

Representative Kraig Powell proposes the following substitute bill:

EDUCATIONAL TESTING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill amends and repeals provisions related to student assessments.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to certain student assessments;
- ▶ repeals references to:
 - criterion-referenced tests;
 - online computer adaptive tests; and
 - a computer adaptive assessment system; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1-413, as last amended by Laws of Utah 2015, Chapter 415

53A-1-602, as last amended by Laws of Utah 2015, Chapters 222 and 415



- 26 **53A-1-603**, as last amended by Laws of Utah 2015, Chapters 258, 415, and 444
- 27 **53A-1-604**, as last amended by Laws of Utah 2013, Chapter 161
- 28 **53A-1-605**, as last amended by Laws of Utah 2015, Chapter 222
- 29 **53A-1-710**, as enacted by Laws of Utah 2015, Chapter 446
- 30 **53A-1-1202**, as enacted by Laws of Utah 2015, Chapter 449
- 31 **53A-1-1203**, as enacted by Laws of Utah 2015, Chapter 449
- 32 **53A-1-1206**, as enacted by Laws of Utah 2015, Chapter 449
- 33 **53A-1-1207**, as enacted by Laws of Utah 2015, Chapter 449
- 34 **53A-1-1209**, as enacted by Laws of Utah 2015, Chapter 449
- 35 **53A-1a-106**, as last amended by Laws of Utah 2012, Chapter 315
- 36 **53A-3-602.5**, as last amended by Laws of Utah 2015, Chapter 415
- 37 **53A-17a-150**, as last amended by Laws of Utah 2013, Chapter 466
- 38 **53A-17a-172**, as enacted by Laws of Utah 2015, Chapter 472
- 39 **63A-3-402**, as last amended by Laws of Utah 2015, Chapters 215, 226, and 283

40 REPEALS:

- 41 **53A-1-1101**, as enacted by Laws of Utah 2011, Chapter 417
- 42 **53A-1-1102**, as last amended by Laws of Utah 2015, Chapter 452
- 43 **53A-1-1103**, as last amended by Laws of Utah 2015, Chapter 415
- 44 **53A-1-1104**, as last amended by Laws of Utah 2015, Chapters 258 and 452
- 45 **53A-1-1104.5**, as enacted by Laws of Utah 2014, Chapter 403
- 46 **53A-1-1105**, as last amended by Laws of Utah 2013, Chapter 478 and last amended by
- 47 Coordination Clause, Laws of Utah 2013, Chapter 478
- 48 **53A-1-1106**, as last amended by Laws of Utah 2013, Chapter 478
- 49 **53A-1-1107**, as last amended by Laws of Utah 2014, Chapter 403
- 50 **53A-1-1107.5**, as last amended by Laws of Utah 2015, Chapter 452
- 51 **53A-1-1108**, as last amended by Laws of Utah 2014, Chapter 403
- 52 **53A-1-1109**, as enacted by Laws of Utah 2011, Chapter 417
- 53 **53A-1-1110**, as last amended by Laws of Utah 2014, Chapter 403
- 54 **53A-1-1111**, as enacted by Laws of Utah 2011, Chapter 417
- 55 **53A-1-1112**, as last amended by Laws of Utah 2013, Chapter 478
- 56 **53A-1-1113**, as enacted by Laws of Utah 2011, Chapter 417

57 [53A-1-1114](#), as last amended by Laws of Utah 2015, Chapter 452

58 [53A-1-1208](#), as enacted by Laws of Utah 2015, Chapter 449

59

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

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

62 **53A-1-413. Student Achievement Backpack -- Utah Student Record Store.**

63 (1) As used in this section:

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

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

66 (ii) authorized to access data in a Student Achievement Backpack through the Utah

67 Student Record Store.

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

69 the Blind.

70 (c) "Student Achievement Backpack" means, for a student from kindergarten through

71 grade 12, a complete learner profile that:

72 (i) is in electronic format;

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

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

75 (d) "U-PASS" means the Utah Performance Assessment System for Students

76 established in Part 6, Achievement Tests.

77 (e) "Utah Student Record Store" means a repository of student data collected from

78 LEAs as part of the state's longitudinal data system that is:

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

80 (ii) cloud-based; and

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

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

83 collection system maintained by the Utah State Office of Education, which collects

84 longitudinal student transcript data from LEAs and the unique student identifiers as described

85 in Section [53A-1-603.5](#), to allow the following to access a student's Student Achievement

86 Backpack:

87 (i) the student's parent or guardian; and

- 88 (ii) each LEA that provides instruction to the student.
- 89 (b) The State Board of Education shall ensure that a Student Achievement Backpack:
- 90 (i) provides a uniform, transparent reporting mechanism for individual student
- 91 progress;
- 92 (ii) provides a complete learner history for postsecondary planning;
- 93 (iii) provides a teacher with visibility into a student's complete learner profile to better
- 94 inform instruction and personalize education;
- 95 (iv) assists a teacher or administrator in diagnosing a student's learning needs through
- 96 the use of data already collected by the State Board of Education;
- 97 (v) facilitates a student's parent or guardian taking an active role in the student's
- 98 education by simplifying access to the student's complete learner profile; and
- 99 (vi) serves as additional disaster mitigation for LEAs by using a cloud-based data
- 100 storage and collection system.
- 101 (3) Using existing information collected and stored in the data warehouse maintained
- 102 by the Utah State Office of Education, the State Board of Education shall create the Utah
- 103 Student Record Store where an authorized LEA user may:
- 104 (a) access data in a Student Achievement Backpack relevant to the user's LEA or
- 105 school; or
- 106 (b) request student records to be transferred from one LEA to another.
- 107 (4) The State Board of Education shall implement security measures to ensure that:
- 108 (a) student data stored or transmitted to or from the Utah Student Record Store is
- 109 secure and confidential pursuant to the requirements of the Family Educational Rights and
- 110 Privacy Act, 20 U.S.C. Sec. 1232g; and
- 111 (b) an authorized LEA user may only access student data that is relevant to the user's
- 112 LEA or school.
- 113 (5) A student's parent or guardian may request the student's Student Achievement
- 114 Backpack from the LEA or the school in which the student is enrolled.
- 115 (6) No later than June 30, 2014, an authorized LEA user shall be able to access student
- 116 data in a Student Achievement Backpack, which shall include the following data, or request the
- 117 data be transferred from one LEA to another:
- 118 (a) student demographics;

- 119 (b) course grades;
 120 (c) course history; and
 121 (d) results for an assessment administered under U-PASS.

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

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

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

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

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

137 ~~[(g)]~~ (e) student growth scores for U-PASS tests;

138 ~~[(h)]~~ (f) a school's grade assigned pursuant to Part 11, School Grading Act;

139 ~~[(i)]~~ (g) results of benchmark assessments of reading administered pursuant to Section
 140 53A-1-606.6; and

141 ~~[(j)]~~ (h) a student's reading level at the end of grade 3.

142 (8) No later than June 30, 2017, the State Board of Education shall ensure that data
 143 collected in the Utah Student Record Store for a Student Achievement Backpack shall be
 144 integrated into each LEA's student information system and shall be made available to a
 145 student's parent or guardian and an authorized LEA user in an easily accessible viewing format.

146 Section 2. Section 53A-1-602 is amended to read:

147 **53A-1-602. Definitions.**

148 As used in this part:

149 ~~[(1)]~~ "Basic academic subject" means a subject that requires mastery of specific

150 ~~functions, as defined under rules made by the State Board of Education, to include reading,~~
151 ~~language arts, mathematics, science in grades 4 through 12, and effectiveness of written~~
152 ~~expression.]~~

153 ~~[(2)]~~ (1) "Core standards for Utah public schools" means the standards developed and
154 adopted by the State Board of Education that define the knowledge and skills students should
155 have in kindergarten through grade 12 to enable students to be prepared for college or
156 workforce training.

