

1                   **STUDENT PLAN FOR COLLEGE AND CAREER READINESS**

2                                   **REVISIONS**

3   2017 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Mike Winder**

6                                   Senate Sponsor: Luz Escamilla

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8   **LONG TITLE**

9   **General Description:**

10           This bill amends references to student education plans and college and career readiness  
11 plans.

12   **Highlighted Provisions:**

13           This bill:

14           ▶ replaces references to:

15                   • "student education/occupation plan" or "SEOP" to "plan for college and career  
16 readiness"; and

17                   • "student education plan" or "SEP" with "individual learning plan."

18   **Money Appropriated in this Bill:**

19           None

20   **Other Special Clauses:**

21           None

22   **Utah Code Sections Affected:**

23   AMENDS:

24           **53A-1a-106**, as last amended by Laws of Utah 2012, Chapter 315

25           **53A-3-602.5**, as last amended by Laws of Utah 2015, Chapter 415

26           **53A-15-1204**, as last amended by Laws of Utah 2012, Chapter 238

27           **53A-15-1208**, as last amended by Laws of Utah 2012, Chapter 238

28           **53A-15-1209**, as last amended by Laws of Utah 2012, Chapter 238

29           **53A-15-1702**, as enacted by Laws of Utah 2016, Chapter 200

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

Section 1. Section **53A-1a-106** is amended to read:

**53A-1a-106. School district and individual school powers -- Plan for college and career readiness definition.**

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

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

- (i) develop and implement programs integrating technology into the curriculum, instruction, and student assessment;
- (ii) provide for teacher and parent involvement in policymaking at the school site;
- (iii) implement a public school choice program to give parents, students, and teachers greater flexibility in designing and choosing among programs with different focuses through schools within the same district and other districts, subject to space availability, demographics, and legal and performance criteria;
- (iv) establish strategic planning at both the district and school level and site-based decision making programs at the school level;
- (v) provide opportunities for each student to acquire and develop academic and occupational knowledge, skills, and abilities;
- (vi) participate in ongoing research and development projects primarily at the school level aimed at improving the quality of education within the system; and
- (vii) involve business and industry in the education process through the establishment of partnerships with the business community at the district and school level.

(b) (i) As used in this title, [~~"student education/occupation plan" or "SEOP"~~] "plan for

58 college and career readiness" means a plan developed by a student and the student's parent or  
59 guardian, in consultation with school counselors, teachers, and administrators that:

- 60 (A) is initiated at the beginning of grade 7;
- 61 (B) identifies a student's skills and objectives;
- 62 (C) maps out a strategy to guide a student's course selection; and
- 63 (D) links a student to post-secondary options, including higher education and careers.

64 (ii) Each local school board, in consultation with school personnel, parents, and school  
65 community councils or similar entities shall establish policies to provide for the effective  
66 implementation of [~~a personalized student education plan (SEP) or student~~  
67 ~~education/occupation plan (SEOP)] an individual learning plan or a plan for college and career  
68 readiness for each student at the school site.~~

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

- 70 (A) recognizing the student's accomplishments, strengths, and progress towards  
71 meeting student achievement standards as defined in U-PASS;
- 72 (B) planning, monitoring, and managing education and career development; and
- 73 (C) involving students, parents, and school personnel in preparing and implementing  
74 [~~SEPs and SEOPs~~] an individual learning plan and a plan for college and career readiness.

75 (iv) A parent may request [~~conferences~~] a conference with school personnel in addition  
76 to [~~SEP or SEOP conferences~~] an individual learning plan or a plan for college and career  
77 readiness conference established by local school board policy.

78 (v) Time spent during the school day to implement [~~SEPs and SEOPs~~] an individual  
79 learning plan or a plan for college and career readiness is considered part of the school term  
80 referred to in Subsection [53A-17a-103\(4\)](#).

