

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53A-1-301**, as last amended by Laws of Utah 2007, Chapter 112

31 **53A-3-602.5**, as last amended by Laws of Utah 2009, Chapters 299 and 300



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

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

35 **53A-1-301. Appointment -- Qualifications -- Duties.**

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

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

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

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

45 (a) core curriculum and graduation requirements;

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

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

50 (d) remediation programs;

51 (e) a method for creating individual student learning targets, and a method of
52 measuring an individual student's performance toward those targets;

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

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

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

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

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

63 (3) The superintendent shall perform duties assigned by the board, including the
64 following:

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

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

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

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

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

73 (ii) a complete statement of fund balances;

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

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

77 (v) a complete statement of state funds allocated to each ~~[of the state's 40 school~~
78 ~~districts]~~ school district and charter school by source, including supplemental appropriations,
79 and a complete statement of expenditures by each school district, including supplemental
80 appropriations, by function and object as outlined in the U.S. Department of Education
81 publication "Financial Accounting for Local and State School Systems";

82 (vi) a complete statement, by school district and charter school, of the amount of and
83 percentage increase or decrease in expenditures from the previous year attributed to:

84 (A) wage increases, with expenditure data for base salary adjustments identified
85 separately from step and lane expenditures;

86 (B) medical and dental premium cost adjustments; and

87 (C) adjustments in the number of teachers and other staff;

88 (vii) a statement that includes data on fall enrollments, average membership, high
89 school graduates, licensed and classified employees, pupil-teacher ratios [~~by grade, pupil-adult~~

90 ~~ratios by grade, class sizes by grade~~, average class sizes calculated in accordance with State
91 Board of Education rules adopted under Subsection 53A-3-602.5(4), average salaries,
92 applicable private school data, and data from standardized norm-referenced tests in grades 5, 8,
93 and 11 on each school and district;

94 (viii) statistical information regarding incidents of delinquent activity in the schools or
95 at school-related activities with separate categories for:

96 (A) alcohol and drug abuse;

97 (B) weapon possession;

98 (C) assaults; and

99 (D) arson;

100 (ix) information about:

101 (A) the development and implementation of the strategy of focusing on core
102 academics;

103 (B) the development and implementation of competency-based education and
104 progress-based assessments; and

105 (C) the results being achieved under Subsections (3)(d)(ix)(A) and (B), as measured by
106 individual progress-based assessments and ~~the~~ a comparison of Utah [~~Students'~~ students'
107 progress with the progress of students in other states using standardized norm-referenced tests
108 as benchmarks; and

109 (x) other statistical and financial information about the school system which the state
110 superintendent considers pertinent;

111 (e) collecting and organizing education data into an automated decision support system
112 to facilitate school district and school improvement planning, accountability reporting [~~and~~],
113 performance recognition, and the evaluation of educational policy and program effectiveness to
114 include:

115 (i) data that are:

116 (A) comparable across schools and school districts;

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

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

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

121 parents, to:

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

123 (B) interpret the data visually; and

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

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

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

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

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

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

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

134 (B) require all school districts and schools to comply with the data collection and
135 management procedures established under Subsection (3)(e);

136 (f) administering and implementing federal educational programs in accordance with
137 Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act; and

138 (g) with the approval of the board, preparing and submitting to the governor a budget
139 for the board to be included in the budget that the governor submits to the Legislature.

140 (4) Upon leaving office, the state superintendent shall deliver to ~~[his]~~ the state
141 superintendent's successor all books, records, documents, maps, reports, papers, and other
142 articles pertaining to ~~[his]~~ the state superintendent's office.

