

SCHOOL GRADING SYSTEM

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne L. Niederhauser

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill establishes a school grading system based on the performance of a school's students on statewide assessments, and for high schools, the graduation rate.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the State Board of Education to establish a school grading system in which a school receives a grade of A, B, C, D, or F based on the performance of the school's students on statewide assessments, and for a high school, the graduation rate;
- ▶ specifies the criteria upon which a school grade is based and procedures for determining a school's grade;
- ▶ imposes requirements for the reporting of a school's grade; and
- ▶ directs the State Board of Education to make rules, as necessary, to implement the school grading system.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **63A-3-402**, as last amended by Laws of Utah 2009, Chapter 310

30 ENACTS:

31 **53A-1-1101**, Utah Code Annotated 1953

32 **53A-1-1102**, Utah Code Annotated 1953

33 **53A-1-1103**, Utah Code Annotated 1953

34 **53A-1-1104**, Utah Code Annotated 1953

35 **53A-1-1105**, Utah Code Annotated 1953

36 **53A-1-1106**, Utah Code Annotated 1953

37 **53A-1-1107**, Utah Code Annotated 1953

38 **53A-1-1108**, Utah Code Annotated 1953

39

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

41 Section 1. Section **53A-1-1101** is enacted to read:

42 **Part 11. School Grading Act**

43 **53A-1-1101. Title.**

44 This part is known as the "School Grading Act."

45 Section 2. Section **53A-1-1102** is enacted to read:

46 **53A-1-1102. Definitions.**

47 As used in this part:

48 (1) "Lowest 25% of students" means students who, based upon prior year scores on a
49 statewide assessment of student achievement in language arts or mathematics, were in the
50 lowest performing 25% of students in a grade.

51 (2) "Statewide assessment" means any of the following assessments that are
52 administered statewide under Part 6, Achievement Tests:

53 (a) a criterion-referenced test of student achievement in language arts, mathematics, or
54 science, including a test administered in a computer adaptive format; or

55 (b) an online writing assessment.

56 Section 3. Section **53A-1-1103** is enacted to read:

57 **53A-1-1103. Schools included in grading system.**

58 (1) The State Board of Education shall establish a school grading system in accordance

59 with this part in which a school annually is designated a grade of A, B, C, D, or F based on the
60 performance of the school's students on statewide assessments, and for a high school, the
61 graduation rate.

62 (2) (a) Except as provided in Subsection (2)(b), a school that has students who take
63 statewide assessments shall receive a school grade.

64 (b) A school may not receive a school grade, if the number of a school's students tested
65 is less than the minimum sample size necessary, based on accepted professional practice for
66 statistical reliability or the prevention of the unlawful release of personally identifiable student
67 data under 20 U.S.C. Sec. 1232.

68 Section 4. Section **53A-1-1104** is enacted to read:

69 **53A-1-1104. Criteria for determining school grades.**

70 A school's grade shall be based on:

71 (1) the achievement level of a school's students in language arts, mathematics, science,
72 and writing as measured by statewide assessments;

73 (2) learning gains of a school's students on statewide assessments of language arts and
74 mathematics achievement;

75 (3) learning gains of the lowest 25% of students on statewide assessments of language
76 arts and mathematics achievement; and

77 (4) for a high school, the graduation rate.

78 Section 5. Section **53A-1-1105** is enacted to read:

79 **53A-1-1105. Procedure for calculating school grades.**

80 (1) A school shall receive points as follows:

81 (a) one point for each percent of the school's students who take a statewide assessment
82 of language arts achievement and score at or above the proficient level;

83 (b) one point for each percent of the school's students who take a statewide assessment
84 of mathematics achievement and score at or above the proficient level;

85 (c) one point for each percent of the school's students who take a statewide assessment
86 of science achievement and score at or above the proficient level;

87 (d) one point for each percent of the school's students who take a statewide assessment
88 of writing achievement and score at or above the proficient level;

89 (e) one point for each percent of the school's students who:

90 (i) take a statewide assessment of language arts achievement for each of two successive
91 school years; and:

92 (ii) (A) improve their achievement level from one school year to the next; or

93 (B) maintain a proficient level or higher from one school year to the next;

94 (f) one point for each percent of the school's students who:

95 (i) take a statewide assessment of mathematics achievement for each of two successive
96 school years; and:

97 (ii) (A) improve their achievement level from one school year to the next; or

98 (B) maintain a proficient level or higher from one school year to the next;

99 (g) one point for each percent of the school's students among the lowest 25% of
100 students who:

101 (i) take a statewide assessment of language arts achievement for each of two successive
102 school years; and

103 (ii) (A) improve their achievement level from one school year to the next; or

104 (B) maintain a proficient level or higher from one school year to the next; and

105 (h) one point for each percent of the school's students among the lowest 25% of
106 students who:

107 (i) take a statewide assessment of mathematics achievement for each of two successive
108 school years; and

109 (ii) (A) improve their achievement level from one school year to the next; or

110 (B) maintain a proficient level or higher from one school year to the next.

111 (2) In addition to the points described in Subsection (1), a high school shall receive one
112 point for each percent of students who graduates using the four-year cohort graduate rate the
113 state uses to determine Adequate Yearly Progress (AYP) under the federal No Child Left
114 Behind accountability system.

115 (3) A school may receive up to 100 points for each of the criteria listed in Subsections
116 (1)(a) through (1)(h) and Subsection (2).

