

EDUCATION REPORTING AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Justin L. Fawson

LONG TITLE

General Description:

This bill amends reporting requirements related to public education.

Highlighted Provisions:

This bill:

- ▶ repeals certain reporting requirements placed on a local education agency, the state superintendent of public instruction, and the State Board of Education; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1-301, as last amended by Laws of Utah 2016, Chapter 348

53A-3-403, as last amended by Laws of Utah 2004, Chapter 206

53A-6-105, as last amended by Laws of Utah 2016, Chapter 144

53A-17a-153, as last amended by Laws of Utah 2010, Chapter 3

53A-17a-165, as last amended by Laws of Utah 2015, Chapter 258

53A-17a-166, as enacted by Laws of Utah 2011, Chapter 359

53A-17a-168, as enacted by Laws of Utah 2012, Chapter 188



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

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

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

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

(b) The ~~[board]~~ State Board of Education shall appoint the state superintendent on the basis of outstanding professional qualifications.

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

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

(a) core standards for Utah public schools and graduation requirements;

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

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

(d) model remediation programs;

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

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

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

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

(i) a systematic method to encourage innovation in schools and school districts as ~~[they]~~

59 ~~strive]~~ each strives to achieve improvement in [~~their~~] performance; and

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

62 (3) The state superintendent shall perform duties assigned by the [~~board~~] State Board
63 of Education, including [~~the following~~]:

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

65 (b) adopting and keeping an official seal to authenticate the state superintendent's
66 official acts;

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

68 (d) presenting to the governor and the Legislature each December a report of the public
69 school system for the preceding year [~~to include~~] that includes:

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

72 (ii) a complete statement of fund balances;

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

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

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

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

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

85 [~~(B) medical and dental premium cost adjustments; and]~~

86 [~~(C) adjustments in the number of teachers and other staff;]~~

87 [~~(vii)] (vi) a statement that includes data on:~~

88 (A) fall enrollments;

89 (B) average membership;

- 90 (C) high school graduates;
- 91 (D) licensed and classified employees, including data reported by school districts on
- 92 educator ratings pursuant to Section 53A-8a-410;
- 93 (E) pupil-teacher ratios;
- 94 (F) average class sizes calculated in accordance with State Board of Education rules
- 95 adopted under Subsection 53A-3-602.5(4);
- 96 (G) average salaries;
- 97 (H) applicable private school data; and
- 98 (I) data from standardized norm-referenced tests in grades 5, 8, and 11 on each school
- 99 and school district;

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

- 102 (A) alcohol and drug abuse;
- 103 (B) weapon possession;
- 104 (C) assaults; and
- 105 (D) arson;

106 [~~ix~~] (viii) information about:

- 107 (A) the development and implementation of the strategy of focusing on core
- 108 academics;
- 109 (B) the development and implementation of competency-based education and
- 110 progress-based assessments; and
- 111 (C) the results being achieved under Subsections (3)(d)[~~ix~~](viii)(A) and (B), as
- 112 measured by individual progress-based assessments and a comparison of Utah students'
- 113 progress with the progress of students in other states using standardized norm-referenced tests
- 114 as benchmarks; and

115 [~~x~~] (ix) other statistical and financial information about the school system [~~which~~]
116 that the state superintendent considers pertinent;

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

- 121 (i) data that are:
- 122 (A) comparable across schools and school districts;
- 123 (B) appropriate for use in longitudinal studies; and
- 124 (C) comprehensive with regard to the data elements required under applicable state or
- 125 federal law or [~~state board~~] State Board of Education rule;
- 126 (ii) features that enable users, most particularly school administrators, teachers, and
- 127 parents, to:
- 128 (A) retrieve school and school district level data electronically;
- 129 (B) interpret the data visually; and
- 130 (C) draw conclusions that are statistically valid; and
- 131 (iii) procedures for the collection and management of education data that:
- 132 (A) require the state superintendent [~~of public instruction~~] to:
- 133 (I) collaborate with school districts in designing and implementing uniform data
- 134 standards and definitions;
- 135 (II) undertake or sponsor research to implement improved methods for analyzing
- 136 education data;
- 137 (III) provide for data security to prevent unauthorized access to or contamination of the
- 138 data; and
- 139 (IV) protect the confidentiality of data under state and federal privacy laws; and
- 140 (B) require all school districts and schools to comply with the data collection and
- 141 management procedures established under Subsection (3)(e);
- 142 (f) administering and implementing federal educational programs in accordance with
- 143 Title 53A, Chapter 1, Part 9, Implementing Federal or National Education Programs Act; and
- 144 (g) with the approval of the [~~board~~] State Board of Education, preparing and
- 145 submitting to the governor a budget for the [~~board~~] State Board of Education to be included in
- 146 the budget that the governor submits to the Legislature.
- 147 (4) The state superintendent shall distribute funds deposited in the Autism Awareness
- 148 Restricted Account created in Section [53A-1-304](#) in accordance with the requirements of
- 149 Section [53A-1-304](#).
- 150 (5) Upon leaving office, the state superintendent shall deliver to the state
- 151 superintendent's successor all books, records, documents, maps, reports, papers, and other