157 ~~[(3)]~~ (2) "IEP" means a written statement for a student with a disability that is
158 developed, reviewed, and revised in accordance with the Individuals with Disabilities
159 Education Act, 20 U.S.C. Sec. 1400 et seq.

160 ~~[(4)]~~ (3) "Utah Performance Assessment System for Students" or "U-PASS" means:

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

164 ~~[(b)]~~ (a) an online writing assessment in grades 5 and 8;

165 ~~[(c)]~~ (b) college readiness assessments as detailed in Section 53A-1-611; and

166 ~~[(d)]~~ (c) testing of students in grade 3 to measure reading grade level.

167 Section 3. Section 53A-1-603 is amended to read:

168 **53A-1-603. Duties of State Board of Education.**

169 (1) The State Board of Education shall:

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

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

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

180 ~~[(d)]~~ (c) provide for the state to participate in the National Assessment of Educational

181 Progress state-by-state comparison testing program.

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

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

188 ~~[(b)]~~ (a) an online writing assessment to all students in grades 5 and 8;

189 ~~[(c)]~~ (b) college readiness assessments as detailed in Section 53A-1-611; and

190 ~~[(d)]~~ (c) a test to all students in grade 3 to measure reading grade level.

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

194 ~~[(a) adopted by the State Board of Education; and]~~

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

196 ~~[(4)]~~ (3) The board shall adopt rules for the conduct and administration of U-PASS to
197 include the following:

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

201 (b) security features to maintain the integrity of the system, which could include
202 statewide uniform testing dates, multiple test forms, and test administration protocols;

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

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

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

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

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

215 (e) allowing a school district or charter school to have its tests administered and scored
216 electronically to accelerate the review of test scores and their usefulness to parents and
217 educators under Subsection ~~[(4)]~~ (3)(d), without violating the integrity of U-PASS~~[-and].~~

218 ~~[(f) providing that scores on the tests and assessments required under Subsection (2)(a)~~
219 ~~and Subsection (3) may not be considered in determining:]~~

220 ~~[(i) a student's academic grade for the appropriate course; or]~~

221 ~~[(ii) whether a student may advance to the next grade level.]~~

222 ~~[(5)]~~ (4) (a) A school district or charter school, as applicable, is encouraged to
223 administer an online writing assessment to students in grade 11.

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

227 ~~[(6) The State Board of Education shall make rules:]~~

228 ~~[(a) establishing procedures for applying for and awarding money for computer~~
229 ~~adaptive tests;]~~

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

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

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

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

239 ~~[(b) The committee established in Subsection (8)(a) shall include the following parent~~
240 ~~members:]~~

241 ~~[(i) five members appointed by the chair of the State Board of Education;]~~

242 ~~[(ii) five members appointed by the speaker of the House of Representatives; and]~~

243 ~~[(iii) five members appointed by the president of the Senate.]~~
 244 ~~[(e) The State Board of Education shall provide staff support to the parent committee.]~~
 245 ~~[(d) The term of office of each member appointed in Subsection (8)(b) is four years.]~~
 246 ~~[(e) The chair of the State Board of Education, the speaker of the House of~~
 247 ~~Representatives, and the president of the Senate shall adjust the length of terms to stagger the~~
 248 ~~terms of committee members so that approximately 1/2 of the committee members are~~
 249 ~~appointed every two years.]~~

250 ~~[(f) No member may receive compensation or benefits for the member's service on the~~
 251 ~~committee.]~~

252 ~~[(9)]~~ (5) (a) School districts and charter schools shall require each licensed employee to
 253 complete two hours of professional development on youth suicide prevention within their
 254 license cycle in accordance with Section 53A-6-104.

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

258 (c) The training required by this Subsection ~~[(9)]~~ (5) shall be incorporated into
 259 professional development training required by rule in accordance with Section 53A-6-104.

260 Section 4. Section 53A-1-604 is amended to read:

261 **53A-1-604. Test development, publication, and administration.**

262 ~~[(1) The State Board of Education shall develop, publish, and administer~~
 263 ~~criterion-referenced tests.]~~

264 ~~[(2)]~~ The board may use the expert services of any person in the public or private
 265 sector in:

266 ~~[(a)]~~ (1) evaluating current tests and assessment programs; or

267 ~~[(b)]~~ (2) developing, publishing, and administering new tests.

268 Section 5. Section 53A-1-605 is amended to read:

269 **53A-1-605. Analysis of results -- Staff professional development.**

270 (1) The State Board of Education, through the state superintendent of public
 271 instruction, shall develop a plan to analyze the results of the U-PASS scores for all grade levels
 272 and courses required under Section 53A-1-603.

273 (2) The plan shall include components designed to:

274 (a) assist school districts and individual schools to use the results of the analysis in
275 planning, evaluating, and enhancing programs; and

276 (b) identify schools not achieving state-established acceptable levels of student
277 performance in order to assist those schools in raising their student performance levels.

278 ~~[(3) The plan shall include provisions for statistical reporting of criterion-referenced or
279 online computer adaptive test results at state, school district, school, and grade or course levels,
280 and shall include actual levels of performance on tests.]~~

281 ~~[(4)]~~ (3) Each local school board and charter school governing board shall provide for:

282 (a) evaluation of the U-PASS test results and use of the evaluations in setting goals and
283 establishing programs; and

284 (b) a professional development program that provides teachers, principals, and other
285 professional staff with the training required to successfully establish and maintain U-PASS.

286 Section 6. Section **53A-1-710** is amended to read:

287 **53A-1-710. Digital teaching and learning program task force -- Funding proposal**
288 **for a program -- Master plan -- Reporting requirements.**

289 (1) As used in this section:

290 (a) "Board" means the State Board of Education.

291 (b) "Core subject areas" means the following subject areas:

292 (i) English language arts;

293 (ii) mathematics;

294 (iii) science; and

295 (iv) social studies.

296 (c) "High quality professional learning" means the professional learning standards
297 described in Section [53A-3-701](#).

298 (d) "LEA plan" means an LEA's plan to implement a digital teaching and learning
299 program that meets requirements set by the board.

300 (e) "Local education agency" or "LEA" means:

301 (i) a school district;

302 (ii) a charter school; or

303 (iii) the Utah Schools for the Deaf and the Blind.

304 ~~[(f) "Statewide assessment" means a test of student achievement in English language~~

305 ~~arts, mathematics, or science, including a test administered in a computer adaptive format,~~
306 ~~which is administered statewide under Part 6, Achievement Tests.]~~

307 [(g)] (f) "Utah Education and Telehealth Network" or "UETN" means the Utah
308 Education and Telehealth Network created in Section 53B-17-105.

309 (2) (a) The board shall establish a digital teaching and learning task force to develop a
310 funding proposal to present to the Legislature for digital teaching and learning in elementary
311 and secondary schools.

312 (b) The digital teaching and learning task force shall include representatives of:

313 (i) the board;

314 (ii) UETN;

315 (iii) LEAs; and

316 (iv) the Governor's Education Excellence Commission.

317 (3) (a) The board, in consultation with the digital teaching and learning task force
318 created in Subsection (2), shall create a funding proposal for a statewide digital teaching and
319 learning program designed to:

320 (i) improve student outcomes through the use of digital teaching and learning
321 technology; and

322 (ii) provide high quality professional learning for educators to improve student
323 outcomes through the use of digital teaching and learning technology.

