

Representative Marie H. Poulson proposes the following substitute bill:

**STUDENT ASSESSMENT AND SCHOOL
ACCOUNTABILITY AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

This bill amends and enacts provisions related to assessments and accountability in the public education system.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ repeals outdated references to the Utah Performance Assessment System for Students or "U-PASS";
- ▶ amends provisions related to the administration of statewide assessments;
- ▶ enacts provisions related to a high school assessment;
- ▶ repeals and reenacts provisions related to:
 - State Board of Education duties related to assessments; and
 - standards assessments;
- ▶ amends other provisions related to assessments;
- ▶ establishes a school accountability system;
- ▶ enacts provisions related to the school accountability system, including provisions related to:



- 26 • the indicators and calculation of points used to determine a school's rating under
- 27 the school accountability system;
- 28 • required rulemaking by the board; and
- 29 • required reports;
- 30 ▶ repeals and reenacts, for technical purposes, provisions related to youth suicide
- 31 prevention training; and
- 32 ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 This bill provides a special effective date.

37 This bill provides revisor instructions.

38 **Utah Code Sections Affected:**

39 AMENDS:

- 40 **53A-1-301**, as last amended by Laws of Utah 2016, Chapter 348
- 41 **53A-1-402.6**, as last amended by Laws of Utah 2015, Chapter 415
- 42 **53A-1-413**, as last amended by Laws of Utah 2016, Chapter 144
- 43 **53A-1-601**, as last amended by Laws of Utah 2000, Chapter 219
- 44 **53A-1-602**, as last amended by Laws of Utah 2015, Chapters 222 and 415
- 45 **53A-1-603.5**, as enacted by Laws of Utah 2006, Chapter 147
- 46 **53A-1-605**, as last amended by Laws of Utah 2015, Chapter 222
- 47 **53A-1-607**, as last amended by Laws of Utah 2009, Chapter 299
- 48 **53A-1-608**, as enacted by Laws of Utah 1990, Chapter 267
- 49 **53A-1-610**, as enacted by Laws of Utah 1990, Chapter 267
- 50 **53A-1-611**, as last amended by Laws of Utah 2016, Chapter 203
- 51 **53A-1-613**, as enacted by Laws of Utah 2013, Chapter 161
- 52 **53A-1-708**, as last amended by Laws of Utah 2016, Chapters 144 and 221
- 53 **53A-1-1202**, as last amended by Laws of Utah 2016, Chapter 241
- 54 **53A-1-1203**, as last amended by Laws of Utah 2016, Chapter 241
- 55 **53A-1-1206**, as last amended by Laws of Utah 2016, Chapter 241
- 56 **53A-1-1207**, as last amended by Laws of Utah 2016, Chapter 241

- 57 [53A-1-1208](#), as last amended by Laws of Utah 2016, Chapter 241
- 58 [53A-1-1209](#), as last amended by Laws of Utah 2016, Chapter 331
- 59 [53A-1a-106](#), as last amended by Laws of Utah 2012, Chapter 315
- 60 [53A-1a-504](#), as last amended by Laws of Utah 2016, Chapter 213
- 61 [53A-1a-510](#), as last amended by Laws of Utah 2015, Chapter 449
- 62 [53A-15-1403](#), as last amended by Laws of Utah 2015, Chapter 444
- 63 [53A-17a-166](#), as enacted by Laws of Utah 2011, Chapter 359
- 64 [53A-25b-304](#), as last amended by Laws of Utah 2012, Chapter 291

65 ENACTS:

- 66 [53A-1-611.5](#), Utah Code Annotated 1953
- 67 [53A-1-1113.5](#), Utah Code Annotated 1953
- 68 [53A-15-1303](#), Utah Code Annotated 1953