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

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

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

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

89 **53A-3-602.5. School performance report -- Components -- Annual filing.**

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

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

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

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

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

103 (B) by class;

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

105 (iii) college readiness assessments required under Section [53A-1-603](#);

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

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

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

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

113 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and

114 percent who pass the test; and  
115 (iv) of those students taking a concurrent enrollment course, the number and percent of  
116 those who receive college credit for the course;  
117 (d) the number and percent of students in grade 3 reading at or above grade level;  
118 (e) the number and percent of students who were absent from school 10 days or more  
119 during the school year;  
120 (f) achievement gaps that reflect the differences in achievement of various student  
121 groups as defined by State Board of Education rule;  
122 (g) the number and percent of "student dropouts" within the school district as defined  
123 by State Board of Education rule;  
124 (h) course-taking patterns and trends in secondary schools;  
125 (i) student mobility;  
126 (j) staff qualifications, to include years of professional service and the number and  
127 percent of staff who have a degree or endorsement in their assigned teaching area and the  
128 number and percent of staff who have a graduate degree;  
129 (k) the number and percent of parents who participate in [~~SEP, SEOP,~~] an individual  
130 learning plan, a plan for college and career readiness, and parent-teacher conferences;  
131 (l) average class size calculated in accordance with State Board of Education rule  
132 adopted under Subsection (4);  
133 (m) average daily attendance as defined by State Board of Education rule, including  
134 every period in secondary schools; and  
135 (n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited  
136 English proficiency, and those students who qualify for free or reduced price school lunch.  
137 (3) For a school year beginning with or after the 2010-11 school year, the State Board  
138 of Education, in collaboration with the state's school districts and charter schools, shall provide  
139 for the collection and electronic reporting of the following data for a school in each school  
140 district and each charter school:  
141 (a) test scores and trends over the previous four years on the tests referred to in

142 Subsection (2)(a);

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

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

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

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

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

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

158 (I) be calculated by grade level; and

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

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

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

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

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

170 (I) be calculated for core language arts, mathematics, and science courses; and  
171 (II) indicate the average number of students who are assigned to a teacher for  
172 instruction together during a designated time period.

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

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

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

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

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

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

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

196 (b) Each local school board, each charter school, and the State Board of Education  
197 shall have a complete report of the statewide data available for copying or in an electronic

198 format at their respective offices.

199 Section 3. Section **53A-15-1204** is amended to read:

200 **53A-15-1204. Option to enroll in online courses offered through the Statewide**  
201 **Online Education Program.**

202 (1) Subject to the course limitations provided in Subsection (2), an eligible student may  
203 enroll in an online course offered through the Statewide Online Education Program if:

204 (a) the student meets the course prerequisites;

205 (b) the course is open for enrollment;

206 (c) the online course is aligned with the student's [~~student education/occupation plan~~  
207 ~~(SEOP)~~] plan for college and career readiness;

208 (d) the online course is consistent with the student's individual education plan (IEP), if  
209 the student has an IEP; and

210 (e) the online course is consistent with the student's international baccalaureate  
211 program, if the student is participating in an international baccalaureate program.

212 (2) An eligible student may enroll in online courses for no more than the following  
213 number of credits:

214 (a) in the 2011-12 and 2012-13 school years, two credits;

215 (b) in the 2013-14 school year, three credits;

216 (c) in the 2014-15 school year, four credits;

217 (d) in the 2015-16 school year, five credits; and

218 (e) beginning with the 2016-17 school year, six credits.

219 (3) Notwithstanding Subsection (2):

220 (a) a student's primary LEA of enrollment may allow an eligible student to enroll in  
221 online courses for more than the number of credits specified in Subsection (2); or

222 (b) upon the request of an eligible student, the State Board of Education may allow the  
223 student to enroll in online courses for more than the number of credits specified in Subsection  
224 (2), if the online courses better meet the academic goals of the student.

225 (4) An eligible student's primary LEA of enrollment:



226 (a) in conjunction with the student and the student's parent or legal guardian, is  
227 responsible for preparing and implementing a [~~student education/occupation plan (SEOP)~~] plan  
228 for college and career readiness for the eligible student, as provided in Section 53A-1a-106;  
229 and

230 (b) shall assist an eligible student in scheduling courses in accordance with the  
231 student's [~~SEOP~~] plan for college and career readiness, graduation requirements, and the  
232 student's post-secondary plans.

233 (5) An eligible student's primary LEA of enrollment may not:

234 (a) impose restrictions on a student's selection of an online course that fulfills  
235 graduation requirements and is consistent with the student's [~~SEOP~~] plan for college and career  
236 readiness or post-secondary plans; or

237 (b) give preference to an online course or online course provider.

