

## HB0360S01 compared with HB0360

~~deleted text~~ shows text that was in HB0360 but was deleted in HB0360S01.

inserted text shows text that was not in HB0360 but was inserted into HB0360S01.

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Representative LaVar Christensen proposes the following substitute bill:

### UTAH EDUCATION AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: LaVar Christensen**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill enacts provisions related to statewide education policy and planning and amends provisions related to national education programs and state academic standards.

##### Highlighted Provisions:

This bill:

- ▶ enacts provisions related to statewide education policy;
- ▶ requires the State Board of Education to:
  - generate a report regarding the history of the state public education system;
  - create a 10-year plan; and
  - report to the Education Interim Committee;
- ▶ removes nonvoting members from the State Board of Education and requires the State Board of Education to meet quarterly with certain individuals;

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- ▶ amends provisions relating to academic standards established by the State Board of Education and curriculum in public schools;
- ▶ provides for certain education entities to meet certain requirements when establishing certain national programs or standards; and
- ▶ makes technical changes.

### **Money Appropriated in this Bill:**

None

### **Other Special Clauses:**

None

### **Utah Code Sections Affected:**

AMENDS:

- 53A-1-201, as last amended by Laws of Utah 2013, Chapter 111
- 53A-1-203, as enacted by Laws of Utah 1988, Chapter 2
- 53A-1-301, as last amended by Laws of Utah 2012, Chapter 425
- 53A-1-402.6, as last amended by Laws of Utah 2014, Chapter 352
- 53A-1-402.8, as enacted by Laws of Utah 2014, Chapter 352
- 53A-1-409, as last amended by Laws of Utah 2013, Chapter 398
- 53A-1-413, as enacted by Laws of Utah 2013, Chapter 305
- 53A-1-602, as last amended by Laws of Utah 2013, Chapter 161
- 53A-1-603, as last amended by Laws of Utah 2013, Chapter 161
- 53A-1-606.7, as enacted by Laws of Utah 2011, Chapter 372
- 53A-1-708, as last amended by Laws of Utah 2012, Chapter 367
- 53A-1-709, as last amended by Laws of Utah 2013, Chapter 173
- 53A-1-901, as enacted by Laws of Utah 2005, First Special Session, Chapter 2
- 53A-1-902, as last amended by Laws of Utah 2009, Chapter 112
- 53A-1-905, as last amended by Laws of Utah 2009, Chapter 112
- 53A-1-906, as last amended by Laws of Utah 2009, Chapter 112
- 53A-1-907, as last amended by Laws of Utah 2009, Chapter 112
- 53A-1-908, as last amended by Laws of Utah 2009, Chapter 112
- 53A-1-1103, as last amended by Laws of Utah 2014, Chapter 403
- 53A-1a-103, as last amended by Laws of Utah 2012, Chapter 123

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53A-1a-104, as last amended by Laws of Utah 2003, Chapter 315

53A-1a-107, as last amended by Laws of Utah 2003, Chapter 221

53A-3-402, as last amended by Laws of Utah 2014, Chapter 202

53A-3-602.5, as last amended by Laws of Utah 2013, Chapter 161

53A-3-701, as last amended by Laws of Utah 2003, Chapter 221

53A-13-108, as last amended by Laws of Utah 2014, Chapter 70

53A-13-108.5, as enacted by Laws of Utah 2006, Chapter 227

53A-13-110, as last amended by Laws of Utah 2014, Chapter 70

53A-13-111, as enacted by Laws of Utah 2012, Chapter 181

53A-14-102, as last amended by Laws of Utah 2002, Chapter 299

53A-14-107, as last amended by Laws of Utah 2010, Chapter 305

53A-15-1002.5, as enacted by Laws of Utah 2012, Chapter 238

53A-15-1003, as last amended by Laws of Utah 2012, Chapter 238

53A-15-1206, as last amended by Laws of Utah 2012, Chapter 238

ENACTS:

53A-1-102, Utah Code Annotated 1953

REPEALS AND REENACTS:

53A-1-101, as last amended by Laws of Utah 2010, Chapter 162

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

Section 1. Section 53A-1-101 is repealed and reenacted to read:

### **Part 1. Policy and Planning for Utah's Public Education System**

#### **53A-1-101. Policy for Utah's public education system.**

(1) (a) The continuous cultivation of an informed and virtuous citizenry among succeeding generations is essential to the state and the nation.

(b) The state's public education system is established and maintained as provided in Utah Constitution, Article X, and this title.

(c) Parents and guardians have the primary responsibility for the education of their children and elect representatives in the Legislature and on state and local school boards to administer the state public education system, which provides extensive support and assistance. All children of the state are entitled to a free public education as provided in Utah Constitution.

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### Article X.

(d) Public schools fulfill a vital purpose in the education and preparation of informed and responsible citizens who:

- (i) ~~fully~~ fully understand and lawfully exercise their individual rights and liberties;
- (ii) become self-reliant and able to provide for themselves and their families; and
- (iii) contribute to the public good and the health, welfare, and security of the state and the nation.

(2) In the implementation of all policies, programs, and responsibilities adopted in accordance with this title, the Legislature, the State Board of Education, local school boards, and charter school governing boards shall:

(a) respect, protect, and further the interests of parents and guardians in their children's public education; and

(b) promote and encourage full and active participation and involvement of parents and guardians at all public schools.

Section 2. Section **53A-1-102** is enacted to read:

#### **53A-1-102. Planning for Utah's public education system.**

(1) Before November 30, 2016, the State Board of Education shall:

(a) (i) prepare a report that summarizes, for the last 15 years or more, the policies and programs established by, and the performance history of, the state's public education system; and

(ii) prepare a formal 10-year plan for the state's public education system, including recommendations to:

(A) repeal outdated policies and programs; and

(B) clarify and correlate current policies and programs; and

(b) submit the report and plan described in Subsection (1)(a) to the Education Interim Committee for review and ~~approval~~ recommendations.

(2) The State Board of Education shall review and maintain the 10-year plan described in Subsection (1)(a)(ii) and submit the updated plan to the Education Interim Committee for review and approval at least once every five years.

Section 3. Section **53A-1-201** is amended to read:

#### **Part 2. State Board of Education Members - Officers - Compensation - Meetings**

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### **53A-1-201. State Board of Education members -- Election and appointment of officers -- Removal from office.**

(1) Members of the State Board of Education shall be nominated and elected as provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

~~[(1)]~~ (2) The State Board of Education shall elect from its members a chair, and at least one vice chair, but no more than three vice chairs, each year at a meeting held any time between November 15 and January 15.

~~[(2)]~~ (3) (a) If the election of officers is held subsequent to the election of a new member of the board, but prior to the time that the new member takes office, the new member shall assume the position of the outgoing member for purposes of the election of officers.

(b) In all other matters the outgoing member shall retain the full authority of the office until replaced as provided by law.

~~[(3)]~~ (4) The duties of these officers shall be determined by the board.

~~[(4)]~~ (5) The board shall appoint a secretary who serves at the pleasure of the board.

~~[(5)]~~ (6) An officer appointed or elected by the board under this section may be removed from office for cause by a vote of two-thirds of the board.

Section 4. Section **53A-1-203** is amended to read:

### **53A-1-203. State board meetings -- Quorum requirements.**

(1) The State Board of Education shall meet at the call of the chairman and at least 11 times each year.

(2) The State Board of Education shall, at least quarterly, meet with and receive recommendations from:

(a) two members of the State Board of Regents, appointed by the chair of the State Board of Regents;

(b) one member of the Utah College of Applied Technology Board of Trustees, appointed by the chair of the board of trustees; and

(c) one member of the State Charter School Board, appointed by the chair of the State Charter School Board.

~~[(2)]~~ (3) A majority of all members is required to validate an act of the board.

Section 5. Section **53A-1-301** is amended to read:

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

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

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

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

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

(a) core ~~[curriculum]~~ standards for Utah public schools and graduation requirements;

(b) a process to select model instructional materials that best correlate to the core ~~[curriculum]~~ standards for Utah public schools and graduation requirements that are supported by generally accepted scientific standards of evidence;

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

(d) model remediation programs;

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

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

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

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

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

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

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

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

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

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acts;

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

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

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

(ii) a complete statement of fund balances;

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

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

(v) a complete statement of state funds allocated to each school district and charter school by source, including supplemental appropriations, and a complete statement of expenditures by each school district and charter school, including supplemental appropriations, by function and object as outlined in the U.S. Department of Education publication "Financial Accounting for Local and State School Systems";

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

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

(B) medical and dental premium cost adjustments; and

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

(vii) a statement that includes data on:

(A) fall enrollments;

(B) average membership;

(C) high school graduates;

(D) licensed and classified employees, including data reported by school districts on educator ratings pursuant to Section 53A-8a-405;

(E) pupil-teacher ratios;

(F) average class sizes calculated in accordance with State Board of Education rules adopted under Subsection 53A-3-602.5(4);

(G) average salaries;

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(H) applicable private school data; and

(I) data from standardized norm-referenced tests in grades 5, 8, and 11 on each school and district;

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

(A) alcohol and drug abuse;

(B) weapon possession;

(C) assaults; and

(D) arson;

(ix) information about:

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

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

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

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

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

(i) data that are:

(A) comparable across schools and school districts;

(B) appropriate for use in longitudinal studies; and

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

(ii) features that enable users, most particularly school administrators, teachers, and parents, to:



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

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

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

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

(i) include the pupil-teacher ratio for:

(A) each school district;

(B) the charter schools aggregated; and

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

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

Section 6. Section **53A-1-402.6** is amended to read:

### **53A-1-402.6. Core standards for Utah public schools.**

(1) (a) In establishing minimum standards related to curriculum and instruction requirements under Section 53A-1-402, the State Board of Education shall, in consultation with local school boards, school superintendents, teachers, employers, and parents implement core ~~[curriculum standards which]~~ standards for Utah public schools that will enable students to, among other objectives:

~~[(a)]~~ (i) communicate effectively, both verbally and through written communication;

~~[(b)]~~ (ii) apply mathematics; and

~~[(c)]~~ (iii) access, analyze, and apply information.