324 (b) The board shall:

325 (i) identify outcome based metrics to measure student achievement related to a digital
326 teaching and learning program; and

327 (ii) develop minimum benchmark standards for student achievement and school level
328 outcomes to measure successful implementation of a digital teaching and learning program.

329 (4) As funding allows, the board shall develop a master plan for a statewide digital
330 teaching and learning program, including the following:

331 (a) a statement of purpose that describes the objectives or goals the board will
332 accomplish by implementing a digital teaching and learning program;

333 (b) a forecast for fundamental components needed to implement a digital teaching and
334 learning program, including a forecast for:

335 (i) student and teacher devices;

- 336 (ii) Wi-Fi and wireless compatible technology;
- 337 (iii) curriculum software;
- 338 (iv) assessment solutions;
- 339 (v) technical support;
- 340 (vi) change management of LEAs;
- 341 (vii) high quality professional learning;
- 342 (viii) Internet delivery and capacity; and
- 343 (ix) security and privacy of users;
- 344 (c) a determination of the requirements for:
 - 345 (i) statewide technology infrastructure; and
 - 346 (ii) local LEA technology infrastructure;
- 347 (d) standards for high quality professional learning related to implementing and
- 348 maintaining a digital teaching and learning program;
- 349 (e) a statewide technical support plan that will guide the implementation and
- 350 maintenance of a digital teaching and learning program, including standards and competency
- 351 requirements for technical support personnel;
- 352 (f) (i) a grant program for LEAs; or
- 353 (ii) a distribution formula to fund LEA digital teaching and learning programs;
- 354 (g) in consultation with UETN, an inventory of the state public education system's
- 355 current technology resources and other items and a plan to integrate those resources into a
- 356 digital teaching and learning program;
- 357 (h) an ongoing evaluation process that is overseen by the board;
- 358 (i) proposed rules that incorporate the principles of the master plan into the state's
- 359 public education system as a whole; and
- 360 (j) a plan to ensure long-term sustainability that:
 - 361 (i) accounts for the financial impacts of a digital teaching and learning program; and
 - 362 (ii) facilitates the redirection of LEA savings that arise from implementing a digital
 - 363 teaching and learning program.
- 364 (5) UETN shall:
 - 365 (a) in consultation with the board, conduct an inventory of the state public education
 - 366 system's current technology resources and other items as determined by UETN, including

367 software;

368 (b) perform an engineering study to determine the technology infrastructure needs of
369 the public education system to implement a digital teaching and learning program, including
370 the infrastructure needed for the board, UETN, and LEAs; and

371 (c) as funding allows, provide infrastructure and technology support for school districts
372 and charter schools.

373 (6) On or before December 1, 2015, the board and UETN shall present the funding
374 proposal for a statewide digital teaching and learning program described in Subsection (3) to
375 the Education Interim Committee and the Executive Appropriations Committee, including:

376 (a) the board's progress on the development of a master plan described in Subsection
377 (4); and

378 (b) the progress of UETN on the inventory and study described in Subsection (5).

379 Section 7. Section **53A-1-1202** is amended to read:

380 **53A-1-1202. Definitions.**

381 As used in this part:

382 (1) "Board" means the State Board of Education.

383 (2) "Charter school authorizer" means the same as that term is defined in Section
384 [53A-1a-501.3](#).

385 (3) "District school" means a public school under the control of a local school board
386 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
387 Boards.

388 (4) "Educator" means the same as that term is defined in Section [53A-6-103](#).

389 (5) "Initial remedial year" means the year in which a district school or charter school is
390 designated as a low performing school under Section [53A-1-1203](#).

391 (6) "Low performing school" means a district school or charter school that has been
392 designated a low performing school by the board because the school is ~~is~~ ~~(a) in the lowest~~
393 ~~performing 3% of schools statewide according to the percentage of possible points earned~~
394 ~~under the school grading system, and (b)] a low performing school according to [other]~~
395 outcome-based measures as ~~[may be]~~ defined in rules made by the board in accordance with
396 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

397 ~~[(7) "School grade" or "grade" means the letter grade assigned to a school under the~~

398 ~~school grading system.]~~

399 ~~[(8) "School grading system" means the system established under Part 11, School~~
400 ~~Grading Act, of assigning letter grades to schools.]~~

401 ~~[(9) "Statewide assessment" means a test of student achievement in English language~~
402 ~~arts, mathematics, or science, including a test administered in a computer adaptive format that~~
403 ~~is administered statewide under Part 6, Achievement Tests.]~~

404 Section 8. Section **53A-1-1203** is amended to read:

405 **53A-1-1203. State Board of Education to designate low performing schools.**

406 On or before August 15, the board shall annually designate a school as a low
407 performing school if the school is ~~[(1) in the lowest performing 3% of schools statewide~~
408 ~~according to the percentage of possible points earned under the school grading system; and (2)]~~
409 a low performing school according to ~~[other]~~ outcome-based measures as ~~[may be]~~ defined in
410 rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative
411 Rulemaking Act.

412 Section 9. Section **53A-1-1206** is amended to read:

413 **53A-1-1206. State Board of Education to identify independent school turnaround**
414 **experts -- Review and approval of school turnaround plans -- Appeals process.**

415 (1) On or before August 30, the board shall identify two or more approved independent
416 school turnaround experts, through a request for proposals process, that a low performing
417 school may select from to partner with to:

418 (a) collect and analyze data on the low performing school's student achievement,
419 personnel, culture, curriculum, assessments, instructional practices, governance, leadership,
420 finances, and policies;

421 (b) recommend changes to the low performing school's culture, curriculum,
422 assessments, instructional practices, governance, finances, policies, or other areas based on
423 data collected under Subsection (1)(a);

424 (c) develop and implement, in partnership with the school turnaround committee, a
425 school turnaround plan that meets the criteria described in Subsection **53A-1-1204(3)**;

426 (d) monitor the effectiveness of a school turnaround plan through reliable means of
427 evaluation, including on-site visits, observations, surveys, analysis of student achievement data,
428 and interviews;

429 (e) provide ongoing implementation support and project management for a school
430 turnaround plan;

431 (f) provide high-quality professional development personalized for school staff that is
432 designed to build the:

433 (i) leadership capacity of the school principal; and

434 (ii) instructional capacity of school staff; and

435 (g) leverage support from community partners to coordinate an efficient delivery of
436 supports to students both inside and outside the classroom.

437 (2) In identifying independent school turnaround experts under Subsection (1), the
438 board shall identify experts that:

439 (a) have a credible track record of improving student academic achievement in public
440 schools with various demographic characteristics~~[as measured by statewide assessments]~~;

441 (b) have experience designing, implementing, and evaluating data-driven instructional
442 systems in public schools;

443 (c) have experience coaching public school administrators and teachers on designing
444 data-driven school improvement plans;

445 (d) have experience working with the various education entities that govern public
446 schools;

447 (e) have experience delivering high-quality professional development in instructional
448 effectiveness to public school administrators and teachers;

449 (f) are willing to be compensated for professional services based on performance as
450 described in Subsection (3); and

451 (g) are willing to partner with any low performing school in the state, regardless of
452 location.