238 (6) The State Board of Education, including an employee of the State Board of  
239 Education, may not give preference to an online course or online course provider.

240 (7) (a) Except as provided in Subsection (7)(b), a person may not provide an  
241 inducement or incentive to a public school student to participate in the Statewide Online  
242 Education Program.

243 (b) For purposes of Subsection (7)(a):

244 (i) "Inducement or incentive" does not mean:

245 (A) instructional materials or software necessary to take an online course; or

246 (B) access to a computer or digital learning device for the purpose of taking an online  
247 course.

248 (ii) "Person" does not include a relative of the public school student.

249 Section 4. Section **53A-15-1208** is amended to read:

250 **53A-15-1208. Course credit acknowledgment.**

251 (1) A student's primary LEA of enrollment and the student's online course provider  
252 shall enter into a course credit acknowledgment in which the primary LEA of enrollment and  
253 the online course provider acknowledge that the online course provider is responsible for the

254 instruction of the student in a specified online course.

255 (2) The terms of the course credit acknowledgment shall provide that:

256 (a) the online course provider shall receive a payment in the amount provided under  
257 Section [53A-15-1206](#); and

258 (b) the student's primary LEA of enrollment acknowledges that the State Board of  
259 Education will deduct funds allocated to the LEA under Chapter 17a, Minimum School  
260 Program Act, in the amount and at the time the online course provider qualifies to receive  
261 payment for the online course as provided in Subsection [53A-15-1206\(4\)](#).

262 (3) (a) A course credit acknowledgment may originate with either an online course  
263 provider or primary LEA of enrollment.

264 (b) The originating entity shall submit the course credit acknowledgment to the State  
265 Board of Education who shall forward it to the primary LEA of enrollment for course selection  
266 verification or the online course provider for acceptance.

267 (c) (i) A primary LEA of enrollment may only reject a course credit acknowledgment  
268 if:

269 (A) the online course is not aligned with the student's [~~SEOP~~] plan for college and  
270 career readiness;

271 (B) the online course is not consistent with the student's IEP, if the student has an IEP;

272 (C) the online course is not consistent with the student's international baccalaureate  
273 program, if the student participates in an international baccalaureate program; or

274 (D) the number of online course credits exceeds the maximum allowed for the year as  
275 provided in Section [53A-15-1204](#).

276 (ii) Verification of alignment of an online course with a student's [~~SEOP~~] plan for  
277 college and career readiness does not require a meeting with the student.

278 (d) An online course provider may only reject a course credit acknowledgment if:

279 (i) the student does not meet course prerequisites; or

280 (ii) the course is not open for enrollment.

281 (e) A primary LEA of enrollment or online course provider shall submit an acceptance

282 or rejection of a course credit acknowledgment to the State Board of Education within 72  
283 business hours of the receipt of a course credit acknowledgment from the State Board of  
284 Education pursuant to Subsection (3)(b).

285 (f) If an online course provider accepts a course credit acknowledgment, the online  
286 course provider shall forward to the primary LEA of enrollment the online course start date as  
287 established under Section [53A-15-1206.5](#).

288 (g) If an online course provider rejects a course credit acknowledgment, the online  
289 course provider shall include an explanation which the State Board of Education shall forward  
290 to the primary LEA of enrollment for the purpose of assisting a student with future online  
291 course selection.

292 (h) If a primary LEA of enrollment does not submit an acceptance or rejection of a  
293 course credit acknowledgment to the State Board of Education within 72 business hours of the  
294 receipt of a course credit acknowledgment from the State Board of Education pursuant to  
295 Subsection (3)(b), the State Board of Education shall consider the course credit  
296 acknowledgment accepted.

297 (i) (i) Upon acceptance of a course credit acknowledgment, the primary LEA of  
298 enrollment shall notify the student of the acceptance and the start date for the online course as  
299 established under Section [53A-15-1206.5](#).

300 (ii) Upon rejection of a course credit acknowledgment, the primary LEA of enrollment  
301 shall notify the student of the rejection and provide an explanation of the rejection.