(b) Except as provided in this title, the State Board of Education may recommend but may not require a local school board or charter school governing board to use:

(i) a particular curriculum or instructional material; or

(ii) a model curriculum or instructional material.

(2) The board shall, in establishing the core standards for Utah public schools:

(a) identify the basic knowledge, skills, and competencies each student is expected to acquire or master as the student advances through the public education system; and

(b) align the core ~~[curriculum standards]~~ standards for Utah public schools and tests administered under the Utah Performance Assessment System for Students (U-PASS) with each other.

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(3) The basic knowledge, skills, and competencies identified pursuant to Subsection (2)(a) shall increase in depth and complexity from year to year and focus on consistent and continual progress within and between grade levels and courses in the ~~[core academic]~~ basic academic areas of:

(a) English, including explicit phonics, spelling, grammar, reading, writing, vocabulary, speech, and listening; and

(b) mathematics, including basic computational skills.

(4) Before adopting core ~~[curriculum standards]~~ standards for Utah public schools, the State Board of Education shall:

(a) publicize draft core ~~[curriculum standards]~~ standards for Utah public schools on the State Board of Education's website and the Utah Public Notice website created under Section 63F-1-701;

(b) invite public comment on the draft core ~~[curriculum standards]~~ standards for Utah public schools for a period of not less than 90 days; and

(c) conduct three public hearings that are held in different regions of the state on the draft core ~~[curriculum standards]~~ standards for Utah public schools.

(5) Local school boards shall design their school programs, that are supported by generally accepted scientific standards of evidence, to focus on the core ~~[curriculum standards]~~ standards for Utah public schools with the expectation that each program will enhance or help achieve mastery of the core ~~[curriculum standards]~~ standards for Utah public schools.

(6) Except as provided in Section 53A-13-101, each school may select instructional materials and methods of teaching, that are supported by generally accepted scientific standards of evidence, that it considers most appropriate to meet ~~[core curriculum standards]~~ the core standards for Utah public schools.

(7) The state may exit any agreement, contract, memorandum of understanding, or consortium that cedes control of ~~[Utah's core curriculum standards]~~ the core standards for Utah public schools to any other entity, including a federal agency or consortium, for any reason, including:

(a) the cost of developing or implementing ~~[core curriculum standards]~~ the core standards for Utah public schools;

(b) the proposed core ~~[curriculum standards]~~ standards for Utah public schools are

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inconsistent with community values; or

(c) the agreement, contract, memorandum of understanding, or consortium:

(i) was entered into in violation of Part 9, Implementing Federal Programs Act, or Title 63J, Chapter 5, Federal Funds Procedures Act;

(ii) conflicts with Utah law;

(iii) requires Utah student data to be included in a national or multi-state database;

(iv) requires records of teacher performance to be included in a national or multi-state database; or

(v) imposes curriculum, assessment, or data tracking requirements on home school or private school students.

(8) The State Board of Education shall annually report to the Education Interim Committee on the development and implementation of [~~core curriculum standards~~] the core standards for Utah public schools, including the time line established for the review of [~~core curriculum standards~~] the core standards for Utah public schools by a standards review committee and the recommendations of a standards review committee established under Section 53A-1-402.8.

Section 7. Section **53A-1-402.8** is amended to read:

### **53A-1-402.8. Standards review committee.**

(1) As used in this section, "board" means the State Board of Education.

(2) Subject to Subsection (5), the State Board of Education shall establish:

(a) a time line for the review by a standards review committee of [~~core curriculum standards~~] the core standards for Utah public schools for:

(i) English language arts;

(ii) mathematics;

(iii) science;

(iv) social studies;

(v) fine arts;

(vi) physical education and health; and

(vii) early childhood education; and

(b) a separate standards review committee for each subject area specified in Subsection (2)(a) to review, and recommend to the board revisions to, [~~core curriculum standards~~] the core

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standards for Utah public schools.

(3) At least one year before the board takes formal action to adopt new core ~~[curriculum standards]~~ standards for Utah public schools, the board shall establish a standards review committee as required by Subsection (2)(b).

(4) A standards review committee shall meet at least twice during the time period described in Subsection (3).

(5) In establishing a time line for the review of core ~~[curriculum standards]~~ standards for Utah public schools by a standards review committee, the board shall give priority to establishing a standards review committee to review, and recommend revisions to, the ~~[core curriculum standards for mathematics]~~ mathematics core standards for Utah public schools.

(6) The membership of a standards review committee consists of:

(a) seven individuals, with expertise in the subject being reviewed, appointed by the board chair, including teachers, business representatives, faculty of higher education institutions in Utah, and others as determined by the board chair;

(b) five parents or guardians of public education students appointed by the speaker of the House of Representatives; and

(c) five parents or guardians of public education students appointed by the president of the Senate.

(7) The board shall provide staff support to the standards review committee.

(8) A member of the standards review committee may not receive compensation or benefits for the member's service on the committee.

(9) Among the criteria a standards review committee shall consider when reviewing ~~[core curriculum standards]~~ the core standards for Utah public schools is giving students an adequate foundation to successfully pursue college, technical education, a career, or other life pursuits.

(10) A standards review committee shall submit, to the board, comments and recommendations for revision of ~~[core curriculum standards]~~ the core standards for Utah public schools.

(11) The board shall take into consideration the comments and recommendations of a standards review committee in adopting ~~[core curriculum standards]~~ the core standards for Utah public schools.

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(12) (a) Nothing in this section prohibits the board from amending or adding individual core [~~curriculum standards~~] standards for Utah public schools as the need arises in the board's ongoing responsibilities.

(b) If the board makes changes as described in Subsection (12)(a), the board shall include the changes in the annual report the board submits to the Education Interim Committee under Section 53A-1-402.6.

Section 8. Section **53A-1-409** is amended to read:

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

(1) As used in this section:

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

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

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

(2) The State Board of Education shall:

(a) provide expertise to and consult with local school boards, school districts, and charter schools relating to competency-based education and progress-based assessments;

(b) before the beginning of the 2014 General Session of the Legislature, make recommendations to the Public Education Appropriations Subcommittee, including the amount and allocation of public education money, based upon both new public education money and the reallocation of money required to develop and implement:

(i) competency-based education and progress-based assessments;

(ii) (A) a weighted competency unit that distributes public education money based on student achievement resulting from competency-based program objectives, strategies, and standards; and

(B) a course-level funding formula that distributes funds to school districts and charter

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schools that establish competency-based education;

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

(iv) the reallocation of teaching resources from noncore electives into grades 1-3, 7-12 math, and 7-12 English; and

(v) a teacher development program focused on achieving progress in [~~core academics~~] basic academic subjects, including instruction in explicit, systematic, and intensive phonics for teachers in grades kindergarten through 3;

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

(i) competency-based education; and

(ii) the use of gain scores; and

(d) develop and use monetary and nonmonetary incentives, tools, and rewards to encourage school districts and charter schools to accomplish the items described under this section.

(3) A funding formula described in Subsection (2)(b)(ii)(B) shall:

(a) base the funding for a competency-based course on a proportionate amount of the weighted pupil unit;

(b) partially distribute funds based on initial enrollment;

(c) distribute remaining funds based on a student's successful completion of a course through demonstrated competency and subject mastery; and

(d) not be dependent on the amount of time a student is instructed in the course or the age of the student.

(4) A local school board or a charter school governing board may establish a competency-based education program.

(5) A local school board or charter school governing board that establishes a competency-based education program shall:

(a) establish assessments to accurately measure competency;

(b) provide the assessments to an enrolled student at no cost to the student;

(c) award credit to a student who demonstrates competency and subject mastery;

(d) submit the competency-based [~~curriculum~~] standards to the State Board of Education for review; and

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(e) publish the competency-based [curriculum] standards on its website or by other electronic means readily accessible to the public.

(6) A local school board or charter school governing board may:

(a) on a random lottery-based basis, limit enrollment to courses that have been designated as competency-based courses;

(b) waive or adapt traditional attendance requirements;

(c) adjust class sizes to maximize the value of course instructors or course mentors;

(d) enroll students from any geographic location within the state; and

(e) provide proctored online competency-based assessments.

Section 9. Section **53A-1-413** is amended to read:

### **53A-1-413. Student Achievement Backpack -- Utah Student Record Store.**

(1) As used in this section:

(a) "Authorized LEA user" means a teacher or other person who is:

(i) employed by an LEA that provides instruction to a student; and

(ii) authorized to access data in a Student Achievement Backpack through the Utah Student Record Store.

(b) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and the Blind.

(c) "Student Achievement Backpack" means, for a student from kindergarten through grade 12, a complete learner profile that:

(i) is in electronic format;

(ii) follows the student from grade to grade and school to school; and

(iii) is accessible by the student's parent or guardian or an authorized LEA user.

(d) "U-PASS" means the Utah Performance Assessment System for Students established in Part 6, Achievement Tests.