152 articles pertaining to the state superintendent's office.

153 (6) (a) For the ~~[purpose]~~ purposes of Subsection (3)(d)~~[(vii)]~~(vi):

154 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
155 students enrolled in a school by the number of full-time equivalent teachers assigned to the
156 school, including regular classroom teachers, school-based specialists, and special education
157 teachers;

158 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of
159 the schools within a school district;

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

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

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

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

166 (A) each school district;

167 (B) the charter schools aggregated; and

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

169 (ii) indicate ~~[the Internet]~~ a website where pupil-teacher ratios for each school in the
170 state may be accessed.

171 Section 2. Section **53A-3-403** is amended to read:

172 **53A-3-403. School district fiscal year -- Statistical reports.**

173 (1) A school district's fiscal year begins on July 1 and ends on June 30.

174 (2) (a) ~~[The]~~ A school district shall forward statistical reports for the preceding school
175 year, containing items required by law or by the State Board of Education, to the state
176 superintendent ~~[not later than]~~ on or before November 1 of each year.

177 (b) The reports shall include information to enable the state superintendent to complete
178 the statement required under Subsection **53A-1-301**(3)(d)(v).

179 (3) ~~[The]~~ A school district shall forward the accounting report required under Section
180 **51-2a-201** to the state superintendent ~~[not later than]~~ on or before October 15 of each year.

181 ~~[(4) The district shall include the following information in its report:]~~

182 ~~[(a) a summary of the number of students in the district given fee waivers, the number~~

183 of students who worked in lieu of a waiver, and the total dollar value of student fees waived by
 184 the district;]

185 [~~(b) a copy of the district's fee and fee waiver policy;~~]

186 [~~(c) a copy of the district's fee schedule for students; and]~~

187 [~~(d) notices of fee waivers provided to a parent or guardian of a student.]~~

188 Section 3. Section **53A-6-105** is amended to read:

189 **53A-6-105. Licensing fees -- Credit to subfund -- Payment of expenses.**

190 (1) The board shall levy a fee for each new, renewed, or reinstated license or
 191 endorsement in accordance with Section [63J-1-504](#).

192 (2) Fee payments are credited to the Professional Practices Restricted Subfund in the
 193 Uniform School Fund.

194 (3) The board shall pay the expenses of issuing licenses and of UPPAC operations, and
 195 the costs of collecting license fees from the restricted subfund.

196 [~~(4) The board shall submit an annual report to the Legislature's Public Education
 197 Appropriations Subcommittee informing the Legislature about the fund, fees assessed and
 198 collected, and expenditures from the fund.]~~

199 Section 4. Section **53A-17a-153** is amended to read:

200 **53A-17a-153. Educator salary adjustments.**

201 (1) As used in this section, "educator" means a person employed by a school district,
 202 charter school, or the Utah Schools for the Deaf and the Blind who holds:

203 (a) a license issued under Title 53A, Chapter 6, Educator Licensing and Professional
 204 Practices Act; and

205 (b) a position as a:

206 (i) classroom teacher;

207 (ii) speech pathologist;

208 (iii) librarian or media specialist;

209 (iv) preschool teacher;

210 (v) mentor teacher;

211 (vi) teacher specialist or teacher leader;

212 (vii) guidance counselor;

213 (viii) audiologist;

- 214 (ix) psychologist; or
- 215 (x) social worker.

216 (2) In recognition of the need to attract and retain highly skilled and dedicated
 217 educators, the Legislature shall annually appropriate money for educator salary adjustments,
 218 subject to future budget constraints.

