

CHRONIC ABSENTEEISM AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies requirements of the school performance report.

Highlighted Provisions:

This bill:

- ▶ defines "chronically absent" as being absent 10% of the school year; and
- ▶ requires the State Board of Education to report the number and percentage of students who were chronically absent during the year in the school performance report.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1-301, as last amended by Laws of Utah 2012, Chapter 425

53A-3-602.5, as last amended by Laws of Utah 2011, Chapter 321

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

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

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



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

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

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

35 (2) The State Board shall with the appointed superintendent develop a statewide
36 education strategy focusing on core academics, including the development of:

37 (a) core curriculum and graduation requirements;

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

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

42 (d) remediation programs;

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

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

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

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

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

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

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

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

58 (b) adopting and keeping an official seal to authenticate the superintendent's official

- 59 acts;
- 60 (c) holding and conducting meetings, seminars, and conferences on educational topics;
- 61 (d) presenting to the governor and the Legislature each December a report of the public
- 62 school system for the preceding year to include:
- 63 (i) data on the general condition of the schools with recommendations considered
- 64 desirable for specific programs;
- 65 (ii) a complete statement of fund balances;
- 66 (iii) a complete statement of revenues by fund and source;
- 67 (iv) a complete statement of adjusted expenditures by fund, the status of bonded
- 68 indebtedness, the cost of new school plants, and school levies;
- 69 (v) a complete statement of state funds allocated to each school district and charter
- 70 school by source, including supplemental appropriations, and a complete statement of
- 71 expenditures by each school district and charter school, including supplemental appropriations,
- 72 by function and object as outlined in the U.S. Department of Education publication "Financial
- 73 Accounting for Local and State School Systems";
- 74 (vi) a complete statement, by school district and charter school, of the amount of and
- 75 percentage increase or decrease in expenditures from the previous year attributed to:
- 76 (A) wage increases, with expenditure data for base salary adjustments identified
- 77 separately from step and lane expenditures;
- 78 (B) medical and dental premium cost adjustments; and
- 79 (C) adjustments in the number of teachers and other staff;
- 80 (vii) a statement that includes data on:
- 81 (A) fall enrollments;
- 82 (B) average membership;
- 83 (C) high school graduates;
- 84 (D) licensed and classified employees, including data reported by school districts on
- 85 educator ratings pursuant to Section 53A-8a-405;
- 86 (E) pupil-teacher ratios;
- 87 (F) average class sizes calculated in accordance with State Board of Education rules
- 88 adopted under [~~Subsection~~] Section 53A-3-602.5[~~(4)~~];
- 89 (G) average salaries;

- 90 (H) applicable private school data; and
- 91 (I) data from standardized norm-referenced tests in grades 5, 8, and 11 on each school
- 92 and district;
- 93 (viii) statistical information regarding incidents of delinquent activity in the schools or
- 94 at school-related activities with separate categories for:
 - 95 (A) alcohol and drug abuse;
 - 96 (B) weapon possession;
 - 97 (C) assaults; and
 - 98 (D) arson;
 - 99 (ix) information about:
 - 100 (A) the development and implementation of the strategy of focusing on core
 - 101 academics;
 - 102 (B) the development and implementation of competency-based education and
 - 103 progress-based assessments; and
 - 104 (C) the results being achieved under Subsections (3)(d)(ix)(A) and (B), as measured by
 - 105 individual progress-based assessments and a comparison of Utah students' progress with the
 - 106 progress of students in other states using standardized norm-referenced tests as benchmarks;
 - 107 and
 - 108 (x) other statistical and financial information about the school system which the state
 - 109 superintendent considers pertinent;
 - 110 (e) collecting and organizing education data into an automated decision support system
 - 111 to facilitate school district and school improvement planning, accountability reporting,
 - 112 performance recognition, and the evaluation of educational policy and program effectiveness to
 - 113 include:
 - 114 (i) data that are:
 - 115 (A) comparable across schools and school districts;
 - 116 (B) appropriate for use in longitudinal studies; and
 - 117 (C) comprehensive with regard to the data elements required under applicable state or
 - 118 federal law or state board rule;
 - 119 (ii) features that enable users, most particularly school administrators, teachers, and
 - 120 parents, to:

- 121 (A) retrieve school and school district level data electronically;
- 122 (B) interpret the data visually; and
- 123 (C) draw conclusions that are statistically valid; and
- 124 (iii) procedures for the collection and management of education data that:
 - 125 (A) require the state superintendent of public instruction to:
 - 126 (I) collaborate with school districts in designing and implementing uniform data
 - 127 standards and definitions;
 - 128 (II) undertake or sponsor research to implement improved methods for analyzing
 - 129 education data;
 - 130 (III) provide for data security to prevent unauthorized access to or contamination of the
 - 131 data; and
 - 132 (IV) protect the confidentiality of data under state and federal privacy laws; and
 - 133 (B) require all school districts and schools to comply with the data collection and
 - 134 management procedures established under Subsection (3)(e);
 - 135 (f) administering and implementing federal educational programs in accordance with
 - 136 Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act; and
 - 137 (g) with the approval of the board, preparing and submitting to the governor a budget
 - 138 for the board to be included in the budget that the governor submits to the Legislature.
- 139 (4) The state superintendent shall distribute funds deposited in the Autism Awareness
- 140 Restricted Account created in Section 53A-1-304 in accordance with the requirements of
- 141 Section 53A-1-304.
- 142 (5) Upon leaving office, the state superintendent shall deliver to the state
- 143 superintendent's successor all books, records, documents, maps, reports, papers, and other
- 144 articles pertaining to the state superintendent's office.
- 145 (6) (a) For the purpose of Subsection (3)(d)(vii):
 - 146 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
 - 147 students enrolled in a school by the number of full-time equivalent teachers assigned to the
 - 148 school, including regular classroom teachers, school-based specialists, and special education
 - 149 teachers;
 - 150 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of
 - 151 the schools within a school district;