(e) "Utah Student Record Store" means a repository of student data collected from LEAs as part of the state's longitudinal data system that is:

(i) managed by the Utah State Office of Education;

(ii) cloud-based; and

(iii) accessible via a web browser to authorized LEA users.

(2) (a) The State Board of Education shall use the robust, comprehensive data



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collection system maintained by the Utah State Office of Education, which collects longitudinal student transcript data from LEAs and the unique student identifiers as described in Section 53A-1-603.5, to allow the following to access a student's Student Achievement Backpack:

- (i) the student's parent or guardian; and
  - (ii) each LEA that provides instruction to the student.
- (b) The State Board of Education shall ensure that a Student Achievement Backpack:
- (i) provides a uniform, transparent reporting mechanism for individual student progress;
  - (ii) provides a complete learner history for postsecondary planning;
  - (iii) provides a teacher with visibility into a student's complete learner profile to better inform instruction and personalize education;
  - (iv) assists a teacher or administrator in diagnosing a student's learning needs through the use of data already collected by the State Board of Education;
  - (v) facilitates a student's parent or guardian taking an active role in the student's education by simplifying access to the student's complete learner profile; and
  - (vi) serves as additional disaster mitigation for LEAs by using a cloud-based data storage and collection system.
- (3) Using existing information collected and stored in the data warehouse maintained by the Utah State Office of Education, the State Board of Education shall create the Utah Student Record Store where an authorized LEA user may:
- (a) access data in a Student Achievement Backpack relevant to the user's LEA or school; or
  - (b) request student records to be transferred from one LEA to another.
- (4) The State Board of Education shall implement security measures to ensure that:
- (a) student data stored or transmitted to or from the Utah Student Record Store is secure and confidential pursuant to the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
  - (b) an authorized LEA user may only access student data that is relevant to the user's LEA or school.
- (5) A student's parent or guardian may request the student's Student Achievement

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Backpack from the LEA or the school in which the student is enrolled.

(6) No later than June 30, 2014, an authorized LEA user shall be able to access student data in a Student Achievement Backpack, which shall include the following data, or request the data be transferred from one LEA to another:

- (a) student demographics;
- (b) course grades;
- (c) course history; and
- (d) results for an assessment administered under U-PASS.

(7) No later than June 30, 2015, an authorized LEA user shall be able to access student data in a Student Achievement Backpack, which shall include the data listed in Subsections (6)(a) through (d) and the following data, or request the data be transferred from one LEA to another:

- (a) section attendance;
- (b) the name of a student's teacher for classes or courses the student takes;
- (c) teacher qualifications for a student's teacher, including years of experience, degree, license, and endorsement;

(d) results of formative, interim, and summative computer adaptive assessments administered pursuant to Section 53A-1-603;

(e) detailed data demonstrating a student's mastery of the core standards for Utah public schools and objectives as measured by computer adaptive assessments administered pursuant to Section 53A-1-603;

(f) a student's writing sample written for an online writing assessment administered pursuant to Section 53A-1-603;

- (g) student growth scores for U-PASS tests;
- (h) a school's grade assigned pursuant to Part 11, School Grading Act;
- (i) results of benchmark assessments of reading administered pursuant to Section 53A-1-606.6; and

(j) a student's reading level at the end of grade 3.

(8) No later than June 30, 2017, the State Board of Education shall ensure that data collected in the Utah Student Record Store for a Student Achievement Backpack shall be integrated into each LEA's student information system and shall be made available to a

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student's parent or guardian and an authorized LEA user in an easily accessible viewing format.

Section 10. Section **53A-1-602** is amended to read:

### **53A-1-602. Definitions.**

As used in this part:

(1) "Basic ~~[skills course]~~ academic subject" means a subject ~~[which] that~~ requires mastery of specific functions, as defined under rules made by the State Board of Education, to include reading, language arts, mathematics, science in grades 4 through 12, and effectiveness of written expression.

~~[(2) "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.]~~

~~[(3) "Utah's common core"]~~

(2) "Core standards for Utah public schools" means the ~~[core set of English language arts and mathematics]~~ standards developed and adopted by the State Board of Education ~~[which] that~~ define the knowledge and skills students should have in kindergarten through grade 12 to enable ~~[them] students~~ to be prepared for college or workforce training.

~~(3) "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.~~

(4) "Utah Performance Assessment System for Students" or "U-PASS" means:

(a) as determined by the State Board of Education, criterion-referenced achievement testing or online computer adaptive testing of students in grades 3 through 12 in basic ~~[skills courses]~~ academic subjects;

(b) an online writing assessment in grades 5 and 8;

(c) college readiness assessments as detailed in Section 53A-1-611;

(d) the use of student behavior indicators in assessing student performance; and

(e) testing of students in grade 3 to measure reading grade level.

Section 11. Section **53A-1-603** is amended to read:

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

(1) The State Board of Education shall:

(a) require each school district and charter school to implement the Utah Performance

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Assessment System for Students, hereafter referred to as U-PASS;

(b) require the state superintendent of public instruction to submit and recommend criterion-referenced achievement tests or online computer adaptive tests, college readiness assessments, an online writing assessment for grades 5 and 8, and a test for students in grade 3 to measure reading grade level to the board for approval and adoption and distribution to each school district and charter school by the state superintendent;

(c) develop an assessment method to uniformly measure statewide performance, school district performance, and school performance of students in grades 3 through 12 in mastering basic ~~[skills courses]~~ academic subjects; and

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

(2) Except as provided in Subsection (3) and Subsection 53A-1-611(3), under U-PASS, the State Board of Education shall annually require each school district and charter school, as applicable, to administer:

(a) as determined by the State Board of Education, statewide criterion-referenced tests or online computer adaptive tests in grades 3 through 12 and courses in basic ~~[skill areas]~~ academic subjects of the core ~~[curriculum]~~ standards for Utah public schools;

(b) an online writing assessment to all students in grades 5 and 8;

(c) college readiness assessments as detailed in Section 53A-1-611; and

(d) a test to all students in grade 3 to measure reading grade level.

(3) Beginning with the 2014-15 school year, the State Board of Education shall annually require each school district and charter school, as applicable, to administer a computer adaptive assessment system that is:

(a) adopted by the State Board of Education; and

(b) aligned to ~~[Utah's common core]~~ the core standards for Utah public schools.

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

(a) the computation of student performance based on information that is disaggregated with respect to race, ethnicity, gender, limited English proficiency, and those students who qualify for free or reduced price school lunch;

(b) security features to maintain the integrity of the system, which could include

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statewide uniform testing dates, multiple test forms, and test administration protocols;

(c) the exemption of student test scores, by exemption category, such as limited English proficiency, mobility, and students with disabilities, with the percent or number of student test scores exempted being publically reported at a district level;

(d) compiling of criterion-referenced, online computer adaptive, and online writing test scores and test score averages at the classroom level to allow for:

(i) an annual review of those scores by parents of students and professional and other appropriate staff at the classroom level at the earliest point in time;

(ii) the assessment of year-to-year student progress in specific classes, courses, and subjects;

(iii) a teacher to review, prior to the beginning of a new school year, test scores from the previous school year of students who have been assigned to the teacher's class for the new school year;

(e) allowing a school district or charter school to have its tests administered and scored electronically to accelerate the review of test scores and their usefulness to parents and educators under Subsection (4)(d), without violating the integrity of U-PASS; and

(f) providing that scores on the tests and assessments required under Subsection (2)(a) and Subsection (3) shall be considered in determining a student's academic grade for the appropriate course and whether a student shall advance to the next grade level.

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

(b) The State Board of Education may award a grant to a school district or charter school to pay for an online writing assessment and instruction program that may be used to assess the writing of students in grade 11.

(6) The State Board of Education shall make rules:

(a) establishing procedures for applying for and awarding money for computer adaptive tests;

(b) specifying how money for computer adaptive tests shall be allocated among school districts and charter schools that qualify to receive the money; and

(c) requiring reporting of the expenditure of money awarded for computer adaptive testing and evidence that the money was used to implement computer adaptive testing.

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(7) The State Board of Education shall assure that computer adaptive tests are administered in compliance with the requirements of Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act.

(8) (a) The State Board of Education shall establish a committee consisting of 15 parents of Utah public education students to review all computer adaptive test questions.

(b) The committee established in Subsection (8)(a) shall include the following parent members:

(i) five members appointed by the chair of the State Board of Education;

(ii) five members appointed by the speaker of the House of Representatives; and

(iii) five members appointed by the president of the Senate.

(c) The State Board of Education shall provide staff support to the parent committee.

(d) The term of office of each member appointed in Subsection (8)(b) is four years.

(e) The chair of the State Board of Education, the speaker of the House of Representatives, and the president of the Senate shall adjust the length of terms to stagger the terms of committee members so that approximately 1/2 of the committee members are appointed every two years.

(f) No member may receive compensation or benefits for the member's service on the committee.

(9) (a) School districts and charter schools shall require each licensed employee to complete two hours of professional development on youth suicide prevention within their license cycle in accordance with Section 53A-6-104.

(b) The State Board of Education shall develop or adopt sample materials to be used by a school district or charter school for professional development training on youth suicide prevention.

(c) The training required by this Subsection (9) shall be incorporated into professional development training required by rule in accordance with Section 53A-6-104.

Section 12. Section **53A-1-606.7** is amended to read:

**53A-1-606.7. State Board of Education required to contract for a diagnostic assessment system for reading.**

(1) The State Board of Education shall contract with an educational technology provider, selected through a request for proposals process, for a diagnostic assessment system

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for reading for students in kindergarten through grade three that meets the requirements of this section.