69 REPEALS AND REENACTS:

- 70 [53A-1-603](#), as last amended by Laws of Utah 2016, Chapters 203 and 221
- 71 [53A-1-604](#), as last amended by Laws of Utah 2013, Chapter 161
- 72 [53A-1-1101](#), as enacted by Laws of Utah 2011, Chapter 417
- 73 [53A-1-1102](#), as last amended by Laws of Utah 2015, Chapter 452
- 74 [53A-1-1103](#), as last amended by Laws of Utah 2015, Chapter 415
- 75 [53A-1-1104](#), as last amended by Laws of Utah 2015, Chapters 258 and 452
- 76 [53A-1-1105](#), as last amended by Laws of Utah 2013, Chapter 478 and last amended by
- 77 Coordination Clause, Laws of Utah 2013, Chapter 478
- 78 [53A-1-1106](#), as last amended by Laws of Utah 2013, Chapter 478
- 79 [53A-1-1107](#), as last amended by Laws of Utah 2014, Chapter 403
- 80 [53A-1-1108](#), as last amended by Laws of Utah 2014, Chapter 403
- 81 [53A-1-1109](#), as enacted by Laws of Utah 2011, Chapter 417
- 82 [53A-1-1110](#), as last amended by Laws of Utah 2016, Chapter 349
- 83 [53A-1-1111](#), as enacted by Laws of Utah 2011, Chapter 417
- 84 [53A-1-1112](#), as last amended by Laws of Utah 2013, Chapter 478

85 REPEALS:

- 86 [53A-1-1104.5](#), as enacted by Laws of Utah 2014, Chapter 403
- 87 [53A-1-1107.5](#), as last amended by Laws of Utah 2015, Chapter 452

- 88 **53A-1-1113**, as enacted by Laws of Utah 2011, Chapter 417
- 89 **53A-3-601**, as last amended by Laws of Utah 2000, Chapter 219
- 90 **53A-3-602.5**, as last amended by Laws of Utah 2015, Chapter 415
- 91 **53A-3-603**, as last amended by Laws of Utah 2016, Chapter 144

92 **Utah Code Sections Affected by Revisor Instructions:**

- 93 **53A-1-413**, as last amended by Laws of Utah 2016, Chapter 144



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

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

97 **53A-1-301. Appointment -- Qualifications -- Duties.**

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

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

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

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

- 110 (a) core standards for Utah public schools and graduation requirements;
- 111 (b) a process to select model instructional materials that best correlate [~~to~~] with the
112 core standards for Utah public schools and graduation requirements that are supported by
113 generally accepted scientific standards of evidence;
- 114 (c) professional development programs for teachers, superintendents, and principals;
- 115 (d) model remediation programs;
- 116 (e) a model method for creating individual student learning targets, and a method of
117 measuring an individual student's performance toward those targets;
- 118 (f) progress-based assessments for ongoing performance evaluations of school districts

119 and schools;

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

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

124 (i) a systematic method to encourage innovation in schools and school districts as [~~they~~
125 ~~strive~~] each strives to achieve improvement in [~~their~~] performance; and

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

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

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

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

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

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

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

138 (ii) a complete statement of fund balances;

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

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

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

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

149 (A) wage increases, with expenditure data for base salary adjustments identified

150 separately from step and lane expenditures;

151 (B) medical and dental premium cost adjustments; and

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

153 (vii) a statement that includes data on:

154 (A) fall enrollments;

155 (B) average membership;

156 (C) high school graduates;

157 (D) licensed and classified employees, including data reported by school districts on

158 educator ratings pursuant to Section [53A-8a-410](#);

159 (E) pupil-teacher ratios;

160 (F) average class sizes [~~calculated in accordance with State Board of Education rules~~

161 ~~adopted under Subsection [53A-3-602.5\(4\)](#)];~~

162 (G) average salaries;

163 (H) applicable private school data; and

164 (I) data from [~~standardized norm-referenced tests in grades 5, 8, and 11 on~~] statewide

165 assessments described in Section [53A-1-602](#) for each school and school district;