453 (3) (a) When awarding a contract to an independent school turnaround expert selected
454 by a local school board under Subsection 53A-1-1204(2) or by a charter school governing
455 board under Subsection 53A-1-1205(4)(b), the board shall ensure that a contract between the
456 board and the independent school turnaround expert specifies that the board will:

457 (i) pay an independent school turnaround expert no more than 50% of the expert's
458 professional fees at the beginning of the independent school turnaround expert's work for the
459 low performing school; and

460 (ii) pay the remainder of the independent school turnaround expert's professional fees
461 upon the independent school turnaround expert successfully helping a low performing school
462 improve the low performing school's ~~[grade]~~ performance, as determined by the board, within
463 three school years after a school is designated a low performing school.

464 (b) In negotiating a contract with an independent school turnaround expert, the board
465 shall offer~~[-(i)]~~ differentiated amounts of funding based on student enrollment~~[-and]~~.

466 ~~[(ii) a higher amount of funding for schools that are in the lowest performing 1% of
467 schools statewide according to the percentage of possible points earned under the school
468 grading system.]~~

469 (4) The board shall:

470 (a) review a school turnaround plan submitted for approval under Subsection
471 53A-1-1204(5)(b) or under Subsection 53A-1-1205(7)(b) within 30 days of submission;

472 (b) approve a school turnaround plan that:

473 (i) is timely;

474 (ii) is well-developed; and

475 (iii) meets the criteria described in Subsection 53A-1-1204(3); and

476 (c) subject to legislative appropriations, provide funding to a low performing school for
477 interventions identified in an approved school turnaround plan if the local school board or
478 charter school governing board provides matching funds or an in-kind contribution of goods or
479 services in an amount equal to the funding the low performing school would receive from the
480 board.

481 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
482 the board shall make rules to establish an appeals process for:

483 (i) a low performing district school that is not granted approval from the district
484 school's local school board under Subsection 53A-1-1204(5)(b);

485 (ii) a low performing charter school that is not granted approval from the charter
486 school's charter school governing board under Subsection 53A-1-1205(7)(b); and

487 (iii) a local school board or charter school governing board that is not granted approval
488 from the board under Subsection (4)(b).

489 (b) The board shall ensure that rules made under Subsection (5)(a) require an appeals
490 process described in:

491 (i) Subsections (5)(a)(i) and (ii) to be resolved on or before April 1 of the initial
492 remedial year; and

493 (ii) Subsection (5)(a)(iii) to be resolved on or before May 15 of the initial remedial
494 year.

495 (6) The board shall balance the need to prioritize funding appropriated by the
496 Legislature to contract with highly qualified independent school turnaround experts with the
497 need to set aside funding for~~[:(a)]~~ interventions to facilitate the implementation of a school
498 turnaround plan under Subsection (4)(c)~~[:and]~~.

499 ~~[(b) the School Recognition and Reward Program created under Section 53A-1-1208.]~~
500 Section 10. Section 53A-1-1207 is amended to read:

501 **53A-1-1207. Consequences for failing to improve the school grade of a low**
502 **performing school.**

503 (1) As used in this section, "high performing charter school" means a charter school
504 that:

505 (a) satisfies all requirements of state law and board rules; and

506 (b) meets or exceeds standards for student achievement established by the charter
507 school's charter school authorizer~~[:and]~~.

508 ~~[(c) has received at least a "B" grade under the school grading system in the previous~~
509 ~~two school years.]~~

510 (2) (a) A low performing school that does not improve the low performing school's
511 ~~[grade by at least one letter grade]~~ performance, as determined by the board, within three
512 school years after the day on which the school is designated a low performing school may
513 petition the board for an extension to continue school improvement efforts for up to two years.

514 ~~[(b) The board may only grant an extension under Subsection (2)(a) if the low~~
515 ~~performing school has increased the number of points awarded under the school grading~~
516 ~~system by at least:]~~

517 ~~[(i) 25% for a school that is not a high school; and]~~

518 ~~[(ii) 10% for a high school.]~~

519 ~~[(c)]~~ (b) The board may extend the contract of an independent school turnaround expert
520 of a low performing school that is granted an extension under this Subsection (2).

521 ~~[(d)]~~ (c) A school that has been granted an extension under this Subsection (2) is

522 eligible for~~[(i)]~~ continued funding under Subsection [53A-1-1206\(4\)\(c\)](#)~~[, and]~~.

523 ~~[(ii) the School Recognition and Reward Program under Section [53A-1-1208](#).]~~

524 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
525 board shall make rules establishing consequences for a low performing school that:

526 (a) (i) does not improve the school's [grade] performance, as determined by the board,
527 within three school years after the day on which the school is designated a low performing
528 school; and

529 (ii) is not granted an extension under Subsection (2); or

530 (b) (i) is granted an extension under Subsection (2); and

531 (ii) does not improve the school's [grade] performance, as determined by the board,
532 within two school years after the day on which the low performing school is granted an
533 extension.

534 (4) The board shall ensure that the rules established under Subsection (3) include a
535 mechanism for:

536 (a) restructuring a district school that may include:

537 (i) contract management;

538 (ii) conversion to a charter school; or

539 (iii) state takeover; and

540 (b) restructuring a charter school that may include:

541 (i) termination of a school's charter;

542 (ii) closure of a charter school; or

543 (iii) transferring operation and control of the charter school to:

544 (A) a high performing charter school; or

545 (B) the school district in which the charter school is located.

546 Section 11. Section [53A-1-1209](#) is amended to read:

547 **53A-1-1209. School Leadership Development Program.**

548 (1) As used in this section, "school leader" means a school principal or assistant
549 principal.

550 (2) There is created the School Leadership Development Program to increase the
551 number of highly effective school leaders capable of initiating, achieving, and sustaining
552 school improvement efforts.

- 553 (3) The board shall identify one or more providers, through a request for proposals
554 process, to develop or provide leadership development training for school leaders that:
- 555 (a) may provide in-depth training in proven strategies to turn around low performing
556 schools;
- 557 (b) may emphasize hands-on and job-embedded learning;
- 558 (c) aligns with the state's leadership standards established by board rule;
- 559 (d) reflects the needs of a school district or charter school where a school leader serves;
- 560 (e) may include training on using student achievement data to drive decisions;
- 561 (f) may develop skills in implementing and evaluating evidence-based instructional
562 practices; and
- 563 (g) may develop skills in leading collaborative school improvement structures,
564 including professional learning communities.
- 565 (4) Subject to legislative appropriations, the State Board of Education shall provide
566 incentive pay to a school leader who:
- 567 (a) completes leadership development training under this section; and
- 568 (b) agrees to work, for at least five years, in a [~~school that received an "F" grade or "D"~~
569 ~~grade under the school grading system~~] low performing school in the school year previous to
570 the first year the school leader:
- 571 (i) completes leadership development training; and
- 572 (ii) begins to work, or continues to work, in a school described in this Subsection
- 573 (4)(b).
- 574 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
575 board shall make rules specifying:
- 576 (a) eligibility criteria for a school leader to participate in the School Leadership
577 Development Program;
- 578 (b) application procedures for the School Leadership Development Program;
- 579 (c) criteria for selecting school leaders from the application pool; and
- 580 (d) procedures for awarding incentive pay under Subsection (4).
- 581 Section 12. Section **53A-1a-106** is amended to read:
- 582 **53A-1a-106. School district and individual school powers -- Student**
583 **education/occupation plan (SEOP) definition.**

584 (1) In order to acquire and develop the characteristics listed in Section 53A-1a-104,
585 each school district and each public school within its respective district shall implement a
586 comprehensive system of accountability in which students advance through public schools by
587 demonstrating competency in required skills and mastery of required knowledge through the
588 use of diverse assessment instruments such as [~~authentic and criterion-referenced~~] tests,
589 projects, and portfolios.