(2) The diagnostic assessment system for reading shall be made available to school districts and charter schools that apply to use the diagnostic assessment for reading beginning in the 2011-12 school year.

(3) The diagnostic assessment system for reading for students in kindergarten through grade three shall:

(a) include benchmark assessments of reading proficiency to be administered at the beginning, in the middle, and at the end of kindergarten, grade one, grade two, and grade three;

(b) include formative assessments to be administered every two to four weeks for students who are at high risk of not attaining proficiency in reading;

(c) align with the language arts core [~~curriculum~~] standards for Utah public schools adopted by the State Board of Education; and

(d) include a data analysis component hosted by the contractor that:

(i) has the capacity to generate electronic information immediately and produce individualized student progress reports, class summaries, and class groupings for instruction;

(ii) has the capability of identifying lesson plans that may be used to develop reading skills;

(iii) enables teachers, administrators, and designated supervisors to access reports through a secured password system;

(iv) produces electronic printable reports for parents and administrators; and

(v) has the capability for principals to monitor usage by teachers.

(4) (a) The benchmark and formative assessments specified in Subsections (3)(a) and (b) shall be available to be downloaded to a portable technology device so that a teacher may be able to sit beside a student as the student is being assessed at any location in the classroom or throughout the school.

(b) After an assessment is downloaded to a portable technology device, the device shall have the capability to operate in stand-alone mode if the Internet connection is lost.

(c) After an assessment is completed and uploaded to the data analysis component, the data analysis component shall be capable of allowing data and reports to be viewed and printed immediately.

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(5) The State Board of Education shall:

(a) evaluate the effects of the diagnostic assessment system for reading by comparing the learning gains of students in school districts and charter schools that use the diagnostic assessment system for reading with the learning gains of students in school districts and charter schools that do not use the diagnostic assessment system for reading; and

(b) submit a report on the evaluation to the Public Education Appropriations Subcommittee by November 2013.

Section 13. Section **53A-1-708** is amended to read:

### **53A-1-708. Grants for online delivery of U-PASS tests.**

(1) As used in this section:

(a) "Adaptive tests" means tests administered during the school year using an online adaptive test system.

~~(b) "Core standards for Utah public schools" means the core set of English language arts and mathematics standards developed and adopted by the State Board of Education that define the knowledge and skills students should have in kindergarten through grade 12 to enable students to be prepared for college or workforce training.~~

~~(b)~~ (c) "Summative tests" means tests administered near the end of a course to assess overall achievement of course goals.

~~(c)~~ (d) "Uniform online summative test system" means a single system for the online delivery of summative tests required under U-PASS that:

(i) is coordinated by the Utah State Office of Education;

(ii) ensures the reliability and security of U-PASS tests; and

(iii) is selected through collaboration between Utah State Office of Education and school district representatives with expertise in technology, assessment, and administration.

~~(d)~~ (e) "U-PASS" means the Utah Performance Assessment System for Students.

~~(e) "Utah's common core" means the core set of English language arts and mathematics standards developed and adopted by the State Board of Education that define the knowledge and skills students should have in kindergarten through grade 12 to enable them to be prepared for college or workforce training.]~~

(2) The State Board of Education may award grants to school districts and charter schools to implement one or both of the following:



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(a) a uniform online summative test system to enable parents of students and school staff to review U-PASS test scores by the end of the school year; or

(b) an online adaptive test system to enable parents of students and school staff to measure and monitor a student's academic progress during a school year.

(3) (a) Grant money may be used to pay for any of the following, provided it is directly related to implementing a uniform online summative test system, an online adaptive test system, or both:

(i) computer equipment and peripherals, including electronic data capture devices designed for electronic test administration and scoring;

(ii) software;

(iii) networking equipment;

(iv) upgrades of existing equipment or software;

(v) upgrades of existing physical plant facilities;

(vi) personnel to provide technical support or coordination and management; and

(vii) teacher professional development.

(b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the online delivery of summative tests or adaptive tests required under U-PASS may be used for other purposes.

(4) The State Board of Education shall make rules:

(a) establishing procedures for applying for and awarding grants;

(b) specifying how grant money shall be allocated among school districts and charter schools;

(c) requiring reporting of grant money expenditures and evidence showing that the grant money has been used to implement a uniform online summative test system, an online adaptive test system, or both;

(d) establishing technology standards for an online adaptive testing system;

(e) requiring a school district or charter school that receives a grant under this section to implement, in compliance with Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act, an online adaptive test system by the 2014-15 school year that:

(i) meets the technology standards established under Subsection (4)(d); and

(ii) is aligned with [~~Utah's common core~~] the core standards for Utah public schools;

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(f) requiring a school district or charter school to provide matching funds to implement a uniform online summative test system, an online adaptive test system, or both in an amount that is greater than or equal to the amount of a grant received under this section; and

(g) assuring that student identifiable data is not released to any person, except as provided by Section 53A-13-301 and rules of the State Board of Education adopted under that section.

(5) If a school district or charter school uses grant money for purposes other than those stated in Subsection (3), the school district or charter school is liable for reimbursing the State Board of Education in the amount of the grant money improperly used.

(6) A school district or charter school may not use federal funds to provide the matching funds required to receive a grant under this section.

(7) A school district may not impose a tax rate above the certified tax rate for the purpose of generating revenue to provide matching funds for a grant under this section.

Section 14. Section **53A-1-709** is amended to read:

### **53A-1-709. Smart School Technology Program.**

(1) As used in this section, "program" means the Smart School Technology Program.

(2) The Smart School Technology Program is created to encourage the deployment of whole-school one-to-one mobile device technology in public schools.

(3) The Board of Business and Economic Development with input from an independent evaluating committee, shall issue a request for proposals for the development and implementation of a whole-school one-to-one mobile device technology deployment plan for schools.

(4) From recommendations submitted by an independent evaluating committee, the Board of Business and Economic Development shall select a single education technology provider with integrated whole-school technology deployment experience through the request for proposals process.

(5) (a) An independent evaluating committee shall be established to:

(i) advise the Board of Business and Economic Development in issuing a request for proposals under Subsection (3);

(ii) evaluate proposals submitted through a request for proposals issued under Subsection (3); and

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(iii) advise the State Board of Education on selecting schools to participate in the program.

(b) The membership of the independent evaluating committee shall include:

(i) three members of the State Board of Education appointed by the chair of the State Board of Education;

(ii) the state chief information officer;

(iii) two members appointed by the executive director of the Governor's Office of Economic Development; and

(iv) the governor's education director.

(c) The independent evaluating committee shall evaluate a proposal on:

(i) a provider's experience with integrated whole-school technology deployment; and

(ii) the components of a whole-school technology deployment plan.

(6) An educational technology provider selected under Subsection (4) shall develop a customized whole-school one-to-one mobile device technology deployment plan for each school participating in the program.

(7) The whole-school technology deployment plan shall be based on submitted proposals to the committee and may include the following components:

(a) a personal mobile learning device for each student;

(b) desktop or laptop computers for each classroom;

(c) peripherals and networking equipment, including a wireless network that is not self-interfering;

(d) wireless audio equipment in each classroom;

(e) digital projectors or televisions with wireless device mirroring technology;

(f) on and off campus Internet filtering;

(g) operating software for the technology system, including software that connects personal mobile learning devices among students and a teacher to facilitate classroom interaction;

(h) curriculum and instructional software purchase credits per device to be used toward improving student outcomes with respect to the core ~~curriculum~~ standards for Utah public schools and skill building on the use of technology;

(i) device repair and replacement criteria;

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(j) professional development for educators and technology specialists on:

(i) the operation and use of the technology equipment; and

(ii) accessing and using online content; and

(k) ongoing technical support.

(8) (a) A school within a school district, with the approval of the local school board, or a charter school, may submit an application to the State Board of Education to participate in the program.

(b) With input from the independent evaluating committee established under Subsection (5), the State Board of Education shall select schools to participate in the program.

(c) In selecting schools, the State Board of Education shall seek to include in the program schools:

(i) from different regions of the state;

(ii) from urban and rural areas;

(iii) with a variety of economic and demographic characteristics; and

(iv) with documented technology implementation plans, including a plan for the use of:

(A) instructional software that improves student outcomes with respect to the core [curriculum] standards for Utah public schools; and

(B) software that provides students with skill building on the use of technology.

(d) The State Board of Education shall make rules:

(i) specifying procedures and criteria to be used for selecting schools that may participate in the program; and

(ii) requiring selected schools to provide matching funds to participate in the program.

(9) (a) The State Board of Education, in collaboration with the education technology provider and the schools participating in the program, shall evaluate the program and submit a report on the evaluation to the Governor's Office of Economic Development and the Education Interim Committee by the committee's October meetings in 2013 and 2014.

(b) The State Board of Education may contract with an independent evaluator to conduct the evaluation required in Subsection (9)(a).

(c) The evaluation shall be based on the following criteria:

(i) technology system functionality;

(ii) school level outcomes;

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- (iii) teacher instruction and outcomes; and
- (iv) student engagement and outcomes.

Section 15. Section **53A-1-901** is amended to read:

### **Part 9. Implementing Federal or National Education Programs Act**

#### **53A-1-901. Title.**

This part is known as the "Implementing Federal or National Education Programs Act."