143 ~~[(5) For the purpose of Subsection (3)(d)(vii):]~~

144 ~~[(a) a pupil-teacher ratio shall be calculated by dividing the total number of students in~~
145 ~~a grade at a school by the total number of licensed classroom teachers in that grade at the~~
146 ~~school; and]~~

147 ~~[(b) an adult-student ratio shall be calculated by dividing the total number of students~~
148 ~~in a grade at a school by the total number of adults who work with students in an instructional~~
149 ~~setting in that grade at the school.]~~

150 (5) (a) For the purpose of Subsection (3)(d)(vii):

151 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of

152 students enrolled in a school by the number of full-time equivalent teachers assigned to the
153 school, including regular classroom teachers, school-based specialists, and special education
154 teachers;

155 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of
156 the schools within a school district;

157 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median
158 pupil-teacher ratio of charter schools in the state; and

159 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median
160 pupil-teacher ratio of public schools in the state.

161 (b) The printed copy of the report required by Subsection (3)(d) shall:

162 (i) include the pupil-teacher ratio for:

163 (A) each school district;

164 (B) the charter schools aggregated; and

165 (C) the state's public schools aggregated; and

166 (ii) indicate the Internet website where pupil-teacher ratios for each school in the state
167 may be accessed.

168 Section 2. Section **53A-3-602.5** is amended to read:

169 **53A-3-602.5. School performance report -- Components -- Annual filing.**

170 (1) The State Board of Education in collaboration with the state's school districts and
171 charter schools shall develop a school performance report to inform the state's residents of the
172 quality of schools and the educational achievement of students in the state's public education
173 system.

174 (2) The report shall be written and include the following statistical data for each school
175 in each school district and each charter school, as applicable, and shall also aggregate the data
176 at the district and state level:

177 (a) except as provided in Subsection (2)(a)(ii), test scores over the previous year on:

178 (i) norm-referenced achievement tests;

179 (ii) criterion-referenced tests to include the scores aggregated for all students:

180 (A) by grade level or course for the previous two years and an indication of whether
181 there was a sufficient magnitude of gain in the scores between the two years; and

182 (B) by class;

- 183 (iii) online writing assessments required under Section 53A-1-603; and
- 184 (iv) tenth grade basic skills competency tests required under Section 53A-1-603;
- 185 (b) college entrance examinations data, including the number and percentage of each
- 186 graduating class taking the examinations for the previous four years;
- 187 (c) advanced placement and concurrent enrollment data, including:
- 188 (i) the number of students taking advanced placement and concurrent enrollment
- 189 courses;
- 190 (ii) the number and percent of students taking a specific advanced placement course
- 191 who take advanced placement tests to receive college credit for the course;
- 192 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and
- 193 percent who pass the test; and
- 194 (iv) of those students taking a concurrent enrollment course, the number and percent of
- 195 those who receive college credit for the course;
- 196 (d) the number and percent of students in grade 3 reading at or above grade level;
- 197 (e) the number and percent of students who were absent from school 10 days or more
- 198 during the school year;
- 199 (f) achievement gaps that reflect the differences in achievement of various student
- 200 groups as defined by State Board of Education rule;
- 201 (g) the number and percent of "student dropouts" within the district as defined by State
- 202 Board of Education rule;
- 203 (h) course-taking patterns and trends in secondary schools;
- 204 (i) student mobility;
- 205 (j) staff qualifications, to include years of professional service and the number and
- 206 percent of staff who have a degree or endorsement in their assigned teaching area and the
- 207 number and percent of staff who have a graduate degree;
- 208 (k) the number and percent of parents who participate in SEP, SEOP, and
- 209 parent-teacher conferences;
- 210 (l) average class size [~~by grade level and subject~~] calculated in accordance with State
- 211 Board of Education rule adopted under Subsection (4);
- 212 (m) average daily attendance as defined by State Board of Education rule, including
- 213 every period in secondary schools; and

214 (n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited
215 English proficiency, and those students who qualify for free or reduced price school lunch.