166 (viii) statistical information regarding incidents of delinquent activity in the schools or

167 at school-related activities with separate categories for:

168 (A) alcohol and drug abuse;

169 (B) weapon possession;

170 (C) assaults; and

171 (D) arson;

172 (ix) information about:

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

174 academics;

175 (B) the development and implementation of competency-based education and

176 progress-based assessments; and

177 (C) the results being achieved under Subsections (3)(d)(ix)(A) and (B), as measured by

178 individual progress-based assessments and a comparison of Utah students' progress with the

179 progress of students in other states using standardized norm-referenced tests as benchmarks;

180 and

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

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

187 (i) data that are:

188 (A) comparable across schools and school districts;

189 (B) appropriate for use in longitudinal studies; and

190 (C) comprehensive with regard to the data elements required under applicable state or
191 federal law or [~~state board~~] State Board of Education rule;

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

194 (A) retrieve school and school district level data electronically;

195 (B) interpret the data visually; and

196 (C) draw conclusions that are statistically valid; and

197 (iii) procedures for the collection and management of education data that:

198 (A) require the state superintendent [~~of public instruction~~] to:

199 (I) collaborate with school districts in designing and implementing uniform data
200 standards and definitions;

201 (II) undertake or sponsor research to implement improved methods for analyzing
202 education data;

203 (III) provide for data security to prevent unauthorized access to or contamination of the
204 data; and

205 (IV) protect the confidentiality of data under state and federal privacy laws; and

206 (B) require all school districts and schools to comply with the data collection and
207 management procedures established under Subsection (3)(e);

208 (f) administering and implementing federal educational programs in accordance with
209 Title 53A, Chapter 1, Part 9, Implementing Federal or National Education Programs Act; and

210 (g) with the approval of the [~~board~~] State Board of Education, preparing and
211 submitting to the governor a budget for the [~~board~~] State Board of Education to be included in

212 the budget that the governor submits to the Legislature.

213 (4) The state superintendent shall distribute funds deposited in the Autism Awareness
214 Restricted Account created in Section 53A-1-304 in accordance with the requirements of
215 Section 53A-1-304.

216 (5) Upon leaving office, the state superintendent shall deliver to the state
217 superintendent's successor all books, records, documents, maps, reports, papers, and other
218 articles pertaining to the state superintendent's office.

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

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

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

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

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

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

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

232 (A) each school district;

233 (B) the charter schools aggregated; and

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

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

237 Section 2. Section 53A-1-402.6 is amended to read:

238 **53A-1-402.6. Core standards for Utah public schools.**

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

- 243 (i) communicate effectively, both verbally and through written communication;
244 (ii) apply mathematics; and
245 (iii) access, analyze, and apply information.

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

- 248 (i) a particular curriculum or instructional material; or
249 (ii) a model curriculum or instructional material.

250 (2) The ~~[board]~~ State Board of Education shall, in establishing the core standards for
251 Utah public schools:

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

254 (b) align with each other the core standards for Utah public schools and ~~[tests~~
255 ~~administered under the Utah Performance Assessment System for Students (U-PASS) with~~
256 ~~each other.]~~ the assessments described in Section [53A-1-604](#).

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

- 260 (a) English, including explicit phonics, spelling, grammar, reading, writing,
261 vocabulary, speech, and listening; and
262 (b) mathematics, including basic computational skills.

263 (4) Before adopting core standards for Utah public schools, the State Board of
264 Education shall:

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

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

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

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

274 the core standards for Utah public schools.

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

279 (7) The state may exit any agreement, contract, memorandum of understanding, or
280 consortium that cedes control of the core standards for Utah public schools to any other entity,
281 including a federal agency or consortium, for any reason, including:

282 (a) the cost of developing or implementing the core standards for Utah public schools;

283 (b) the proposed core standards for Utah public schools are inconsistent with
284 community values; or

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

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

288 (ii) conflicts with Utah law;

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

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

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

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

299 Section 3. Section 53A-1-413 is amended to read:

300 **53A-1-413. Student Achievement Backpack -- Utah Student Record Store.**

301 (1) As used in this section:

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

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

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

305 Student Record Store.

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

308 (c) "Statewide assessment" means the same as that term is defined in Section
309 53A-1-602.