Section 16. Section **53A-1-902** is amended to read:

#### **53A-1-902. Definitions.**

As used in this part:

(1) (a) "Cost" means an estimation of state and local money required to implement a federal education agreement or national program.

(b) "Cost" does not include capital costs associated with implementing a federal education agreement or national program.

(2) "Education entities" means the entities that may bear the state and local costs of implementing a federal program or national program, including:

- (a) the State Board of Education;
- (b) the state superintendent [~~and the State Office of Education~~] of public instruction;
- (c) a local school board;
- (d) a school district and its schools;
- (e) a charter school governing board; and
- (f) a charter school.

(3) "Federal education agreement" means a legally binding document or representation that requires a school official to implement a federal program or set of requirements that originates from the U.S. Department of Education and that has, as a primary focus, an impact on the educational services at a district or charter school.

(4) "Federal programs" include:

- (a) the No Child Left Behind Act;
- (b) the Individuals with Disabilities Education Act Amendments of 1997, Public Law 105-17, and subsequent amendments; and
- (c) other federal educational programs.

(5) "National program" means a national or multi-state education program, agreement,

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or standards that:

(a) originated from, or were received directly or indirectly from, a national or multi-state organization, coalition, or compact;

(b) have, as a primary focus, an impact on the educational services at a public school;  
and

(c) are adopted by ~~an education entity~~ the State Board of Education or state superintendent of public instruction with the intent to ~~require~~ cause a local school official to implement the national or multi-state education program, agreement, or standards.

~~[(5)]~~ (6) "No Child Left Behind Act" means the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.

~~[(6)]~~ (7) "School official" includes:

- (a) the State Board of Education;
- (b) the state superintendent;
- (c) employees of the State Board of Education and the state superintendent;
- (d) local school boards;
- (e) school district superintendents and employees; and
- (f) charter school board members, administrators, and employees.

Section 17. Section **53A-1-905** is amended to read:

**53A-1-905. Notice of voidableness of federal education agreements or national programs.**

A federal education agreement or national program that may cost education entities more than \$500,000 annually from state and local money to implement, that is executed by a school official in violation of this part, is voidable by the governor or the Legislature as provided in this part.

Section 18. Section **53A-1-906** is amended to read:

**53A-1-906. Governor to approve federal education agreements or national programs.**

(1) Before legally binding the state by executing a federal education agreement or national program that may cost education entities more than \$500,000 annually from state and local money to implement, a school official shall submit the proposed federal education agreement or national program to the governor for the governor's approval or rejection.

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(2) The governor shall approve or reject each federal education agreement or national program.

(3) (a) If the governor approves the federal education agreement or national program, the school official may execute the agreement.

(b) If the governor rejects the federal education agreement or national program, the school official may not execute the agreement.

(4) If a school official executes a federal education agreement or national program without obtaining the governor's approval under this section, the governor may issue an executive order declaring the federal education agreement or national program void.

Section 19. Section **53A-1-907** is amended to read:

**53A-1-907. Legislative review and approval of federal education agreements or national programs.**

(1) (a) Before legally binding the state by executing a federal education agreement or national program that may cost education entities more than \$1,000,000 annually from state and local money to implement, the school official shall:

(i) submit the proposed federal education agreement or national program to the governor for the governor's approval or rejection as required by Section 53A-1-906; and

(ii) if the governor approves the federal education agreement or national program, submit the federal education agreement to the Executive Appropriations Committee of the Legislature for its review and recommendations.

(b) The Executive Appropriations Committee shall review the federal education agreement or national program and may:

(i) recommend that the school official execute the federal education agreement or national program;

(ii) recommend that the school official reject the federal education agreement or national program; or

(iii) recommend to the governor that the governor call a special session of the Legislature to review and approve or reject the federal education agreement or national program.

(2) (a) Before legally binding the state by executing a federal education agreement or national program that may cost education entities more than \$5,000,000 annually to implement,

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a school official shall:

(i) submit the proposed federal education agreement or national program to the governor for the governor's approval or rejection as required by Section 53A-1-906; and

(ii) if the governor approves the federal education agreement or national program, submit the federal education agreement or national program to the Legislature for its approval in an annual general session or a special session.

(b) (i) If the Legislature approves the federal education agreement or national program, the school official may execute the agreement.

(ii) If the Legislature rejects the federal education agreement or national program, the school official may not execute the agreement.

(c) If a school official executes a federal education agreement or national program without obtaining the Legislature's approval under this Subsection (2):

(i) the governor may issue an executive order declaring the federal education agreement or national program void; or

(ii) the Legislature may pass a joint resolution declaring the federal education agreement or national program void.

Section 20. Section **53A-1-908** is amended to read:

**53A-1-908. Cost evaluation of federal education agreements or national programs.**

(1) Before legally binding the state to a federal education agreement or national program that may cost the state a total of \$500,000 or more to implement, a school official shall estimate the state and local cost of implementing the federal education agreement or national program and submit that cost estimate to the governor and the Executive Appropriations Committee of the Legislature.

(2) The Executive Appropriations Committee may:

(a) direct its staff to make an independent cost estimate of the cost of implementing the federal education agreement or national program; and

(b) affirmatively adopt a cost estimate as the benchmark for determining which authorizations established by this part are necessary.

Section 21. Section **53A-1-1103** is amended to read:

**53A-1-1103. State Board of Education to establish school grading system --**



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### Report to Education Interim Committee.

(1) (a) The State Board of Education shall establish a school grading system in accordance with this part in which a school annually is designated 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 and, except for the 2012-13 school year, student performance on a college admissions test administered pursuant to Section 53A-1-611.

(b) The school grading system established in this part shall be known and referred to as "school grading."

(2) The State Board of Education shall:

(a) model the school grading system described in this part using school performance data for the 2010-11 school year;

(b) study modifications to the school grading system; and

(c) make recommendations for proposed legislation to the Education Interim Committee on modifications to the school grading system by the committee's September 2012 meeting.

(3) The school grading system shall take effect for the 2012-13 school year and shall replace the U-PASS accountability system developed and implemented by the State Board of Education.

(4) For the purposes of school grading, the State Board of Education shall create an alignment mapping of scale scores when transitioning to a new assessment system to reflect the ~~[standards of academic achievement]~~ core standards for Utah public schools set by the State Board of Education.

Section 22. Section **53A-1a-103** is amended to read:

#### **53A-1a-103. Public education's vision and mission.**

(1) The Legislature envisions an educated citizenry that encompasses the following foundational principles:

(a) citizen participation in civic and political affairs;

(b) economic prosperity for the state by graduating students who are college and career ready;

(c) strong moral and social values; and

(d) loyalty and commitment to constitutional government.

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(2) The Legislature recognizes that public education's mission is to assure Utah the best educated citizenry in the world and each individual the training to succeed in a global society by providing students with:

- (a) learning and occupational skills;
- (b) character development;
- (c) literacy and numeracy;
- (d) high quality instruction;
- (e) curriculum [~~with~~] based on high standards and relevance; and
- (f) effective assessment to inform high quality instruction and accountability.

(3) The Legislature:

(a) recognizes that parents or guardians are a child's first teachers and are responsible for the education of their children;

(b) encourages family engagement and adequate preparation so that students enter the public education system ready to learn; and

(c) intends that the mission detailed in Subsection (2) be carried out through a responsive educational system that guarantees local school communities autonomy, flexibility, and client choice, while holding them accountable for results.

(4) This section will be applied consistent with Section 53A-13-109.

Section 23. Section **53A-1a-104** is amended to read:

### **53A-1a-104. Characteristics of public education system.**

The Legislature shall assist in maintaining a public education system that has the following characteristics:

(1) assumes that all students have the ability to learn and that each student departing the system will be prepared to achieve success in productive employment, further education, or both;

(2) provides a personalized education plan or personalized education occupation plan for each student, which involves the student, the student's parent or guardian, and school personnel in establishing the plan;

(3) provides students with the knowledge and skills to take responsibility for their decisions and to make appropriate choices;

(4) provides opportunities for students to exhibit the capacity to learn, think, reason,

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and work effectively, individually and in groups;

(5) offers [~~a world-class core curriculum that enables~~] world-class core standards that enable students to successfully compete in a global society, and to succeed as citizens of a constitutional republic;

(6) incorporates an information retrieval system that provides students, parents, and educators with reliable, useful, and timely data on the progress of each student;

(7) attracts, prepares, inducts, and retains excellent teachers for every classroom in large part through collaborative efforts among the State Board of Education, the State Board of Regents, and school districts, provides effective ongoing professional development opportunities for teachers to improve their teaching skills, and provides recognition, rewards, and compensation for their excellence;

(8) empowers each school district and public school to create its own vision and plan to achieve results consistent with the objectives outlined in this chapter;

(9) uses technology to improve teaching and learning processes and for the delivery of educational services;

(10) promotes ongoing research and development projects at the district and the school level that are directed at improving or enhancing public education;

(11) offers a public school choice program, which gives students and their parents options to best meet the student's personalized education needs;

(12) emphasizes the involvement of educators, parents, business partnerships, and the community at large in the educational process by allowing them to be involved in establishing and implementing educational goals and participating in decision-making at the school site;  
and

(13) emphasizes competency-based standards and progress-based assessments, including tracking and measurement systems.