590 (2) (a) Each school district and public school shall:

591 (i) develop and implement programs integrating technology into the curriculum,
592 instruction, and student assessment;

593 (ii) provide for teacher and parent involvement in policymaking at the school site;

594 (iii) implement a public school choice program to give parents, students, and teachers
595 greater flexibility in designing and choosing among programs with different focuses through
596 schools within the same district and other districts, subject to space availability, demographics,
597 and legal and performance criteria;

598 (iv) establish strategic planning at both the district and school level and site-based
599 decision making programs at the school level;

600 (v) provide opportunities for each student to acquire and develop academic and
601 occupational knowledge, skills, and abilities;

602 (vi) participate in ongoing research and development projects primarily at the school
603 level aimed at improving the quality of education within the system; and

604 (vii) involve business and industry in the education process through the establishment
605 of partnerships with the business community at the district and school level.

606 (b) (i) As used in this title, "student education/occupation plan" or "SEOP" means a
607 plan developed by a student and the student's parent or guardian, in consultation with school
608 counselors, teachers, and administrators that:

609 (A) is initiated at the beginning of grade 7;

610 (B) identifies a student's skills and objectives;

611 (C) maps out a strategy to guide a student's course selection; and

612 (D) links a student to post-secondary options, including higher education and careers.

613 (ii) Each local school board, in consultation with school personnel, parents, and school
614 community councils or similar entities shall establish policies to provide for the effective

615 implementation of a personalized student education plan (SEP) or student
616 education/occupation plan (SEOP) for each student at the school site.

617 (iii) The policies shall include guidelines and expectations for:

618 (A) recognizing the student's accomplishments, strengths, and progress towards

619 meeting student achievement standards as defined in U-PASS;

620 (B) planning, monitoring, and managing education and career development; and

621 (C) involving students, parents, and school personnel in preparing and implementing
622 SEPs and SEOPs.

623 (iv) A parent may request conferences with school personnel in addition to SEP or
624 SEOP conferences established by local school board policy.

625 (v) Time spent during the school day to implement SEPs and SEOPs is considered part
626 of the school term referred to in Subsection 53A-17a-103(4).

627 (3) A school district or public school may submit proposals to modify or waive rules or
628 policies of a supervisory authority within the public education system in order to acquire or
629 develop the characteristics listed in Section 53A-1a-104.

630 (4) (a) Each school district and public school shall make an annual report to its patrons
631 on its activities under this section.

632 (b) The reporting process shall involve participation from teachers, parents, and the
633 community at large in determining how well the district or school is performing.

634 Section 13. Section 53A-3-602.5 is amended to read:

635 **53A-3-602.5. School performance report -- Components -- Annual filing.**

636 (1) For a school year beginning with or after the 2010-11 school year, the State Board
637 of Education in collaboration with the state's school districts and charter schools shall develop
638 a school performance report to inform the state's residents of the quality of schools and the
639 educational achievement of students in the state's public education system.

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

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

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

646 aggregated for all students;]
647 [~~(A) by grade level or course for the previous two years and an indication of whether~~
648 ~~there was a sufficient magnitude of gain in the scores between the two years; and]~~
649 [~~(B) by class;]~~
650 [(~~ii~~) (i) online writing assessments required under Section 53A-1-603; and
651 [(~~iii~~) (ii) college readiness assessments required under Section 53A-1-603;
652 (b) college entrance examinations data, including the number and percentage of each
653 graduating class taking the examinations for the previous four years;
654 (c) advanced placement and concurrent enrollment data, including:
655 (i) the number of students taking advanced placement and concurrent enrollment
656 courses;
657 (ii) the number and percent of students taking a specific advanced placement course
658 who take advanced placement tests to receive college credit for the course;
659 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and
660 percent who pass the test; and
661 (iv) of those students taking a concurrent enrollment course, the number and percent of
662 those who receive college credit for the course;
663 (d) the number and percent of students in grade 3 reading at or above grade level;
664 (e) the number and percent of students who were absent from school 10 days or more
665 during the school year;
666 (f) achievement gaps that reflect the differences in achievement of various student
667 groups as defined by State Board of Education rule;
668 (g) the number and percent of "student dropouts" within the school district as defined
669 by State Board of Education rule;
670 (h) course-taking patterns and trends in secondary schools;
671 (i) student mobility;
672 (j) staff qualifications, to include years of professional service and the number and
673 percent of staff who have a degree or endorsement in their assigned teaching area and the
674 number and percent of staff who have a graduate degree;
675 (k) the number and percent of parents who participate in SEP, SEOP, and
676 parent-teacher conferences;

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

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

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

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

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

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

692 ~~[(c)]~~ (b) incidents of student discipline as defined by State Board of Education rule,
693 including suspensions, expulsions, and court referrals; and

694 ~~[(d)]~~ (c) the number and percent of students receiving fee waivers and the total dollar
695 amount of fees waived.

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

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

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

704 (I) be calculated by grade level; and

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

707 (B) If students at the elementary school level receive instruction in basic academic

708 classes from different teachers, average class size may be calculated as provided by Subsection
709 (4)(b)(iii) for secondary school students.

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

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

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

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

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

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

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

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

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

729 (5) (a) For a school year beginning with or after the 2010-11 school year, the State
730 Board of Education, through the state superintendent of public instruction, shall issue its report
731 annually by October 1 to include the required data from the previous school year or years as
732 indicated in Subsections (2) and (3).

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

737 (6) (a) Each local school board and each charter school shall receive a written or an
738 electronic copy of the report from the state superintendent of public instruction containing the

739 data for that school district or charter school in a clear summary format and have it distributed,
740 on a one per household basis, to the residence of students enrolled in the school district or
741 charter school before November 30th of each year.

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

745 Section 14. Section **53A-17a-150** is amended to read:

746 **53A-17a-150. K-3 Reading Improvement Program.**

747 (1) As used in this section:

748 (a) "Board" means the State Board of Education.

749 (b) "Five domains of reading" include phonological awareness, phonics, fluency,
750 comprehension, and vocabulary.

751 (c) "Program" means the K-3 Reading Improvement Program.

752 (d) "Program money" means:

753 (i) school district revenue allocated to the program from other money available to the
754 school district, except money provided by the state, for the purpose of receiving state funds
755 under this section; and

756 (ii) money appropriated by the Legislature to the program.

757 (2) The K-3 Reading Improvement Program consists of program money and is created
758 to supplement other school resources to achieve the state's goal of having third graders reading
759 at or above grade level.

760 (3) Subject to future budget constraints, the Legislature may annually appropriate
761 money to the K-3 Reading Improvement Program.

762 (4) (a) To receive program money, a school district or charter school must submit a plan
763 to the board for reading proficiency improvement that incorporates the following components:

764 (i) assessment;

765 (ii) intervention strategies;

766 (iii) professional development for classroom teachers in kindergarten through grade
767 three;

768 (iv) reading performance standards; and

769 (v) specific measurable goals that include the following:

770 (A) a growth goal for each school within a school district and each charter school
771 based upon student learning gains as measured by benchmark assessments administered
772 pursuant to Section 53A-1-606.6; and

773 (B) a growth goal for each school district and charter school to increase the percentage
774 of third grade students who read on grade level from year to year as measured by the third
775 grade reading test administered pursuant to Section 53A-1-603.

776 (b) The board shall provide model plans which a school district or charter school may
777 use, or the school district or charter school may develop its own plan.

778 (c) Plans developed by a school district or charter school shall be approved by the
779 board.