310 ~~[(c)]~~ (d) "Student Achievement Backpack" means, for a student from kindergarten
311 through grade 12, a complete learner profile that:

312 (i) is in electronic format;

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

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

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

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

319 (i) managed by the State Board of Education;

320 (ii) cloud-based; and

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

322 (2) (a) The State Board of Education shall use the State Board of Education's robust,
323 comprehensive data collection system, which collects longitudinal student transcript data from
324 LEAs and the unique student identifiers as described in Section 53A-1-603.5, to allow the
325 following to access a student's Student Achievement Backpack:

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

327 (ii) each LEA that provides instruction to the student.

328 (b) The State Board of Education shall ensure that a Student Achievement Backpack:

329 (i) provides a uniform, transparent reporting mechanism for individual student
330 progress;

331 (ii) provides a complete learner history for postsecondary planning;

332 (iii) provides a teacher with visibility into a student's complete learner profile to better
333 inform instruction and personalize education;

334 (iv) assists a teacher or administrator in diagnosing a student's learning needs through
335 the use of data already collected by the State Board of Education;

336 (v) facilitates a student's parent or guardian taking an active role in the student's
337 education by simplifying access to the student's complete learner profile; and

338 (vi) serves as additional disaster mitigation for LEAs by using a cloud-based data
339 storage and collection system.

340 (3) Using existing information collected and stored in the State Board of Education's
341 data warehouse, the State Board of Education shall create the Utah Student Record Store where
342 an authorized LEA user may:

343 (a) access data in a Student Achievement Backpack relevant to the user's LEA or
344 school; or

345 (b) request student records to be transferred from one LEA to another.

346 (4) The State Board of Education shall implement security measures to ensure that:

347 (a) student data stored or transmitted to or from the Utah Student Record Store is
348 secure and confidential pursuant to the requirements of the Family Educational Rights and
349 Privacy Act, 20 U.S.C. Sec. 1232g; and

350 (b) an authorized LEA user may only access student data that is relevant to the user's
351 LEA or school.

352 (5) A student's parent or guardian may request the student's Student Achievement
353 Backpack from the LEA or the school in which the student is enrolled.

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

357 (a) student demographics;

358 (b) course grades;

359 (c) course history; and

360 (d) results ~~[for an]~~ of a statewide assessment ~~[administered under U-PASS]~~.

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

365 (a) section attendance;

366 (b) the name of a student's teacher for classes or courses the student takes;

367 (c) teacher qualifications for a student's teacher, including years of experience, degree,
368 license, and endorsement;

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

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

374 [(f)] (e) a student's writing sample that is written for [~~an online~~] a writing assessment
375 administered pursuant to Section [~~53A-1-603~~] 53A-1-604;

376 [(g)] (f) student growth scores [~~for U-PASS tests~~] on a statewide assessment, as
377 applicable;

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

379 [(i)] (h) results of benchmark assessments of reading administered pursuant to Section
380 53A-1-606.6; and

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

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

386 Section 4. Section **53A-1-601** is amended to read:

387 **53A-1-601. Legislative intent.**

388 (1) [~~It is the intent of the Legislature in~~] In enacting this part, the Legislature intends to
389 determine the effectiveness of school districts and schools in assisting students to master the
390 fundamental educational skills [~~towards~~] toward which instruction is directed.