Section 24. Section **53A-1a-107** is amended to read:

### **53A-1a-107. State Board of Education assistance to districts and schools.**

In order to assist school districts and individual schools in acquiring and maintaining the characteristics set forth in Section 53A-1a-104, the State Board of Education shall:

(1) provide the framework for an education system, including core [~~competencies~~] competency standards and their assessment, in which school districts and public schools permit

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students to advance by demonstrating competency in subject matter and mastery of skills;

~~[(2)]~~ develop and disseminate a state model curriculum, structured to incorporate the concepts of quality versus quantity, depth versus breadth, subject integration and application, applied thinking skills, character development, and a global prospective, which districts and schools may use to assist teachers in helping students acquire the competencies and skills required to advance through the public education system, and periodically review and, if appropriate, revise the ~~{model}~~ curriculum;]

~~[(3)]~~ [(2)] conduct a statewide public awareness program on competency-based educational systems;

~~[(4)]~~ [(3)] compile and publish, for the state as a whole, a set of educational performance indicators describing trends in student performance;

~~[(5)]~~ [(4)] promote a public education climate of high expectations and academic excellence;

~~[(6)]~~ [(5)] disseminate successful site-based decision-making models to districts and schools and provide teacher professional development opportunities and evaluation programs for site-based plans consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b);

~~[(7)]~~ [(6)] provide a mechanism for widespread dissemination of information about strategic planning for public education, including involvement of business and industry in the education process, in order to ensure the understanding and support of all the individuals and groups concerned with the mission of public education as outlined in Section 53A-1a-103;

~~[(8)]~~ [(7)] provide for a research and development clearing house at the state level to receive and share with school districts and public schools information on effective and innovative practices and programs in education;

~~[(9)]~~ [(8)] help school districts develop and implement guidelines, strategies, and professional development programs for administrators and teachers consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b) focused on improving interaction with parents and promoting greater parental involvement in the public schools; and

~~[(10)]~~ [(9)] in concert with the State Board of Regents and the state's colleges of education review and revise teacher licensing requirements to be consistent with teacher preparation for participation in personalized education programs within the public schools.

Section 25. Section **53A-3-402** is amended to read:

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### 53A-3-402. Powers and duties generally.

(1) Each local school board shall:

(a) implement the core [~~curriculum~~] standards for Utah public schools utilizing instructional materials that best correlate to the core [~~curriculum~~] standards for Utah public schools and graduation requirements;

(b) administer tests, required by the State Board of Education, which measure the progress of each student, and coordinate with the state superintendent and State Board of Education to assess results and create plans to improve the student's progress which shall be submitted to the State Office of Education for approval;

(c) use progress-based assessments as part of a plan to identify schools, teachers, and students that need remediation and determine the type and amount of federal, state, and local resources to implement remediation;

(d) develop early warning systems for students or classes failing to make progress;

(e) work with the State Office of Education to establish a library of documented best practices, consistent with state and federal regulations, for use by the local districts; and

(f) implement training programs for school administrators, including basic management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every child achieve optimal learning in [~~core academics~~] basic academic subjects.

(2) Local school boards shall spend minimum school program funds for programs and activities for which the State Board of Education has established minimum standards or rules under Section 53A-1-402.

(3) (a) A board may purchase, sell, and make improvements on school sites, buildings, and equipment and construct, erect, and furnish school buildings.

(b) School sites or buildings may only be conveyed or sold on board resolution affirmed by at least two-thirds of the members.

(4) (a) A board may participate in the joint construction or operation of a school attended by children residing within the district and children residing in other districts either within or outside the state.

(b) Any agreement for the joint operation or construction of a school shall:

(i) be signed by the president of the board of each participating district;

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(ii) include a mutually agreed upon pro rata cost; and

(iii) be filed with the State Board of Education.

(5) A board may establish, locate, and maintain elementary, secondary, and applied technology schools.

(6) Except as provided in Section 53A-1-1001, a board may enroll children in school who are at least five years of age before September 2 of the year in which admission is sought.

(7) A board may establish and support school libraries.

(8) A board may collect damages for the loss, injury, or destruction of school property.

(9) A board may authorize guidance and counseling services for children and their parents or guardians prior to, during, or following enrollment of the children in schools.

(10) (a) A board shall administer and implement federal educational programs in accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

(b) Federal funds are not considered funds within the school district budget under Title 53A, Chapter 19, School District Budgets.

(11) (a) A board may organize school safety patrols and adopt rules under which the patrols promote student safety.

(b) A student appointed to a safety patrol shall be at least 10 years old and have written parental consent for the appointment.

(c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of a highway intended for vehicular traffic use.

(d) Liability may not attach to a school district, its employees, officers, or agents or to a safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting the program by virtue of the organization, maintenance, or operation of a school safety patrol.

(12) (a) A board may on its own behalf, or on behalf of an educational institution for which the board is the direct governing body, accept private grants, loans, gifts, endowments, devises, or bequests that are made for educational purposes.

(b) These contributions are not subject to appropriation by the Legislature.

(13) (a) A board may appoint and fix the compensation of a compliance officer to issue citations for violations of Subsection 76-10-105(2).

(b) A person may not be appointed to serve as a compliance officer without the person's consent.

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(c) A teacher or student may not be appointed as a compliance officer.

(14) A board shall adopt bylaws and rules for its own procedures.

(15) (a) A board shall make and enforce rules necessary for the control and management of the district schools.

(b) All board rules and policies shall be in writing, filed, and referenced for public access.

(16) A board may hold school on legal holidays other than Sundays.

(17) (a) Each board shall establish for each school year a school traffic safety committee to implement this Subsection (17).

(b) The committee shall be composed of one representative of:

(i) the schools within the district;

(ii) the Parent Teachers' Association of the schools within the district;

(iii) the municipality or county;

(iv) state or local law enforcement; and

(v) state or local traffic safety engineering.

(c) The committee shall:

(i) receive suggestions from school community councils, parents, teachers, and others and recommend school traffic safety improvements, boundary changes to enhance safety, and school traffic safety program measures;

(ii) review and submit annually to the Department of Transportation and affected municipalities and counties a child access routing plan for each elementary, middle, and junior high school within the district;

(iii) consult the Utah Safety Council and the Division of Family Health Services and provide training to all school children in kindergarten through grade six, within the district, on school crossing safety and use; and

(iv) help ensure the district's compliance with rules made by the Department of Transportation under Section 41-6a-303.

(d) The committee may establish subcommittees as needed to assist in accomplishing its duties under Subsection (17)(c).

(18) (a) Each school board shall adopt and implement a comprehensive emergency response plan to prevent and combat violence in its public schools, on school grounds, on its

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school vehicles, and in connection with school-related activities or events.

(b) The board shall implement its plan by July 1, 2000.

(c) The plan shall:

(i) include prevention, intervention, and response components;

(ii) be consistent with the student conduct and discipline policies required for school districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

(iii) require inservice training for all district and school building staff on what their roles are in the emergency response plan;

(iv) provide for coordination with local law enforcement and other public safety representatives in preventing, intervening, and responding to violence in the areas and activities referred to in Subsection (18)(a); and

(v) include procedures to notify a student, to the extent practicable, who is off campus at the time of a school violence emergency because the student is:

(A) participating in a school-related activity; or

(B) excused from school for a period of time during the regular school day to participate in religious instruction at the request of the student's parent or guardian.

(d) The State Board of Education, through the state superintendent of public instruction, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection (18)(a).

(e) Each local school board shall, by July 1 of each year, certify to the State Board of Education that its plan has been practiced at the school level and presented to and reviewed by its teachers, administrators, students, and their parents and local law enforcement and public safety representatives.

(19) (a) Each local school board may adopt an emergency response plan for the treatment of sports-related injuries that occur during school sports practices and events.

(b) The plan may be implemented by each secondary school in the district that has a sports program for students.

(c) The plan may:

(i) include emergency personnel, emergency communication, and emergency equipment components;

(ii) require inservice training on the emergency response plan for school personnel who



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are involved in sports programs in the district's secondary schools; and

(iii) provide for coordination with individuals and agency representatives who:

(A) are not employees of the school district; and

(B) would be involved in providing emergency services to students injured while participating in sports events.

(d) The board, in collaboration with the schools referred to in Subsection (19)(b), may review the plan each year and make revisions when required to improve or enhance the plan.

(e) The State Board of Education, through the state superintendent of public instruction, shall provide local school boards with an emergency plan response model that local boards may use to comply with the requirements of this Subsection (19).

(20) A board shall do all other things necessary for the maintenance, prosperity, and success of the schools and the promotion of education.

(21) (a) Before closing a school or changing the boundaries of a school, a board shall:

(i) hold a public hearing, as defined in Section 10-9a-103; and

(ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

(b) The notice of a public hearing required under Subsection (21)(a) shall:

(i) indicate the:

(A) school or schools under consideration for closure or boundary change; and

(B) date, time, and location of the public hearing; and

(ii) at least 10 days prior to the public hearing, be:

(A) published:

(I) in a newspaper of general circulation in the area; and

(II) on the Utah Public Notice Website created in Section 63F-1-701; and

(B) posted in at least three public locations within the municipality or on the district's official website.

(22) A board may implement a facility energy efficiency program established under Title 11, Chapter 44, Facility Energy Efficiency Act.

Section 26. Section **53A-3-602.5** is amended to read:

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

(1) For a school year beginning with or after the 2010-11 school year, the State Board of Education in collaboration with the state's school districts and charter schools shall develop

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a school performance report to inform the state's residents of the quality of schools and the educational achievement of students in the state's public education system.