219 (3) Money appropriated to the State Board of Education for educator salary
 220 adjustments shall be distributed to school districts, charter schools, and the Utah Schools for
 221 the Deaf and the Blind in proportion to the number of full-time-equivalent educator positions
 222 in a school district, a charter school, or the Utah Schools for the Deaf and the Blind as
 223 compared to the total number of full-time-equivalent educator positions in school districts,
 224 charter schools, and the Utah Schools for the Deaf and the Blind.

225 (4) ~~[School districts, charter schools, and]~~ A school district, a charter school, or the
 226 Utah Schools for the Deaf and the Blind shall award bonuses to educators as follows:

227 (a) the amount of the salary adjustment shall be the same for each full-time-equivalent
 228 educator position in the school district, charter school, or the Utah Schools for the Deaf and the
 229 Blind;

230 (b) ~~[a person]~~ an individual who is not a full-time educator shall receive a partial salary
 231 adjustment based on the number of hours the ~~[person]~~ individual works as an educator; and

232 (c) a salary [adjustments] adjustment may be awarded only to ~~[educators]~~ an educator
 233 who ~~[have]~~ has received a satisfactory rating or above on ~~[their]~~ the educator's most recent
 234 evaluation.

235 ~~[(5)(a) Each school district and charter school and the Utah Schools for the Deaf and~~
 236 ~~the Blind shall submit a report to the State Board of Education on how the money for salary~~
 237 ~~adjustments was spent, including the amount of the salary adjustment and the number of full~~
 238 ~~and partial salary adjustments awarded.]~~

239 ~~[(b) The State Board of Education shall compile the information reported under~~
 240 ~~Subsection (5) and submit it to the Public Education Appropriations Subcommittee by~~
 241 ~~November 30 each year.]~~

242 ~~[(6)]~~ (5) The State Board of Education may make rules as necessary to administer this
 243 section, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

244 ~~[(7)]~~ (6) (a) Subject to future budget constraints, the Legislature shall appropriate

245 sufficient money each year to:

246 (i) maintain educator salary adjustments provided in prior years; and

247 (ii) provide educator salary adjustments to new employees.

248 (b) Money appropriated for educator salary adjustments shall include money for the

249 following employer-paid benefits:

250 (i) retirement;

251 (ii) worker's compensation;

252 (iii) social security; and

253 (iv) Medicare.

254 [(8)] (7) (a) Subject to future budget constraints, the Legislature shall:

255 (i) maintain the salary adjustments provided to school administrators in the 2007-08
256 school year; and

257 (ii) provide salary adjustments for new school administrators in the same amount as
258 provided for existing school administrators.

259 (b) The appropriation provided for educator salary adjustments shall include salary
260 adjustments for school administrators as specified in Subsection [(8)] (7)(a).

261 (c) In distributing and awarding salary adjustments for school administrators, the State
262 Board of Education, [~~school districts, charter schools, and~~] a school district, a charter school, or
263 the Utah Schools for the Deaf and the Blind shall comply with the requirements for the
264 distribution and award of educator salary adjustments as provided in Subsections (3) and (4).

265 Section 5. Section **53A-17a-165** is amended to read:

266 **53A-17a-165. Enhancement for Accelerated Students Program.**

267 (1) As used in this section, "eligible low-income student" means a student who:

268 (a) takes an Advanced Placement test;

269 (b) has applied for an Advanced Placement test fee reduction; and

270 (c) qualifies for a free lunch or a lunch provided at reduced cost.

271 (2) The State Board of Education shall distribute money appropriated for the
272 Enhancement for Accelerated Students Program to school districts and charter schools
273 according to a formula adopted by the State Board of Education, after consultation with school
274 districts and charter schools.

275 (3) A distribution formula adopted under Subsection (2) may include an allocation of

276 money for:

- 277 (a) Advanced Placement courses;
- 278 (b) Advanced Placement test fees of eligible low-income students;
- 279 (c) gifted and talented programs, including professional development for teachers of
- 280 high ability students; and
- 281 (d) International Baccalaureate programs.

282 (4) The greater of 1.5% or \$100,000 of the appropriation for the Enhancement for

283 Accelerated Students Program may be allowed for International Baccalaureate programs.

284 (5) A school district or charter school shall use money distributed under this section to

285 enhance the academic growth of students whose academic achievement is accelerated.