391 (2) [~~(a) The Utah Performance Assessment System for Students enacted under this part~~
392 ~~shall provide~~] The board shall ensure that a statewide assessment provides the public, the
393 Legislature, the [~~State Board of Education~~] board, school districts, public schools, and school
394 teachers with:

395 (a) evaluative information regarding the various levels of proficiency achieved by
396 students, so that they may have an additional tool to plan, measure, and evaluate the
397 effectiveness of programs in the public schools[-]; and

398 (b) ~~[The]~~ information ~~[may also be used]~~ to recognize excellence and to identify the
399 need for additional resources or to reallocate educational resources in a manner to ~~[assure]~~
400 ensure educational opportunities for all students and to improve existing programs.

401 Section 5. Section **53A-1-602** is amended to read:

402 **53A-1-602. Definitions.**

403 As used in this part:

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

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

409 (2) "Core standards for Utah public schools" means the standards [developed and
410 adopted by the State Board of Education that define the knowledge and skills students should
411 have in kindergarten through grade 12 to enable students to be prepared for college or
412 workforce training.] established by the board as described in Section [53A-1-402.6](#).

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

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

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

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

421 (4) "Statewide assessment" means one or more of the following, as applicable:

422 (a) a standards assessment described in Section [53A-1-604](#);

423 (b) a high school assessment described in Section [53A-1-611.5](#);

424 (c) a college readiness [assessments as detailed] assessment described in Section
425 [53A-1-611](#); [and] or

426 (d) [testing] an assessment of students in grade 3 to measure reading grade level
427 described in Section [53A-1-606.6](#).

428 Section 6. Section **53A-1-603** is repealed and reenacted to read:

429 **53A-1-603. Statewide assessments -- Duties of State Board of Education.**

430 (1) The board shall:

431 (a) require the state superintendent of public instruction to:

432 (i) submit and recommend statewide assessments to the board for adoption by the

433 board; and

434 (ii) distribute the statewide assessments adopted by the board to a school district or

435 charter school;

436 (b) provide for the state to participate in the National Assessment of Educational

437 Progress state-by-state comparison testing program; and

438 (c) require a school district or charter school to administer statewide assessments.

439 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

440 board shall make rules for the administration of statewide assessments.

441 (3) The board shall ensure that statewide assessments are administered in compliance

442 with the requirements of Part 14, Student Data Protection Act, and Chapter 13, Part 3, Utah

443 Family Educational Rights and Privacy Act.

444 Section 7. Section **53A-1-603.5** is amended to read:

445 **53A-1-603.5. Unique student identifier -- Coordination of higher education and**
446 **public education information technology systems.**

447 (1) As used in this section, "unique student identifier" means an alphanumeric code
448 assigned to each public education student for identification purposes, which:

449 (a) is not assigned to any former or current student; and

450 (b) does not incorporate personal information, including a birth date or Social Security
451 number.

452 (2) The [~~State Board of Education~~] board, through the superintendent of public
453 instruction, shall assign each public education student a unique student identifier, which shall
454 be used to track individual student performance on achievement tests administered under this
455 part.

456 (3) The [~~State Board of Education~~] board and the State Board of Regents shall
457 coordinate public education and higher education information technology systems to allow
458 individual student academic achievement to be tracked through both education systems in
459 accordance with this section and Section [53B-1-109](#).

460 (4) The [~~State Board of Education~~] board and the State Board of Regents shall
461 coordinate access to the unique student identifier of a public education student who later
462 attends an institution within the state system of higher education.

463 Section 8. Section **53A-1-604** is repealed and reenacted to read:

464 **53A-1-604. Utah standards assessments -- Administration -- Review committee.**

465 (1) As used in this section, "computer adaptive assessment" means an assessment that
466 measures the range of a student's ability by adapting to the student's responses, selecting more
467 difficult or less difficult questions based on the student's responses.

