
100 from the testing requirements specified in Subsection (2) if the school district or charter school
101 pilots an assessment system that incorporates:

102 (i) online classroom-based assessment that utilizes adaptive testing in all grades;

103 (ii) online writing assessments in grades 4 through 12; and

104 (iii) assessments administered in grades 8, 10, and 11 to determine readiness for
105 postsecondary education.

106 (b) A school district or charter school that receives an exemption under Subsection
107 (5)(a) is subject to an accountability plan and high school graduation standards that are:

108 (i) based on the assessment system described in Subsections (5)(a)(i) through (iii); and

109 (ii) developed and adopted by the State Board of Education.

110 (c) By the November 2009 meeting of the Education Interim Committee, the State
111 Board of Education shall submit recommendations to the committee on the state's assessment
112 system.

113 (d) The State Board of Education may only provide the following exemptions under
114 this Subsection (5):

115 (i) up to three rural school districts;

116 (ii) up to two urban school districts; and

117 (iii) up to five charter schools.

118 (6) (a) A school district or charter school, as applicable, is encouraged to administer an
119 online writing assessment to students in grade 11.

120 (b) The State Board of Education may award a grant to a school district or charter

121 school to pay for an online writing assessment and instruction program that may be used to
122 assess the writing of students in grade 11.

123 Section 2. Section **53A-1-611** is amended to read:

124 **53A-1-611. Standards and assessment processes to measure student performance**
125 **-- Basic skills competency test.**

126 (1) The Legislature recognizes the need for the State Board of Education to develop
127 and implement standards and assessment processes to ensure that student progress is measured
128 and that school boards and school personnel are accountable.

129 (2) (a) In addition to its responsibilities under Sections 53A-1-603 through 53A-1-605,
130 the State Board of Education, through the state superintendent of public instruction, shall
131 design a basic skills competency test to be administered in the tenth grade.

132 (b) Except as provided in [~~Subsection (5)~~] Subsections (5) and (6) and Section
133 53A-11-1404, a student must pass the basic skills competency test, in addition to the
134 established requirements of the state and local board of education of the district in which the
135 student attends school, in order to receive a basic high school diploma of graduation.

136 (c) The state board shall include in the test, at a minimum, components on English
137 language arts and reading and mathematics.

138 (d) Except as provided in [~~Subsection (5)~~] Subsections (5) and (6) and Section
139 53A-11-1404, a student who fails to pass all components of the test may not receive a basic
140 high school diploma but may receive a certificate of completion or alternative completion
141 diploma under rules made by the State Board of Education in accordance with Title 63G,
142 Chapter 3, Utah Administrative Rulemaking Act.

143 (e) The state board shall make rules:

144 (i) to allow students who initially fail the test to retake all or part of the test; and

145 (ii) that take into account and are consistent with federal law relating to students with
146 disabilities in the administration of the test.

147 (3) The state board shall implement the tenth grade basic skills competency test, no
148 later than the beginning of the 2003-04 school year.

149 (4) The requirements of this section are to be complementary to the other achievement
150 testing provisions of this part.

151 (5) A student enrolled in a school district or charter school that is exempt from

152 administering the tenth grade basic skills competency test is subject to high school graduation
153 standards adopted by the State Board of Education pursuant to Section 53A-1-603.

154 (6) (a) A student is exempt from the requirements of Subsection (2) if the student is
155 enrolled in the tenth grade during the 2010-11 or 2011-12 school year.

156 (b) School districts and charter schools are exempt from administering the tenth grade
157 basic skills competency test during the 2010-11 or 2011-12 school year.

158 Section 3. Section **53A-3-420** is amended to read:

159 **53A-3-420. Activity disclosure statements.**

160 (1) [A] For a school year beginning on or after the 2012-13 school year, a local school
161 board shall require the development of activity disclosure statements for each school-sponsored
162 group or program which involves students and faculty in grades 9 through 12 in contests,
163 performances, events, or other activities that require them to miss normal class time or takes
164 place outside regular school time.

165 (2) The activity disclosure statements shall be disseminated to the students desiring
166 involvement in the specific activity or to the students' parents or legal guardians or to both
167 students and their parents.