302 (j) If the online course student has an individual education plan (IEP) or 504  
303 accommodations, the primary LEA of enrollment shall forward the IEP or description of 504  
304 accommodations to the online course provider within 72 business hours after the primary LEA  
305 of enrollment receives notice that the online course provider accepted the course credit  
306 acknowledgment.

307 (4) (a) A primary LEA of enrollment may not reject a course credit acknowledgment,  
308 because the LEA is negotiating, or intends to negotiate, an online course fee with the online  
309 course provider pursuant to Subsection [53A-15-1206\(6\)](#).

310 (b) If a primary LEA of enrollment negotiates an online course fee with an online  
311 course provider before the start date of an online course, a course credit acknowledgment may  
312 be amended to reflect the negotiated online course fee.

313 Section 5. Section **53A-15-1209** is amended to read:

314 **53A-15-1209. Online course credit hours included in daily membership --**  
315 **Limitation.**

316 (1) Subject to Subsection (2), a student's primary LEA of enrollment shall include  
317 online course credit hours in calculating daily membership.

318 (2) A student may not count as more than one FTE, unless the student intends to  
319 complete high school graduation requirements, and exit high school, early, in accordance with  
320 the student's [~~education/occupation plan (SEOP)~~] plan for college and career readiness.

321 (3) A student who enrolls in an online course may not be counted in membership for a  
322 released-time class, if counting the student in membership for a released-time class would  
323 result in the student being counted as more than one FTE.

324 (4) Except as provided in Subsection (5), a student enrolled in an online course may  
325 earn no more credits in a year than the number of credits a student may earn in a year by taking  
326 a full course load during the regular school day in the student's primary LEA of enrollment.

327 (5) A student enrolled in an online course may earn more credits in a year than the  
328 number of credits a student may earn in a year by taking a full course load during the regular  
329 school day in the student's primary LEA of enrollment:

330 (a) if the student intends to complete high school graduation requirements, and exit  
331 high school, early, in accordance with the student's [~~education/occupation plan (SEOP)~~] plan  
332 for college and career readiness; or

333 (b) if allowed under local school board or charter school governing board policy.

334 Section 6. Section **53A-15-1702** is amended to read:

335 **53A-15-1702. Definitions.**

336 (1) "Concurrent enrollment" means enrollment in a course offered through the  
337 concurrent enrollment program described in Section **53A-15-1703**.

- 338 (2) "Educator" means the same as that term is defined in Section 53A-6-103.
- 339 (3) "Eligible instructor" means an instructor who is:
  - 340 (a) employed as faculty by an institution of higher education; or
  - 341 (b) (i) employed by an LEA;
  - 342 (ii) licensed by the State Board of Education under Title 53A, Chapter 6, Educator
  - 343 Licensing and Professional Practices Act;
  - 344 (iii) (A) approved as adjunct faculty by an institution of higher education; or
  - 345 (B) a mathematics educator who has an upper level mathematics endorsement; and
  - 346 (iv) supervised by an institution of higher education.
- 347 (4) "Eligible student" means a student who:
  - 348 (a) is enrolled in, and counted in average daily membership in, a high school within the
  - 349 state;
  - 350 (b) has a ~~[student education occupation plan]~~ plan for college and career readiness, as
  - 351 described in Section 53A-1a-106, on file at a high school within the state; and
  - 352 (c) (i) is a grade 11 or grade 12 student; or
  - 353 (ii) is a grade 9 or grade 10 student who qualifies by exception as described in Section
  - 354 53A-15-1703.
- 355 (5) "Endorsement" means a stipulation, authorized by the State Board of Education and
- 356 appended to a license, that specifies an area of practice to which the license applies.
- 357 (6) "Institution of higher education" means the same as that term is defined in Section
- 358 53B-3-102.
- 359 (7) "License" means the same as that term is defined in Section 53A-6-103.
- 360 (8) "Local education agency" or "LEA" means a school district or charter school.
- 361 (9) "Participating eligible student" means an eligible student enrolled in a concurrent
- 362 enrollment course.
- 363 (10) "Upper level mathematics endorsement" means an endorsement required by the
- 364 State Board of Education for an educator to teach calculus.
- 365 (11) "Value of the weighted pupil unit" means the same as that term is defined in

366 Section [53A-1a-703](#).