468 (2) The board shall:

469 (a) adopt a standards assessment that:

470 (i) measures a student's proficiency in:

471 (A) mathematics for students in each of grades 3 through 8;

472 (B) English language arts for students in each of grades 3 through 8;

473 (C) science for students in each of grades 4 through 8; and

474 (D) writing for students in at least grades 5 and 8; and

475 (ii) except for the writing measurement described in Subsection (2)(a)(i)(D), is a
476 computer adaptive assessment; and

477 (b) ensure that an assessment described in Subsection (2)(a) is:

478 (i) a criterion referenced assessment;

479 (ii) administered online;

480 (iii) aligned with the core standards for Utah public schools; and

481 (iv) adaptable to competency-based education as defined in Section **53A-15-1802**.

482 (3) A school district or charter school shall annually administer the standards
483 assessment adopted by the board under Subsection (2) to all students in the subjects and grade
484 levels described in Subsection (2).

485 (4) A student's score on the standards assessment adopted under Subsection (2) may
486 not be considered in determining:

487 (a) the student's academic grade for a course; or

488 (b) whether the student may advance to the next grade level.

489 (5) (a) The board shall establish a committee consisting of 15 parents of Utah public
490 education students to review all standards assessment questions.

491 (b) The committee established in Subsection (5)(a) shall include the following parent
 492 members:

493 (i) five members appointed by the chair of the board;

494 (ii) five members appointed by the speaker of the House of Representatives or the
 495 speaker's designee; and

496 (iii) five members appointed by the president of the Senate or the president's designee.

497 (c) The board shall provide staff support to the parent committee.

498 (d) The term of office of each member appointed in Subsection (5)(b) is four years.

499 (e) The chair of the board, the speaker of the House of Representatives, and the
 500 president of the Senate shall adjust the length of terms to stagger the terms of committee
 501 members so that approximately half of the committee members are appointed every two years.

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

504 Section 9. Section **53A-1-605** is amended to read:

505 **53A-1-605. Analysis of results -- Staff professional development.**

506 (1) The [~~State Board of Education~~] board, through the state superintendent of public
 507 instruction, shall develop [~~a plan~~] an online data reporting tool to analyze the results of [~~the~~
 508 ~~U-PASS scores for all grade levels and courses required under Section 53A-1-603.~~] statewide
 509 assessments.

510 (2) The [~~plan~~] online data reporting tool shall include components designed to:

511 (a) assist school districts and individual schools to use the results of the analysis in
 512 planning, evaluating, and enhancing programs; [~~and~~]

513 (b) identify schools not achieving state-established acceptable levels of student
 514 performance in order to assist those schools in [~~raising their~~] improving student performance
 515 levels[~~.(3) The plan shall include provisions~~]; and

516 (c) provide:

517 (i) for statistical reporting of [~~criterion-referenced or online computer adaptive test~~]
 518 statewide assessment results at state, school district, school, and grade or course levels[~~;~~]; and
 519 [~~shall include~~]

520 (ii) actual levels of performance on [~~tests~~] statewide assessments.

521 [~~(4) Each~~] (3) A local school board [~~and~~] or charter school governing board shall

522 provide for:

523 (a) evaluation of the [~~U-PASS test~~] statewide assessment results and use of the
524 evaluations in setting goals and establishing programs; and

525 (b) a professional development program that provides teachers, principals, and other
526 professional staff with the training required to successfully establish and maintain [~~U-PASS~~]
527 statewide assessments.

528 Section 10. Section **53A-1-607** is amended to read:

529 **53A-1-607. Scoring -- Reports of results.**

530 (1) [~~Each~~] For a statewide assessment that requires the use of a student answer sheet, a
531 local school board [~~and~~] or charter school governing board shall submit all answer sheets [~~for~~
532 ~~the achievement tests administered under U-PASS~~] on a per-school and per-class basis to the
533 state superintendent of public instruction for scoring unless the [~~test~~] assessment requires
534 scoring by a national testing service.

535 (2) The district, school, and class results of the [~~U-PASS testing program~~] statewide
536 assessments, but not the score or relative position of individual students, shall be reported to
537 each local school board or charter school governing board annually at a regularly scheduled
538 meeting.