780 (d) The board shall develop uniform standards for acceptable growth goals that a
781 school district or charter school adopts as described in this Subsection (4).

782 (5) (a) There is created within the K-3 Reading Achievement Program three funding
783 programs:

- 784 (i) the Base Level Program;
- 785 (ii) the Guarantee Program; and
- 786 (iii) the Low Income Students Program.

787 (b) The board may use no more than \$7,500,000 from an appropriation described in
788 Subsection (3) for computer-assisted instructional learning and assessment programs.

789 (6) Money appropriated to the board for the K-3 Reading Improvement Program and
790 not used by the board for computer-assisted instructional learning and assessments as described
791 in Subsection (5)(b), shall be allocated to the three funding programs as follows:

- 792 (a) 8% to the Base Level Program;
- 793 (b) 46% to the Guarantee Program; and
- 794 (c) 46% to the Low Income Students Program.

795 (7) (a) To participate in the Base Level Program, a school district or charter school
796 shall submit a reading proficiency improvement plan to the board as provided in Subsection (4)
797 and must receive approval of the plan from the board.

798 (b) (i) Each school district qualifying for Base Level Program funds and the qualifying
799 elementary charter schools combined shall receive a base amount.

800 (ii) The base amount for the qualifying elementary charter schools combined shall be

801 allocated among each school in an amount proportionate to:

802 (A) each existing charter school's prior year fall enrollment in grades kindergarten
803 through grade three; and

804 (B) each new charter school's estimated fall enrollment in grades kindergarten through
805 grade three.

806 (8) (a) A school district that applies for program money in excess of the Base Level
807 Program funds shall choose to first participate in either the Guarantee Program or the Low
808 Income Students Program.

809 (b) A school district must fully participate in either the Guarantee Program or the Low
810 Income Students Program before it may elect to either fully or partially participate in the other
811 program.

812 (c) To fully participate in the Guarantee Program, a school district shall allocate to the
813 program money available to the school district, except money provided by the state, equal to
814 the amount of revenue that would be generated by a tax rate of .000056.

815 (d) To fully participate in the Low Income Students Program, a school district shall
816 allocate to the program money available to the school district, except money provided by the
817 state, equal to the amount of revenue that would be generated by a tax rate of .000065.

818 (e) (i) The board shall verify that a school district allocates the money required in
819 accordance with Subsections (8)(c) and (d) before it distributes funds in accordance with this
820 section.

821 (ii) The State Tax Commission shall provide the board the information the board needs
822 in order to comply with Subsection (8)(e)(i).

823 (9) (a) Except as provided in Subsection (9)(c), a school district that fully participates in
824 the Guarantee Program shall receive state funds in an amount that is:

825 (i) equal to the difference between \$21 times the district's total WPU's and the revenue
826 the school district is required to allocate under Subsection (8)(c) to fully participate in the
827 Guarantee Program; and

828 (ii) not less than \$0.

829 (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive
830 under the Guarantee Program an amount equal to \$21 times the school's total WPU's.

831 (c) The board may adjust the \$21 guarantee amount described in Subsections (9)(a) and

832 (b) to account for actual appropriations and money used by the board for computer-assisted
833 instructional learning and assessments.

834 (10) The board shall distribute Low Income Students Program funds in an amount
835 proportionate to the number of students in each school district or charter school who qualify for
836 free or reduced price school lunch multiplied by two.

837 (11) A school district that partially participates in the Guarantee Program or Low
838 Income Students Program shall receive program funds based on the amount of school district
839 revenue allocated to the program as a percentage of the amount of revenue that could have been
840 allocated if the school district had fully participated in the program.

841 (12) (a) A school district or charter school shall use program money for reading
842 proficiency improvement interventions in grades kindergarten through grade 3 that have proven
843 to significantly increase the percentage of students reading at grade level, including:

844 (i) reading assessments; and

845 (ii) focused reading remediations that may include:

846 (A) the use of reading specialists;

847 (B) tutoring;

848 (C) before or after school programs;

849 (D) summer school programs; or

850 (E) the use of reading software; or

851 (F) the use of interactive computer software programs for literacy instruction and
852 assessments for students.

853 (b) A school district or charter school may use program money for portable technology
854 devices used to administer reading assessments.

855 (c) Program money may not be used to supplant funds for existing programs, but may
856 be used to augment existing programs.

857 (13) (a) Each school district and charter school shall annually submit a report to the
858 board accounting for the expenditure of program money in accordance with its plan for reading
859 proficiency improvement.

860 (b) On or before the November meeting of the Education Interim Committee of each
861 year, the board shall report a summary of the reading improvement program expenditures of
862 each school district and charter school.

863 (c) If a school district or charter school uses program money in a manner that is
864 inconsistent with Subsection (12), the school district or charter school is liable for reimbursing
865 the board for the amount of program money improperly used, up to the amount of program
866 money received from the board.

867 (14) (a) The board shall make rules to implement the program.

868 (b) (i) The rules under Subsection (14)(a) shall require each school district or charter
869 school to annually report progress in meeting school and school district goals stated in the
870 school district's or charter school's plan for student reading proficiency.

871 (ii) If a school does not meet or exceed the school's goals, the school district or charter
872 school shall prepare a new plan which corrects deficiencies. The new plan must be approved
873 by the board before the school district or charter school receives an allocation for the next year.

874 (15) (a) If for two consecutive school years, a school district fails to meet its goal to
875 increase the percentage of third grade students who read on grade level as measured by the
876 third grade reading test administered pursuant to Section 53A-1-603, the school district shall
877 terminate any levy imposed under Section 53A-17a-151 and may not receive money
878 appropriated by the Legislature for the K-3 Reading Improvement Program.

879 (b) If for two consecutive school years, a charter school fails to meet its goal to
880 increase the percentage of third grade students who read on grade level as measured by the
881 third grade reading test administered pursuant to Section 53A-1-603, the charter school may
882 not receive money appropriated by the Legislature for the K-3 Reading Improvement Program.

883 (16) The board shall make an annual report to the Public Education Appropriations
884 Subcommittee that:

885 (a) includes information on:

886 (i) student learning gains in reading for the past school year and the five-year trend;

887 (ii) the percentage of third grade students reading on grade level in the past school year
888 and the five-year trend; and

889 (iii) the progress of schools and school districts in meeting goals stated in a school
890 district's or charter school's plan for student reading proficiency; and

891 ~~[(iv) the correlation between third grade students reading on grade level and results of~~
892 ~~third grade language arts scores on a criterion-referenced test or computer adaptive test; and]~~

893 (b) may include recommendations on how to increase the percentage of third grade

894 students who read on grade level.

895 Section 15. Section **53A-17a-172** is amended to read:

896 **53A-17a-172. Use of minimum school program funds for dropout recovery**
897 **services.**

898 (1) As used in this section:

899 (a) "Adequate monthly progress" means:

900 (i) an amount of progress that is measurable on a monthly basis and that, if continued
901 for a full school year, would result in the same amount of academic credit being awarded to an
902 eligible student as would be awarded to a regularly enrolled full-time student during a school
903 year; or

904 (ii) completion of one-quarter credit of college and career readiness course work.

905 (b) "Attainment goal" means:

906 (i) for an eligible student up to 18 years of age:

907 (A) earning a high school diploma;

908 (B) earning a Utah High School Completion Diploma, as defined in State Board of
909 Education rule; or

910 (C) earning an industry-based certificate that is likely to result in job placement; or

911 (ii) for an eligible student over 18 years of age, earning a high school diploma as
912 required under Section [53A-12-101](#).