117 (4) The percent of the maximum number of points a school may earn shall be
118 calculated by:

119 (a) dividing the sum of the points earned for the criteria listed in Subsections (1)(a)
120 through (1)(h) and Subsection (2) by the maximum number of points that the school could

121 earn; and

122 (b) multiplying the quotient calculated under Subsection (4)(a) by 100.

123 (5) (a) Except as provided in Subsection (5)(b) or (c), a school shall be assigned a letter

124 grade based on the percent of the maximum number of points the school may earn as calculated

125 under Subsection (4) as follows:

126 (i) A, 100% - 90%;

127 (ii) B, 89% - 80%;

128 (iii) C, 79% - 70%;

129 (iv) D, 69% - 50%; and

130 (v) F, 49% or less.

131 (b) If student participation in a statewide assessment is less than 95%, the school's

132 grade shall be lowered by one letter grade.

133 (c) If 80% or more schools qualify for a grade of A or B, the State Board of Education

134 shall increase the upper and lower ends of the ranges specified in Subsections (5)(a)(i) through

135 (v) by two percentage points.

136 Section 6. Section **53A-1-1106** is enacted to read:

137 **53A-1-1106. Students with disabilities.**

138 (1) In implementing the school grading system, the State Board of Education shall

139 provide for the inclusion of the test scores of a student with a disability.

140 (2) Test scores on an alternative assessment administered to a student with a disability

141 may substitute for a statewide assessment as defined in Section 53A-1-1102.

142 Section 7. Section **53A-1-1107** is enacted to read:

143 **53A-1-1107. Reporting.**

144 (1) The State Board of Education, in collaboration with school districts and charter

145 schools, shall annually develop a school report card to be delivered to parents of students in

146 public schools.

147 (2) The report card shall include:

148 (a) a school's grade for each of the prior three school years and an explanation of the

149 criteria upon which the school grade is based; and

150 (b) a school improvement plan developed in accordance with Section 53A-1a-108.5.

151 (3) On or before July 31, the State Board of Education shall annually publish, on the

152 State Board of Education's website, a report card for each school with the grade for the prior
153 school year.

154 (4) (a) A school district or charter school shall provide a school report card, which
155 shall include the school improvement plan, to the parent or legal guardian of a student enrolled
156 in the school district or charter school.

157 (b) On or before July 31:

158 (i) a school district shall annually publish on the school district's website, and a
159 school's website, a school report card with the grade for the prior school year; and

160 (ii) a charter school shall annually publish on the charter school's website a school
161 report card with the grade for the prior school year.

162 Section 8. Section **53A-1-1108** is enacted to read:

163 **53A-1-1108. Rules.**

164 The State Board of Education shall make rules, as necessary, to implement a school
165 grading system in accordance with this part.

166 Section 9. Section **63A-3-402** is amended to read:

167 **63A-3-402. Utah Public Finance Website -- Establishment and administration --**
168 **Records disclosure.**

169 (1) There is created the Utah Public Finance Website to be administered by the
170 Division of Finance with the technical assistance of the Department of Technology Services.

171 (2) The Utah Public Finance Website shall:

172 (a) permit Utah taxpayers to:

173 (i) view, understand, and track the use of taxpayer dollars by making public financial
174 information available on the Internet for participating state entities' and participating local
175 entities, using the Utah Public Finance Website; and

176 (ii) link to websites administered by participating local entities that do not use the Utah
177 Public Finance Website for the purpose of providing participating local entities' public
178 financial information as required by this part and by rule under Section 63A-3-404;

179 (b) allow a person who has Internet access to use the website without paying a fee;

180 (c) allow the public to search public financial information on the Utah Public Finance
181 Website using those criteria established by the board;

182 (d) provide access to financial reports, financial audits, budgets, or other financial

183 documents that are used to allocate, appropriate, spend, and account for the government funds,
184 as may be established by rule under Section 63A-3-404;

185 (e) have a unique and simplified website address;

186 (f) be directly accessible via a link from the main page of the official state website;

187 [~~and~~]

188 (g) include other links, features, or functionality that will assist the public in obtaining
189 and reviewing public financial information, as may be established by rule under Section
190 63A-3-404[-]; and

191 (h) include a link to school report cards published on the State Board of Education's
192 website pursuant to Section 53A-1-1107.

193 (3) The division shall:

194 (a) establish and maintain the website, including the provision of equipment, resources,
195 and personnel as is necessary;

196 (b) maintain an archive of all information posted to the website;

197 (c) coordinate and process the receipt and posting of public financial information from
198 participating state entities;

199 (d) coordinate and regulate the posting of public financial information by participating
200 local entities; and

201 (e) provide staff support for the advisory committee.

202 (4) (a) A participating state entity shall permit the public to view the participating
203 entity's public financial information via the website, beginning with information that is
204 generated not later than the fiscal year that begins July 1, 2008, except that public financial
205 information for an institution of higher education shall be provided beginning with information
206 generated for the fiscal year beginning July 1, 2009.

207 (b) Not later than May 15, 2009, the website shall:

208 (i) be operational; and

209 (ii) permit public access to participating state entities' public financial information,
210 except as provided in Subsection (4)(c).

211 (c) An institution of higher education that is a participating state entity shall submit the
212 entity's public financial information at a time allowing for inclusion on the website no later
213 than May 15, 2010.

214 (5) A person who negligently discloses a record that is classified as private, protected,
215 or controlled by Title 63G, Chapter 2, Government Records Access and Management Act, is
216 not criminally or civilly liable for an improper disclosure of the record if the record is disclosed
217 solely as a result of the preparation or publication of the Utah Public Finance Website.

Legislative Review Note
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Office of Legislative Research and General Counsel