168 (3) An activity disclosure statement shall contain the following information:

169 (a) the specific name of the team, group, or activity;

170 (b) the maximum number of students involved;

171 (c) whether or not tryouts are used to select students, specifying date and time
172 requirements for tryouts, if applicable;

173 (d) beginning and ending dates of the activity;

174 (e) a tentative schedule of the events, performances, games, or other activities with
175 dates, times, and places specified if available;

176 (f) if applicable, designation of any nonseason events or activities, including an
177 indication of the status, required, expected, suggested, or optional, with the dates, times, and
178 places specified;

179 (g) personal costs associated with the activity;

180 (h) the name of the school employee responsible for the activity; and

181 (i) any additional information considered important for the students and parents to
182 know.

183 Section 4. Section **53A-12-207** is amended to read:

184 **53A-12-207. Disposal of textbooks.**

185 ~~[A]~~ (1) For a school year beginning on or after the 2012-13 school year, a local school
186 district may not dispose of textbooks used in its public schools without first notifying all other
187 school districts in the state of its intent to dispose of the textbooks. ~~[This provision]~~

188 (2) Subsection (1) does not apply to textbooks that have been damaged, mutilated, or
189 worn out.

190 (3) The State ~~[Office]~~ Board of Education ~~[will]~~ shall develop rules and procedures
191 directing the disposal of textbooks.

192 Section 5. Section **53A-13-107** is amended to read:

193 **53A-13-107. Adoption information.**

194 (1) ~~[Each]~~ For a school year beginning on or after the 2012-13 school year, a local
195 school board shall ensure that an annual presentation on adoption is given to its secondary
196 school students in grades 7-12, so that each student receives the presentation at least once
197 during grades 7-9 and at least once during grades 10-12.

198 (2) The presentation shall be made by a licensed teacher as part of the health education
199 core.

200 Section 6. Section **53A-14-107** is amended to read:

201 **53A-14-107. Instructional materials alignment with core curriculum.**

202 (1) ~~[A]~~ For a school year beginning on or after the 2012-13 school year, a school
203 district may not purchase primary instructional materials unless the primary instructional
204 materials provider:

205 (a) contracts with an independent party to evaluate and map the alignment of the
206 primary instructional materials with the core curriculum adopted under Section 53A-1-402;

207 (b) provides a detailed summary of the evaluation under Subsection (1)(a) on a public
208 website at no charge, for use by teachers and the general public; and

209 (c) pays the costs related to the requirements of this Subsection (1).

210 (2) The requirements under Subsection (1) may not be performed by:

211 (a) the State Board of Education;

212 (b) the superintendent of public instruction or the State Office of Education;

213 (c) the State Instructional Materials Commission appointed pursuant to Section

214 53A-14-101;

215 (d) a local school board or a school district; or

216 (e) the instructional materials creator or publisher.

217 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
218 State Board of Education shall make rules that establish:

219 (a) the qualifications of the independent parties who may evaluate and map the
220 alignment of the primary instructional materials in accordance with the provisions of
221 Subsection (1)(a); and

222 (b) requirements for the detailed summary of the evaluation and its placement on a
223 public website in accordance with the provisions of Subsection (1)(b).

224 Section 7. Section **53A-17a-127** is amended to read:

225 **53A-17a-127. Eligibility for state-supported transportation -- Approved bus**
226 **routes -- Additional local tax.**

227 (1) A student eligible for state-supported transportation means:

228 (a) a student enrolled in kindergarten through grade six who lives at least 1-1/2 miles
229 from school;

230 (b) a student enrolled in grades seven through 12 who lives at least [~~two~~] three miles
231 from school; and

232 (c) a student enrolled in a special program offered by a school district and approved by
233 the State Board of Education for trainable, motor, multiple-disabled, or other students with
234 severe disabilities who are incapable of walking to school or where it is unsafe for students to
235 walk because of their disabling condition, without reference to distance from school.

236 (2) If a school district implements double sessions as an alternative to new building
237 construction, with the approval of the State Board of Education, those affected elementary
238 school students residing less than 1-1/2 miles from school may be transported one way to or
239 from school because of safety factors relating to darkness or other hazardous conditions as
240 determined by the local school board.