913 (c) "Average daily membership" means the same as that term is defined in Section
914 [53A-17a-103](#).

915 (d) "Cohort" means a group of students, defined by the year the group enters ninth
916 grade.

917 (e) "College and career readiness course work" means course work that prepares a
918 student to succeed in a:

919 (i) post-secondary environment, such as course work designed to teach time
920 management skills and study skills; and

921 (ii) work environment, such as:

922 (A) career and technical education courses;

923 (B) career exploration and planning courses;

924 (C) course work designed to teach the soft skills that are necessary to succeed in a

925 work environment; and

926 (D) course work designed to prepare a student to pass an industry based certification
927 exam.

928 (f) "Eligible student" means a student:

929 (i) who has withdrawn from a secondary school prior to earning a diploma with no
930 legitimate reason for departure or absence from school;

931 (ii) who has been dropped from average daily membership for having a certain number
932 of unexcused absences as described in rules established by the State Board of Education; and

933 (iii) (A) whose cohort has not yet graduated; or

934 (B) whose cohort graduated in the previous school year.

935 (g) (i) "Local education agency" or "LEA" means a school district or charter school.

936 (ii) "Local education agency" or "LEA" does not include ~~[(A) an alternative school as~~
937 ~~defined in Section 53A-1-1102; or (B)]~~ a statewide virtual school.

938 (2) (a) An LEA shall provide a dropout recovery program for eligible students that
939 includes the following dropout recovery services:

940 (i) recruiting eligible students;

941 (ii) working with an eligible student to identify and mitigate social barriers to regular
942 school attendance;

943 (iii) developing a learning plan, in consultation with the eligible student to:

944 (A) identify an attainment goal; and

945 (B) specify adequate monthly progress toward the attainment goal;

946 (iv) monitoring an eligible student's progress against the eligible student's learning
947 plan;

948 (v) providing tiered interventions for an eligible student who is not making adequate
949 monthly progress; and

950 (vi) providing dropout recovery services to eligible students throughout the calendar
951 year.

952 (b) An LEA shall allow an eligible student to enroll in a dropout recovery program
953 under Subsection (2)(a) at any point during the calendar year.

954 (3) An LEA that does not meet the criteria described in Subsections (4)(a) and (b) may
955 contract with a provider to provide one or more of the dropout recovery services described in

956 Subsection (2)(a).

957 (4) An LEA shall contract with a provider to provide the dropout recovery services
958 described in Subsection (2)(a) if:

959 (a) the LEA has a graduation rate that is lower than the statewide graduation rate, as
960 annually calculated by the State Board of Education; and

961 (b) (i) on average over the previous calendar year, at least 10% of the eligible students
962 in the LEA have not made adequate monthly progress toward an attainment goal; or

963 (ii) the LEA's graduation rate, as calculated annually by the State Board of Education,
964 has not increased by at least 1% as compared to the previous school year.

965 (5) An LEA described in Subsection (4) shall ensure that:

966 (a) a provider that is contracted with under Subsection (4) has a demonstrated record of
967 effectiveness engaging with and recovering eligible students; and

968 (b) a contract with a provider requires the provider to:

969 (i) provide the services described in Subsection (2)(a); and

970 (ii) regularly report an eligible student's progress to the LEA.

971 (6) (a) Subject to Subsection (6)(b), an LEA may count a student who was classified as
972 an eligible student during a previous school year in average daily membership for the current
973 school year if the eligible student is enrolled in a dropout recovery services program under
974 Subsection (2)(a) during the current school year.

975 (b) An LEA may count a student in average daily membership under Subsection (6)(a):

976 (i) for a month during which the student makes adequate monthly progress, calculated
977 in accordance with rules established by the State Board of Education under Subsection (7)(a);
978 and

979 (ii) if a student re-enrolls in an LEA or statewide course or program, in accordance
980 with the pupil accounting provisions under Section [53A-17a-106](#) and State Board of Education
981 rule.

982 (7) The State Board of Education shall:

983 (a) make rules specifying procedures for calculating average daily membership under
984 Subsection (6)(b)(i); and

985 (b) ensure that the amount accounted for under Subsection (6):

986 (i) does not exceed one pupil in average daily membership per student;

987 (ii) includes only the value of the kindergarten through grade 12 weighted pupil unit;
988 and

989 (iii) excludes add-on weighted pupil units.

990 (8) An LEA shall annually submit a report to the State Board of Education on dropout
991 recovery services provided under this section, including:

992 (a) the number of eligible students:

993 (i) in the LEA;

994 (ii) enrolled in a dropout recovery program under Subsection (2)(a);

995 (iii) making adequate monthly progress toward an attainment goal; and

996 (iv) counted in average daily membership under Subsections (6)(b)(i) and (ii); and

997 (b) funding allocated to provide for a dropout recovery program as described in
998 Subsection (2).

999 (9) The State Board of Education shall:

1000 (a) review reports submitted under Subsection (8);

1001 (b) ensure that an LEA described in Subsection (4) contracts with a provider to provide
1002 dropout recovery services in accordance with Subsections (4) and (5); and

1003 (c) annually report to the Education Interim Committee on the provisions of this
1004 section.

1005 Section 16. Section **63A-3-402** is amended to read:

1006 **63A-3-402. Utah Public Finance Website -- Establishment and administration --**
1007 **Records disclosure -- Exceptions.**

1008 (1) There is created the Utah Public Finance Website to be administered by the
1009 Division of Finance with the technical assistance of the Department of Technology Services.

1010 (2) The Utah Public Finance Website shall:

1011 (a) permit Utah taxpayers to:

1012 (i) view, understand, and track the use of taxpayer dollars by making public financial
1013 information available on the Internet for participating state entities, independent entities, and
1014 participating local entities, using the Utah Public Finance Website; and

1015 (ii) link to websites administered by participating local entities or independent entities
1016 that do not use the Utah Public Finance Website for the purpose of providing participating
1017 local entities' or independent entities' public financial information as required by this part and

1018 by rule under Section 63A-3-404;

1019 (b) allow a person who has Internet access to use the website without paying a fee;

1020 (c) allow the public to search public financial information on the Utah Public Finance
1021 Website using criteria established by the board;

1022 (d) provide access to financial reports, financial audits, budgets, or other financial
1023 documents that are used to allocate, appropriate, spend, and account for government funds, as
1024 may be established by rule under Section 63A-3-404;

1025 (e) have a unique and simplified website address;

1026 (f) be directly accessible via a link from the main page of the official state website; and

1027 (g) include other links, features, or functionality that will assist the public in obtaining
1028 and reviewing public financial information, as may be established by rule under Section

1029 63A-3-404[; ~~and~~].

1030 [~~(h) include a link to school report cards published on the State Board of Education's~~
1031 ~~website under Section 53A-1-1112.~~]

1032 (3) The division shall:

1033 (a) establish and maintain the website, including the provision of equipment, resources,
1034 and personnel as necessary;

1035 (b) maintain an archive of all information posted to the website;

1036 (c) coordinate and process the receipt and posting of public financial information from
1037 participating state entities;

1038 (d) coordinate and regulate the posting of public financial information by participating
1039 local entities and independent entities; and

1040 (e) provide staff support for the advisory committee.

1041 (4) (a) A participating state entity and each independent entity shall permit the public
1042 to view the entity's public financial information via the website, beginning with information
1043 that is generated not later than the fiscal year that begins July 1, 2008, except that public
1044 financial information for an:

1045 (i) institution of higher education shall be provided beginning with information
1046 generated for the fiscal year beginning July 1, 2009; and

1047 (ii) independent entity shall be provided beginning with information generated for the
1048 entity's fiscal year beginning in 2014.