(2) The report described in Subsection (1) shall be written and include the following statistical data for each school in a school district and each charter school, as applicable, except as provided by Subsection (2)(g), and shall also aggregate the data at the school district and state level:

(a) test scores over the previous year on:

(i) criterion-referenced or online computer adaptive tests to include the scores

aggregated for all students:

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

(B) by class;

(ii) online writing assessments required under Section 53A-1-603; and

(iii) college readiness assessments required under Section 53A-1-603;

(b) college entrance examinations data, including the number and percentage of each graduating class taking the examinations for the previous four years;

(c) advanced placement and concurrent enrollment data, including:

(i) the number of students taking advanced placement and concurrent enrollment courses;

(ii) the number and percent of students taking a specific advanced placement course who take advanced placement tests to receive college credit for the course;

(iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and percent who pass the test; and

(iv) of those students taking a concurrent enrollment course, the number and percent of those who receive college credit for the course;

(d) the number and percent of students in grade 3 reading at or above grade level;

(e) the number and percent of students who were absent from school 10 days or more during the school year;

(f) achievement gaps that reflect the differences in achievement of various student groups as defined by State Board of Education rule;

(g) the number and percent of "student dropouts" within the school district as defined

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by State Board of Education rule;

(h) course-taking patterns and trends in secondary schools;

(i) student mobility;

(j) staff qualifications, to include years of professional service and the number and percent of staff who have a degree or endorsement in their assigned teaching area and the number and percent of staff who have a graduate degree;

(k) the number and percent of parents who participate in SEP, SEOP, and parent-teacher conferences;

(l) average class size calculated in accordance with State Board of Education rule adopted under Subsection (4);

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

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

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

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

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

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

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

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

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

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

(I) be calculated by grade level; and

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

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

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

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

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

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

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

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

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

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

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

(5) (a) For a school year beginning with or after the 2010-11 school year, the State Board of Education, through the state superintendent of public instruction, shall issue its report

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annually by October 1 to include the required data from the previous school year or years as indicated in Subsections (2) and (3).

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

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

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

Section 27. Section **53A-3-701** is amended to read:

### **53A-3-701. Professional learning standards.**

(1) As used in this section, "professional learning" means a comprehensive, sustained, and evidence-based approach to improving teachers' and principals' effectiveness in raising student achievement.

(2) A school district or charter school shall implement high quality professional learning that meets the following standards:

(a) professional learning occurs within learning communities committed to continuous improvement, individual and collective responsibility, and goal alignment;

(b) professional learning requires skillful leaders who develop capacity, advocate, and create support systems, for professional learning;

(c) professional learning requires prioritizing, monitoring, and coordinating resources for educator learning;

(d) professional learning uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;

(e) professional learning integrates theories, research, and models of human learning to achieve its intended outcomes;

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(f) professional learning applies research on change and sustains support for implementation of professional learning for long-term change;

(g) professional learning aligns its outcomes with:

(i) performance standards for teachers and school administrators as described in rules of the State Board of Education; and

(ii) performance standards for students as described in the core [~~curriculum standards~~] standards for Utah public schools adopted by the State Board of Education pursuant to Section 53A-1-402.6; and

(h) professional learning:

(i) incorporates the use of technology in the design, implementation, and evaluation of high quality professional learning practices; and

(ii) includes targeted professional learning on the use of technology devices to enhance the teaching and learning environment and the integration of technology in content delivery.

(3) School districts and charter schools shall use money appropriated by the Legislature for professional learning or federal grant money awarded for professional learning to implement professional learning that meets the standards specified in Subsection (2).

(4) (a) In the fall of 2014, the State Board of Education, through the state superintendent of public instruction, and in collaboration with an independent consultant acquired through a competitive bid process, shall conduct a statewide survey of school districts and charter schools to:

(i) determine the current state of professional learning for educators as aligned with the standards specified in Subsection (2);

(ii) determine the effectiveness of current professional learning practices; and

(iii) identify resources to implement professional learning as described in Subsection (2).

(b) The State Board of Education shall select a consultant from bidders who have demonstrated successful experience in conducting a statewide analysis of professional learning.

(c) (i) Annually in the fall, beginning in 2015 through 2020, the State Board of Education, through the state superintendent of public instruction, in conjunction with school districts and charter schools, shall gather and use data to determine the impact of professional learning efforts and resources.

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(ii) Data used to determine the impact of professional learning efforts and resources under Subsection (4)(c)(i) shall include:

- (A) student achievement data;
- (B) educator evaluation data; and
- (C) survey data.

Section 28. Section **53A-13-108** is amended to read:

### **53A-13-108. Standards and graduation requirements.**

(1) The State Board of Education shall establish rigorous [~~curriculum~~] core standards for Utah public schools and graduation requirements under Section 53A-1-402 for grades 9 through 12 that:

- (a) are consistent with state law and federal regulations; and
- (b) beginning no later than with the graduating class of 2008:
  - (i) use competency-based standards and assessments;
  - (ii) include instruction that stresses general financial literacy from basic budgeting to financial investments, including bankruptcy education and a general financial literacy test-out option; and
  - (iii) increase graduation requirements in language arts, mathematics, and science to exceed the existing credit requirements of 3.0 units in language arts, 2.0 units in mathematics, and 2.0 units in science.

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

(3) On or before July 1, 2014, the State Board of Education shall adopt revised course standards and objectives for the course of instruction in general financial literacy described in Subsection (1)(b) that address:

- (a) the costs of going to college, student loans, scholarships, and the Free Application for Federal Student Aid (FAFSA); and
- (b) technology that relates to banking, savings, and financial products.

(4) The State Board of Education shall administer the course of instruction in general financial literacy described in Subsection (1)(b) in the same manner as other core [~~curriculum~~] standards for Utah public schools courses for grades 9 through 12 are administered.

Section 29. Section **53A-13-108.5** is amended to read:

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### **53A-13-108.5. Acceptance of credits and grades awarded by accredited schools.**

(1) (a) A public school shall accept credits and grades awarded to a student by a school accredited or approved by the State Board of Education or accredited or recognized by the Northwest Association of Accredited Schools as issued by the school, without alterations.

(b) Credits awarded for a core [~~curriculum~~] standards for Utah public schools course shall be applied to fulfilling core [~~curriculum~~] standards for Utah public schools requirements.

(2) Subsection (1) applies to credits awarded to a student who:

(a) transfers to a public school; or

(b) while enrolled in the public school, takes courses offered by another public or private school.

(3) Subsection (1) applies to:

(a) traditional classes in which an instructor is present in the classroom and the student is required to attend the class for a particular length of time;

(b) open entry/open exit classes in which the student has the flexibility to begin or end study at any time, progress through course material at his own pace, and demonstrate competency when knowledge and skills have been mastered;

(c) courses offered over the Internet; or

(d) distance learning courses.

Section 30. Section **53A-13-110** is amended to read:

### **53A-13-110. Financial and economic literacy education.**

(1) As used in this section:

(a) "Financial and economic activities" include activities related to the topics listed in Subsection (1)(b).

(b) "Financial and economic literacy concepts" include concepts related to the following topics:

(i) basic budgeting;

(ii) saving and financial investments;

(iii) banking and financial services, including balancing a checkbook or a bank account and online banking services;

(iv) career management, including earning an income;

(v) rights and responsibilities of renting or buying a home;



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- (vi) retirement planning;
  - (vii) loans and borrowing money, including interest, credit card debt, predatory lending, and payday loans;
  - (viii) insurance;
  - (ix) federal, state, and local taxes;
  - (x) charitable giving;
  - (xi) online commerce;
  - (xii) identity fraud and theft;
  - (xiii) negative financial consequences of gambling;
  - (xiv) bankruptcy;
  - (xv) free markets and prices;
  - (xvi) supply and demand;
  - (xvii) monetary and fiscal policy;
  - (xviii) effective business plan creation, including using economic analysis in creating a plan;
  - (xix) scarcity and choices;
  - (xx) opportunity cost and tradeoffs;
  - (xxi) productivity;
  - (xxii) entrepreneurship; and
  - (xxiii) economic reasoning.
- (c) "Financial and economic literacy passport" means a document that tracks mastery of financial and economic literacy concepts and completion of financial and economic activities in kindergarten through grade 12.
- (d) "General financial literacy course" means the course of instruction described in Section 53A-13-108.
- (2) The State Board of Education shall:
- (a) in cooperation with interested private and nonprofit entities:
    - (i) develop a financial and economic literacy passport that students may elect to complete;
    - (ii) develop methods of encouraging parent and educator involvement in completion of the financial and economic literacy passport; and

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(iii) develop and implement appropriate recognition and incentives for students who complete the financial and economic literacy passport, including:

(A) a financial and economic literacy endorsement on the student's diploma of graduation;

(B) a specific designation on the student's official transcript; and

(C) any incentives offered by community partners;

(b) more fully integrate existing and new financial and economic literacy education into instruction in kindergarten through grade 12 by:

(i) coordinating financial and economic literacy instruction with existing instruction in other [~~core curriculum areas~~] areas of the core standards for Utah public schools, such as mathematics and social studies;

(ii) using curriculum mapping;

(iii) creating training materials and staff development programs that:

(A) highlight areas of potential coordination between financial and economic literacy education and other core [~~curriculum~~] standards for Utah public schools concepts; and

(B) demonstrate specific examples of financial and economic literacy concepts as a way of teaching other core [~~curriculum~~] standards for Utah public schools concepts; and

(iv) using appropriate financial and economic literacy assessments to improve financial and economic literacy education and, if necessary, developing assessments;

(c) work with interested public, private, and nonprofit entities to:

(i) identify, and make available to teachers, online resources for financial and economic literacy education, including modules with interactive activities and turnkey instructor resources;