286 (6) ~~[(a)]~~ The State Board of Education shall develop performance criteria to measure

287 the effectiveness of the Enhancement for Accelerated Students Program ~~[and make an annual~~

288 ~~report to the Public Education Appropriations Subcommittee on the effectiveness of the~~

289 ~~program].~~

290 ~~[(b) In the report required by Subsection (6)(a), the State Board of Education shall~~

291 ~~include data showing the use and impact of money allocated for Advanced Placement test fees~~

292 ~~of eligible low-income students.]~~

293 Section 6. Section **53A-17a-166** is amended to read:

294 **53A-17a-166. Enhancement for At-Risk Students Program.**

295 (1) (a) Subject to the requirements of Subsection (1)(b), the State Board of Education

296 shall distribute money appropriated for the Enhancement for At-Risk Students Program to

297 school districts and charter schools according to a formula adopted by the State Board of

298 Education, after consultation with school districts and charter schools.

299 (b) (i) The State Board of Education shall appropriate \$1,200,000 from the

300 appropriation for Enhancement for At-Risk Students for a gang prevention and intervention

301 program designed to help students at-risk for gang involvement stay in school.

302 (ii) Money for the gang prevention and intervention program shall be distributed to

303 school districts and charter schools through a request for proposals process.

304 (2) In establishing a distribution formula under Subsection (1)(a), the State Board of

305 Education shall use the following criteria:

- 306 (a) low performance on U-PASS tests;

- 307 (b) poverty;
- 308 (c) mobility; and
- 309 (d) limited English proficiency.

310 (3) A school district or charter school shall use money distributed under this section to
311 improve the academic achievement of students who are at risk of academic failure.

312 (4) The State Board of Education shall develop performance criteria to measure the
313 effectiveness of the Enhancement for At-Risk Students Program [~~and make an annual report to~~
314 ~~the Public Education Appropriations Subcommittee on the effectiveness of the program~~].

315 Section 7. Section **53A-17a-168** is amended to read:

316 **53A-17a-168. Appropriation for Title 1 Schools in Improvement Paraeducators**
317 **Program.**

318 (1) As used in this section:

319 (a) "Eligible school" means a Title 1 school that has not achieved adequate yearly
320 progress, as defined in the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq. in
321 the same subject area for two consecutive years.

322 (b) "Paraeducator" means a school employee who:

- 323 (i) delivers instruction under the direct supervision of a teacher; and
- 324 (ii) meets the requirements under Subsection (3).

325 (c) "Program" means the Title 1 Schools in Improvement Paraeducators Program
326 created in this section.

327 (2) The program is created to provide funding for eligible schools to hire paraeducators
328 to provide additional instructional aid in the classroom to assist students in achieving academic
329 success and assist the school in exiting Title 1 school improvement status.

330 (3) A paraeducator who is funded under this section shall have:

331 (a) earned a secondary school diploma or a recognized equivalent;

332 (b) (i) completed at least two years with a minimum of 48 semester hours at an
333 accredited higher education institution;

334 (ii) obtained an associates or higher degree from an accredited higher education
335 institution; or

336 (iii) satisfied a rigorous state or local assessment about the individual's knowledge of,
337 and ability to assist in instructing students in, reading, writing, and mathematics; and

338 (c) received large group-, small group-, and individual-level professional development
339 that is intensive and focused and covers curriculum, instruction, assessment, classroom and
340 behavior management, and teaming.

341 (4) The State Board of Education shall distribute money appropriated for the program
342 to eligible schools, in accordance with rules adopted by the board.

343 (5) Funds appropriated under the program may not be used to supplant other money
344 used for paraeducators at eligible schools.

345 ~~[(6) The State Board of Education shall submit an annual report to the Legislature's
346 Public Education Appropriations Subcommittee that includes information on:]~~

347 ~~[(a) the amount of money distributed to each eligible school under this section;]~~

348 ~~[(b) how many paraeducators were hired at each eligible school with program money;]~~

349 ~~[(c) additional funding eligible schools used to supplement program money in hiring
350 paraeducators; and]~~

351 ~~[(d) accountability measures, including test scores of students served by the program.]~~

Legislative Review Note
Office of Legislative Research and General Counsel