1049 (b) No later than May 15, 2009, the website shall:

1050 (i) be operational; and

1051 (ii) permit public access to participating state entities' public financial information,
1052 except as provided in Subsections (4)(c) and (d).

1053 (c) An institution of higher education that is a participating state entity shall submit the
1054 entity's public financial information at a time allowing for inclusion on the website no later
1055 than May 15, 2010.

1056 (d) No later than the first full quarter after July 1, 2014, an independent entity shall
1057 submit the entity's public financial information for inclusion on the Utah Public Finance
1058 Website or via a link to its own website on the Utah Public Finance Website.

1059 (5) (a) The Utah Educational Savings Plan, created in Section [53B-8a-103](#), shall
1060 provide the following financial information to the division for posting on the Utah Public
1061 Finance Website:

1062 (i) administrative fund expense transactions from its general ledger accounting system;
1063 and

1064 (ii) employee compensation information.

1065 (b) The plan is not required to submit other financial information to the division,
1066 including:

1067 (i) revenue transactions;

1068 (ii) account owner transactions; and

1069 (iii) fiduciary or commercial information, as defined in Section [53B-12-102](#).

1070 (6) (a) The following independent entities shall each provide administrative expense
1071 transactions from its general ledger accounting system and employee compensation
1072 information to the division for posting on the Utah Public Finance Website or via a link to a
1073 website administered by the independent entity:

1074 (i) the Utah Capital Investment Corporation, created in Section [63N-6-301](#);

1075 (ii) the Utah Housing Corporation, created in Section [63H-8-201](#); and

1076 (iii) the School and Institutional Trust Lands Administration, created in Section
1077 [53C-1-201](#).

1078 (b) For purposes of this part, an independent entity described in Subsection (6)(a) is not
1079 required to submit to the division, or provide a link to, other financial information, including:

- 1080 (i) revenue transactions of a fund or account created in its enabling statute;
- 1081 (ii) fiduciary or commercial information related to any subject if the disclosure of the
- 1082 information:
- 1083 (A) would conflict with fiduciary obligations; or
- 1084 (B) is prohibited by insider trading provisions;
- 1085 (iii) information of a commercial nature, including information related to:
- 1086 (A) account owners, borrowers, and dependents;
- 1087 (B) demographic data;
- 1088 (C) contracts and related payments;
- 1089 (D) negotiations;
- 1090 (E) proposals or bids;
- 1091 (F) investments;
- 1092 (G) the investment and management of funds;
- 1093 (H) fees and charges;
- 1094 (I) plan and program design;
- 1095 (J) investment options and underlying investments offered to account owners;
- 1096 (K) marketing and outreach efforts;
- 1097 (L) lending criteria;
- 1098 (M) the structure and terms of bonding; and
- 1099 (N) financial plans or strategies; and
- 1100 (iv) information protected from public disclosure by federal law.
- 1101 (7) (a) As used in this Subsection (7):
- 1102 (i) "Local education agency" means a school district or a charter school.
- 1103 (ii) "New school building project" means:
- 1104 (A) the construction of a school or school facility that did not previously exist in a local
- 1105 education agency; or
- 1106 (B) the lease or purchase of an existing building, by a local education agency, to be
- 1107 used as a school or school facility.
- 1108 (iii) "School facility" means a facility, including a pool, theater, stadium, or
- 1109 maintenance building, that is built, leased, acquired, or remodeled by a local education agency
- 1110 regardless of whether the facility is open to the public.

1111 (iv) "Significant school remodel" means a construction project undertaken by a local
1112 education agency with a project cost equal to or greater than \$2,000,000, including:

1113 (A) the upgrading, changing, alteration, refurbishment, modification, or complete
1114 substitution of an existing school or school facility in a local education agency; or

1115 (B) the addition of a school facility.

1116 (b) For each new school building project or significant school remodel, the local
1117 education agency shall:

1118 (i) prepare an annual school plant capital outlay report; and

1119 (ii) submit the report:

1120 (A) to the division for publication on the Utah Public Finance Website; and

1121 (B) in a format, including any raw data or electronic formatting, prescribed by
1122 applicable division policy.

1123 (c) The local education agency shall include in the capital outlay report described in
1124 Subsection (7)(b)(i) the following information as applicable to each new school building
1125 project or significant school remodel:

1126 (i) the name and location of the new school building project or significant school
1127 remodel;

1128 (ii) construction and design costs, including:

1129 (A) the purchase price or lease terms of any real property acquired or leased for the
1130 project or remodel;

1131 (B) facility construction;

1132 (C) facility and landscape design;

1133 (D) applicable impact fees; and

1134 (E) furnishings and equipment;

1135 (iii) the gross square footage of the project or remodel;

1136 (iv) the year construction was completed; and

1137 (v) the final student capacity of the new school building project or, for a significant
1138 school remodel, the increase or decrease in student capacity created by the remodel.

1139 (d) (i) For a cost, fee, or other expense required to be reported under Subsection (7)(c),
1140 the local education agency shall report the actual cost, fee, or other expense.

1141 (ii) The division may require that a local education agency provide further itemized

1142 data on information listed in Subsection (7)(c).

1143 (e) (i) No later than May 15, 2015, a local education agency shall provide the division a
1144 school plant capital outlay report for each new school building project and significant school
1145 remodel completed on or after July 1, 2004, and before May 13, 2014.

1146 (ii) For a new school building project or significant school remodel completed after
1147 May 13, 2014, the local education agency shall provide the school plant capital outlay report
1148 described in this Subsection (7) to the division annually by a date designated by the division.

1149 (8) A person who negligently discloses a record that is classified as private, protected,
1150 or controlled by Title 63G, Chapter 2, Government Records Access and Management Act, is
1151 not criminally or civilly liable for an improper disclosure of the record if the record is disclosed
1152 solely as a result of the preparation or publication of the Utah Public Finance Website.

1153 Section 17. **Repealer.**

1154 This bill repeals:

1155 Section **53A-1-1101**, **Title.**

1156 Section **53A-1-1102**, **Definitions.**

1157 Section **53A-1-1103**, **State Board of Education to establish school grading system --**
1158 **Report to Education Interim Committee.**

1159 Section **53A-1-1104**, **Schools included in grading system.**

1160 Section **53A-1-1104.5**, **Two school grades assigned to a combination school.**

1161 Section **53A-1-1105**, **Criteria for determining school grades.**

1162 Section **53A-1-1106**, **Calculation of points earned for students' proficiency in**
1163 **language arts, mathematics, and science.**

1164 Section **53A-1-1107**, **Calculation of points earned for students demonstrating**
1165 **sufficient growth in language arts, mathematics, and science.**

1166 Section **53A-1-1107.5**, **Growth target established to determine whether a student**
1167 **demonstrates sufficient growth in a subject.**

1168 Section **53A-1-1108**, **Calculation of additional points earned for high school**
1169 **graduation and college and career readiness.**

1170 Section **53A-1-1109**, **Calculation of percent of maximum points earned.**

1171 Section **53A-1-1110**, **Letter grade based on percentage of maximum points earned.**

1172 Section **53A-1-1111**, **Students with disabilities.**

- 1173 Section [53A-1-1112](#), Reporting.
- 1174 Section [53A-1-1113](#), Rules.
- 1175 Section [53A-1-1114](#), Exceptions applicable to determining school grades for the
- 1176 **2014-15 school year.**
- 1177 Section [53A-1-1208](#), School Recognition and Reward Program.