(ii) coordinate school use of existing financial and economic literacy education resources;

(iii) develop simple, clear, and consistent messaging to reinforce and link existing financial literacy resources;

(iv) coordinate the efforts of school, work, private, nonprofit, and other financial education providers in implementing methods of appropriately communicating to teachers, students, and parents key financial and economic literacy messages; and

(v) encourage parents and students to establish higher education savings, including a

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Utah Educational Savings Plan account;

(d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to develop guidelines and methods for school districts and charter schools to more fully integrate financial and economic literacy education into other core ~~[curriculum]~~ standards for Utah public schools courses;

(e) (i) contract with a provider, through a request for proposals process, to develop an online, end-of-course assessment for the general financial literacy course;

(ii) require a school district or charter school to administer an online, end-of-course assessment to a student who takes the general financial literacy course; and

(iii) develop a plan, through the state superintendent of public instruction, to analyze the results of an online, end-of-course assessment in general financial literacy that includes:

(A) an analysis of assessment results by standard; and

(B) average scores statewide and by school district and school;

(f) in cooperation with school districts, charter schools, and interested private and nonprofit entities, provide opportunities for professional development in financial and economic literacy to teachers, including:

(i) a statewide learning community for financial and economic literacy;

(ii) summer workshops; and

(iii) online videos of experts in the field of financial and economic literacy education;

and

(g) implement a teacher endorsement in general financial literacy that includes course work in financial planning, credit and investing, consumer economics, personal budgeting, and family economics.

(3) A public school shall provide the following to the parents or guardian of a kindergarten student during kindergarten enrollment:

(a) a financial and economic literacy passport; and

(b) information about higher education savings options, including information about opening a Utah Educational Savings Plan account.

(4) (a) The State Board of Education shall establish a task force to study and make recommendations to the board on how to improve financial and economic literacy education in the public school system.

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(b) The task force membership shall include representatives of:

(i) the State Board of Education;

(ii) school districts and charter schools; and

(iii) private or public entities that teach financial education and share a commitment to empower individuals and families to achieve economic stability, opportunity, and upward mobility.

(c) In 2013, the task force shall:

(i) review and recommend modifications to the course standards and objectives of the general financial literacy course described in Section 53A-13-108 to ensure the course standards and objectives reflect current and relevant content consistent with the financial and economic literacy concepts listed in Subsection (1)(b);

(ii) study the development of an online assessment of students' competency in financial and economic literacy that may be used to:

(A) measure student learning growth and proficiency in financial and economic literacy; and

(B) assess the effectiveness of instruction in financial and economic literacy;

(iii) consider the development of a rigorous, online only, course to fulfill the general financial literacy curriculum and graduation requirements specified in Section 53A-13-108;

(iv) identify opportunities for teaching financial and economic literacy through an integrated school curriculum and in the regular course of school work;

(v) study and make recommendations for educator license endorsements for teachers of financial and economic literacy;

(vi) identify efficient and cost-effective methods of delivering professional development in financial and economic literacy content and instructional methods; and

(vii) study how financial and economic literacy education may be enhanced through community partnerships.

(d) The task force shall reconvene every three years to review and recommend adjustments to the [course] standards and objectives of the general financial literacy course.

(e) The State Board of Education shall make a report to the Education Interim Committee no later than the committee's November 2013 meeting summarizing the findings and recommendations of the task force and actions taken by the board in response to the task

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force's findings and recommendations.

Section 31. Section **53A-13-111** is amended to read:

### **53A-13-111. Educational program on the use of information technology.**

(1) The State Board of Education shall provide for an educational program on the use of information technology, which shall be offered by high schools.

(2) An educational program on the use of information technology shall:

(a) provide instruction on skills and competencies essential for the workplace and requested by employers;

(b) include the following components:

(i) a curriculum;

(ii) online access to the curriculum;

(iii) instructional software for classroom and student use;

(iv) certification of skills and competencies most frequently requested by employers;

(v) professional development for teachers; and

(vi) deployment and program support, including integration with existing [~~curriculum standards~~] core standards for Utah public schools; and

(c) be made available to high school students, faculty, and staff.

Section 32. Section **53A-14-102** is amended to read:

### **53A-14-102. Commission's evaluation of instructional materials --**

#### **Recommendation by the state board.**

(1) Semi-annually after reviewing the evaluations of the commission, the board shall recommend instructional materials for use in the public schools.

(2) The standard period of time instructional materials shall remain on the list of recommended instructional materials shall be five years.

(3) Unsatisfactory instructional materials may be removed from the list of recommended instructional materials at any time within the period applicable to the instructional materials.

(4) Except as provided in Section 53A-13-101, each school shall have discretion to select instructional materials for use by the school. A school may select:

(a) instructional materials recommended by the board as provided in this section; or

(b) other instructional materials [~~it~~] the school considers appropriate to teach the core

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[curriculum] standards for Utah public schools.

Section 33. Section **53A-14-107** is amended to read:

**53A-14-107. Instructional materials alignment with core standards for Utah public schools.**

(1) For a school year beginning with or after the 2012-13 school year, a school district may not purchase primary instructional materials unless the primary instructional materials provider:

(a) contracts with an independent party to evaluate and map the alignment of the primary instructional materials with the core [curriculum] standards for Utah public schools adopted under Section 53A-1-402;

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

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

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

(a) the State Board of Education;

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

(c) the State Instructional Materials Commission appointed pursuant to Section 53A-14-101;

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

(e) the instructional materials creator or publisher.

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

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

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

Section 34. Section **53A-15-1002.5** is amended to read:

**53A-15-1002.5. Electronic High School created -- Purpose.**

The Electronic High School is created:

(1) to provide an opportunity for a student who has failed a course to retake the course

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and earn course credit;

(2) to allow a student to complete high school graduation requirements and exit high school early;

(3) to allow a student to take a course online so that the student has greater flexibility in scheduling courses during the regular school day; and

(4) to allow a home-schooled or private school student in Utah to take a course ~~[within]~~ that meets the Utah high school core [curriculum] standards for Utah public schools.

Section 35. Section **53A-15-1003** is amended to read:

### **53A-15-1003. Courses and credit.**

(1) The Electronic High School may only offer courses required for high school graduation or that fulfill ~~[core curriculum]~~ course requirements established by the State Board of Education.

(2) The Electronic High School shall:

(a) offer courses in an open-entry, open-exit format; and

(b) offer ~~[core curriculum]~~ courses that are in conformance with ~~[course standards and objectives]~~ the core standards for Utah public schools established by the board.

(3) Public schools shall:

(a) accept all credits awarded to students by the Electronic High School; and

(b) apply credits awarded for a ~~[core curriculum]~~ course described in Subsection (2)(b) toward the fulfillment of ~~[core curriculum]~~ course requirements.

Section 36. Section **53A-15-1206** is amended to read:

### **53A-15-1206. Payment for an online course.**

(1) For the 2012-13 school year, the fee for a .5 credit online course or .5 credit of a 1 credit online course is:

(a) \$200 for the following ~~[core curriculum]~~ courses, except a concurrent enrollment course:

(i) financial literacy;

(ii) health;

(iii) fitness for life; and

(iv) computer literacy;

(b) \$200 for driver education;

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(c) \$250 for a course that meets core [~~curriculum requirements~~] standards for Utah public schools in fine arts or career and technical education, except a concurrent enrollment course;

(d) \$300 for the following courses:

(i) a course that meets core [~~curriculum~~] standards for Utah public schools requirements in social studies, except a concurrent enrollment course; and

(ii) a world language course, except a concurrent enrollment course;

(e) \$350 for the following courses:

(i) a course that meets core [~~curriculum~~] standards for Utah public schools requirements for language arts, mathematics, or science; and

(ii) a concurrent enrollment course; and

(f) \$250 for a course not described in Subsections (1)(a) through (e).

(2) If a course meets the requirements of more than one course fee category described in Subsection (1), the course fee shall be the lowest of the applicable course fee categories.

(3) Beginning with the 2013-14 school year, the online course fees described in Subsection (1) shall be adjusted each school year in accordance with the percentage change in value of the weighted pupil unit from the previous school year.

(4) An online learning provider shall receive payment for an online course as follows:

(a) for a .5 credit online course, 50% of the online course fee after the withdrawal period described in Section 53A-15-1206.5;

(b) for a 1 credit online course, 25% of the online course fee after the withdrawal period described in Section 53A-15-1206.5 and 25% of the online course fee upon the beginning of the second .5 credit of the online course; and

(c) if a student completes a 1 credit online course within 12 months or a .5 credit course within nine weeks following the end of a traditional semester, 50% of the online course fee.

(5) (a) If a student fails to complete a 1 credit course within 12 months or a .5 credit course within nine weeks following the end of a traditional semester, the student may continue to be enrolled in the course until the student graduates from high school.

(b) To encourage an online course provider to provide remediation to a student who remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the need for credit



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recovery, an online course provider shall receive a payment equal to 30% of the online course fee if the student completes the online course before the student graduates from high school.

(6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a school district or charter school may:

(a) negotiate a fee with an online course provider for an amount up to the amount prescribed in Subsections (1) through (3); and

(b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).

(7) An online course provider who contracts with a vendor for the acquisition of online course content or online course instruction may negotiate the payment for the vendor's service independent of the fees specified in Subsections (1) through (3).

†

**Legislative Review Note**

~~as of 2-19-15 7:45 AM~~

~~Office of Legislative Research and General Counsel~~