216 (3) The State Board of Education, in collaboration with the state's school districts and
217 charter schools, shall provide for the collection and electronic reporting of the following data
218 for each school in each school district and each charter school:

219 (a) test scores and trends over the previous four years on the tests referred to in
220 Subsection (2)(a);

221 (b) the average grade given in each math, science, and English course in grades 9
222 through 12 for which criteria-referenced tests are required under Section 53A-1-603;

223 (c) incidents of student discipline as defined by State Board of Education rule,
224 including suspensions, expulsions, and court referrals; and

225 (d) the number and percent of students receiving fee waivers and the total dollar
226 amount of fees waived.

227 (4) (a) [(†)] The State Board of Education shall adopt common definitions and data
228 collection procedures for local school boards and charter schools to use in collecting and
229 forwarding the data required under Subsections (2) and (3) to the state superintendent of public
230 instruction.

231 [~~(ii) Average class size by grade and subject shall be calculated for the purposes of~~
232 ~~Subsection (2)(1) in accordance with the following:]~~

233 [~~(A) for kindergarten through grade six, average class size by grade shall be calculated~~
234 ~~by dividing grade membership on October 1 by the number of classes in the corresponding~~
235 ~~grade; and]~~

236 [~~(B) for grades seven through 12, average class size shall be calculated for core~~
237 ~~language arts, mathematics, and science courses by dividing membership on October 1 in core~~
238 ~~language arts, mathematics, or science course classes by the number of classes for the~~
239 ~~corresponding course.]~~

240 (b) (i) In accordance with Subsections (4)(b)(ii) through (4)(b)(iv), the State Board of
241 Education shall adopt rules specifying how average class size shall be calculated.

242 (ii) (A) Except as provided by Subsections (4)(b)(ii)(B) through (4)(b)(ii)(D) or for
243 nontraditional classes identified by rule, average class size at the elementary school level shall:

244 (I) be calculated by grade level; and

245 (II) indicate the average number of students who are assigned to a teacher for
246 instruction together during a designated time period.

247 (B) If students at the elementary school level receive instruction in core classes from
248 different teachers, average class size may be calculated as provided by Subsection (4)(b)(iii) for
249 secondary school students.

250 (C) An elementary school class that includes students from multiple grade levels shall
251 be counted as a single class.

252 (D) An extended day class in which a portion of the class arrives early and the other
253 portion stays late shall be counted as a single class.

254 (iii) (A) Except as provided by Subsection (4)(b)(iii)(B) or for nontraditional classes
255 identified by rule, average class size at the secondary school level shall:

256 (I) be calculated for core language arts, mathematics, and science courses; and

257 (II) indicate the average number of students who are assigned to a teacher for
258 instruction together during a designated time period.

259 (B) A secondary school class in which a teacher provides instruction in multiple
260 courses shall be counted as a single class.

261 (iv) Special education classes and online classes shall be excluded when determining
262 average class size by grade at the elementary school level or the average class size of core
263 language arts, mathematics, and science courses at the secondary level.

264 ~~(b)~~ (c) The state board, through the state superintendent of public instruction, shall
265 adopt standard reporting forms and provide a common template for collecting and reporting the
266 data, which shall be used by all school districts and charter schools.

267 ~~(c)~~ (d) The state superintendent shall use the automated decision support system
268 referred to in Section 53A-1-301 to collect and report the data required under Subsections (2)
269 and (3).

270 (5) The state board, through the state superintendent of public instruction, shall issue
271 its report annually by October 1 to include the required data from the previous school year or
272 years as indicated in Subsections (2) and (3).

273 (6) (a) Each local school board and each charter school shall receive a written or an
274 electronic copy of the report from the state superintendent of public instruction containing the
275 data for that school district or charter school in a clear summary format and have it distributed,

276 on a one per household basis, to the residence of students enrolled in the school district before
277 November 30th of each year.

278 (b) Each local school board, each charter school, and the state board shall have a
279 complete report of the statewide data available for copying or in an electronic format at their
280 respective offices.

Legislative Review Note
as of 1-28-10 12:19 PM

Office of Legislative Research and General Counsel

S.B. 56 - School Reporting Amendments

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