241 (3) (a) The State Board of Education shall distribute transportation monies to school
242 districts based on:

243 (i) an allowance per mile for approved bus routes;

244 (ii) an allowance per hour for approved bus routes; and

245 (iii) a minimum allocation for each school district eligible for transportation funding.

246 (b) The State Board of Education shall distribute appropriated transportation funds
247 based on the prior year's eligible transportation costs as legally reported under Subsection
248 53A-17a-126(3).

249 (c) The State Board of Education shall annually review the allowance per mile and the
250 allowance per hour and adjust the allowances to reflect current economic conditions.

251 (4) (a) Approved bus routes for funding purposes shall be determined on fall data
252 collected by October 1.

253 (b) Approved route funding shall be determined on the basis of the most efficient and
254 economic routes.

255 (5) A Transportation Advisory Committee with representation from local school
256 superintendents, business officials, school district transportation supervisors, and the state
257 superintendent's staff shall serve as a review committee for addressing school transportation
258 needs, including recommended approved bus routes.

259 (6) (a) A local school board may provide for the transportation of students [~~who are not~~
260 ~~eligible under Subsection (1);~~] regardless of the distance from school, from:

261 (i) general funds of the district; and

262 (ii) a tax rate not to exceed .0003 per dollar of taxable value imposed on the district.

263 (b) A local school board may use revenue from the tax described in Subsection
264 (6)(a)(ii) to pay for transporting [~~participating students to interscholastic activities, night~~
265 ~~activities, and educational field trips approved by the board~~] students and for the replacement
266 of school buses.

267 (c) (i) If a local school board levies a tax under Subsection (6)(a)(ii) of at least .0002,
268 the state may contribute an amount not to exceed 85% of the state average cost per mile,
269 contingent upon the Legislature appropriating funds for a state contribution.

270 (ii) The state superintendent's staff shall distribute the state contribution according to
271 rules enacted by the State Board of Education.

272 (d) (i) The amount of state guarantee money which a school district would otherwise be
273 entitled to receive under Subsection (6)(c) may not be reduced for the sole reason that the
274 district's levy is reduced as a consequence of changes in the certified tax rate under Section
275 59-2-924 due to changes in property valuation.

276 (ii) Subsection (6)(d)(i) applies for a period of two years following the change in the
277 certified tax rate.

278 Section 8. Section **63A-3-405** is amended to read:

279 **63A-3-405. Participation by local entities.**

280 (1) (a) Not later than May 15, 2010, [~~the following participating local entities~~] public
281 transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit District Act, in
282 conformity with the rules established under Section 63A-3-404, shall provide public financial
283 information through the Utah Public Finance Website or their own website and provide a link
284 to their website through the Utah Public Finance Website[?].

285 [~~(i) school districts;~~]

286 [~~(ii) charter schools; and~~]

287 [~~(iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit~~
288 ~~District Act.~~]

289 (b) Participating local entities subject to this Subsection (1) shall permit information
290 that is generated not later than the fiscal year that begins July 1, 2009 to be accessible via the
291 website.

292 (2) (a) Not later than May 15, 2011, the following participating local entities, in
293 conformity with the rules established under Section 63A-3-404, shall be required to provide
294 public financial information through the Utah Public Finance Website or their own website and
295 provide a link to their website through the Utah Public Finance Website:

296 (i) counties;

297 (ii) municipalities;

298 (iii) local districts under Title 17B, Limited Purpose Local Government Entities - Local
299 Districts, that are not already required to report; and

300 (iv) special service districts under Title 17D, Chapter 1, Special Service District Act.

301 (b) Participating local entities subject to this Subsection (2) shall permit information
302 that is generated not later than the fiscal year that begins July 1, 2010 to be accessible via the
303 website.

304 (3) (a) Not later than May 15, 2012, the following participating local entities, in
305 conformity with the rules established under Section 63A-3-404, shall be required to provide
306 public financial information through the Utah Public Finance Website or their own website and

307 provide a link to their website through the Utah Public Finance Website:
308 (i) school districts; and
309 (ii) charter schools.
310 (b) Participating local entities subject to this Subsection (3) shall permit information
311 that is generated not later than the fiscal year that begins July 1, 2011, to be accessible via the
312 website.

Legislative Review Note
as of 2-23-10 9:23 AM

Office of Legislative Research and General Counsel