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

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

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

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

158 (A) each school district;

159 (B) the charter schools aggregated; and

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

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

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

164 **53A-3-602.5. School performance report -- Components -- Annual filing.**

165 (1) (a) As used in this section and consistent with Subsection (1)(b), "absent" means a
166 student in kindergarten through grade 12 assigned to a class or class period who fails to attend
167 the entire class or class period.

168 (b) A student described in Subsection (1)(a) may not be considered absent under this
169 section more than one time during the day.

170 (2) As used in this section, "chronically absent" means a student who is absent 10% of
171 a school year.

172 [~~(+)~~] (3) For a school year beginning with or after the 2010-11 school year, the State
173 Board of Education in collaboration with the state's school districts and charter schools shall
174 develop a school performance report to inform the state's residents of the quality of schools and
175 the educational achievement of students in the state's public education system.

176 [~~(2)~~] (4) The report described in Subsection [~~(+)~~] (3) shall be written and include the
177 following statistical data for each school in a school district and each charter school, as
178 applicable, except as provided by Subsection [~~(2)~~] (4)(g), and shall also aggregate the data at
179 the school district and state level:

180 (a) test scores over the previous year on:

181 (i) criterion-referenced or online computer adaptive tests to include the scores
182 aggregated for all students:

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

214 (l) average class size calculated in accordance with State Board of Education rule
215 adopted under Subsection [~~(4)~~] (6);

216 (m) average daily attendance as defined by State Board of Education rule, including
217 every period in secondary schools; and

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

220 [~~(3)~~] (5) For a school year beginning with or after the 2010-11 school year, the State
221 Board of Education, in collaboration with the state's school districts and charter schools, shall
222 provide for the collection and electronic reporting of the following data for a school in each
223 school district and each charter school:

224 (a) test scores and trends over the previous four years on the tests referred to in
225 Subsection [~~(2)~~] (4)(a);

226 (b) the average grade given in each math, science, and English course in grades 9
227 through 12 for which criterion-referenced or online computer adaptive tests are required under
228 Section 53A-1-603;

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

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

233 [~~(4)~~] (6) (a) The State Board of Education shall adopt common definitions and data
234 collection procedures for local school boards and charter schools to use in collecting and
235 forwarding the data required under Subsections [~~(2)~~] (4) and [~~(3)~~] (5) to the state
236 superintendent of public instruction.

237 (b) (i) In accordance with Subsections [~~(4)~~] (6)(b)(ii) through [~~(4)~~] (6)(b)(iv), the State
238 Board of Education shall adopt rules specifying how average class size shall be calculated.

239 (ii) (A) Except as provided by Subsections [~~(4)~~] (6)(b)(ii)(B) through [~~(4)~~] (6)(b)(ii)(D)
240 or for nontraditional classes identified by rule, average class size at the elementary school level
241 shall:

242 (I) be calculated by grade level; and

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

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

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

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

252 (iii) (A) Except as provided by Subsection [~~(4)~~] (6)(b)(iii)(B) or for nontraditional
253 classes identified by rule, average class size at the secondary school level shall:

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

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

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

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

262 (c) The State Board of Education, through the state superintendent of public
263 instruction, shall adopt standard reporting forms and provide a common template for collecting
264 and reporting the data, which shall be used by all school districts and charter schools.

265 (d) The state superintendent shall use the automated decision support system referred
266 to in Section 53A-1-301 to collect and report the data required under Subsections [~~(2)~~] (4) and
267 [~~(3)~~] (5).

268 [~~(5)~~] (7) (a) For a school year beginning with or after the 2010-11 school year, the State
269 Board of Education, through the state superintendent of public instruction, shall issue its report
270 annually by October 1 to include the required data from the previous school year or years as
271 indicated in Subsections [~~(2)~~] (4) and [~~(3)~~] (5).

272 (b) The State Board of Education shall publish on the State Board of Education's
273 website U-PASS school reports for the 2009-10 school year that indicate the academic
274 proficiency and progress of a school's students and whether the school meets state standards of
275 performance.

276 [~~6~~] (8) (a) Each local school board and each charter school shall receive a written or
277 an electronic copy of the report from the state superintendent of public instruction containing
278 the data for that school district or charter school in a clear summary format and have it
279 distributed, on a one per household basis, to the residence of students enrolled in the school
280 district or charter school before November 30th of each year.

281 (b) Each local school board, each charter school, and the State Board of Education
282 shall have a complete report of the statewide data available for copying or in an electronic
283 format at their respective offices.

Legislative Review Note
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Office of Legislative Research and General Counsel