539 (3) [~~Each local board and~~] A local school board or charter school governing board:

540 (a) shall make copies of the report available to the general public upon request[~~-(4)~~
541 ~~The board~~]; and

542 (b) may charge a fee for [~~the copying costs~~] the cost of copying the report.

543 [~~(5) The State Board of Education~~]

544 (4) (a) The board shall annually provide to school districts and charter schools a
545 comprehensive report for each of [~~their~~] the school district's and charter school's students
546 showing the student's [~~U-PASS test~~] statewide assessment results for each year that the student
547 took a [~~U-PASS test. School districts and charter schools~~] statewide assessment.

548 (b) A school district or charter school shall give a copy of the comprehensive report to
549 the student's parents and make the report available to school staff, as appropriate.

550 Section 11. Section **53A-1-608** is amended to read:

551 **53A-1-608. Preparation for tests.**

552 (1) School district employees may not [~~carry on~~] conduct any specific instruction or

553 preparation of students [~~which~~] that would be a breach of testing ethics, such as the teaching of
554 specific test questions.

555 (2) School district employees who administer the test shall follow the standardization
556 procedures in the [~~publisher's~~] test administration manual for an assessment and any additional
557 specific instructions developed by the [~~State Board of Education~~] board.

558 (3) The [~~State Board of Education~~] board may revoke the certification of an individual
559 who violates this section.

560 Section 12. Section **53A-1-610** is amended to read:

561 **53A-1-610. Grade level specification change.**

562 (1) [~~The State Board of Education may replace the grade~~] The board may change a
563 grade level specification for the administration of specific [tests] assessments under this part
564 [~~with a specification of age or time elapsed since the student entered school if the replacement~~]
565 to a different grade level specification or a competency-based specification if the specification
566 is more consistent with patterns of school organization.

567 (2) [~~The~~] (a) If the board changes a grade level specification described in Subsection
568 (1), the board shall submit a report to the Legislature explaining the reasons for [replacing]
569 changing the grade level specification.

570 (b) The board shall submit the report at least six months [prior to] before the
571 anticipated change.

572 Section 13. Section **53A-1-611** is amended to read:

573 **53A-1-611. College readiness assessments.**

574 (1) The Legislature recognizes the need for the [~~State Board of Education~~] board to
575 develop and implement standards and assessment processes to ensure that student progress is
576 measured and that school boards and school personnel are accountable.

577 [~~(2) In addition to its responsibilities under Sections 53A-1-603 through 53A-1-605,~~
578 ~~the State Board of Education shall:]~~

579 [~~(a) adopt college readiness assessments for secondary students; and]~~

580 [~~(b) require a school district or charter school to administer the college readiness~~
581 ~~assessments adopted by the State Board of Education.]~~

582 [~~(3) A college readiness assessment adopted by the State Board of Education:]~~

583 [~~(a) shall include the college admissions test that includes an assessment of language~~

584 arts, mathematics, and science that is]

585 (2) The board shall adopt a college readiness assessment for secondary students that:

586 (a) ~~[most commonly submitted to]~~ is a college readiness assessment accepted by local
587 universities; and

588 (b) may include:

589 (i) the Armed Services Vocational Aptitude Battery; ~~[and]~~ or

590 (ii) a battery of assessments that are predictive of success in higher education.

591 ~~[(4)]~~ (3) (a) Except as provided in Subsection ~~[(4)(b), the State Board of Education~~
592 ~~shall require]~~ (3)(b), a school district or charter school ~~[to]~~ shall annually administer [a test] the
593 college readiness assessment adopted under Subsection ~~[(3)(a)]~~ (2) to all students in grade 11.

594 (b) A student with an IEP may take an appropriate college readiness assessment other
595 than ~~[a test]~~ the assessment adopted by the ~~[State Board of Education]~~ board under Subsection
596 ~~[(3)(a)]~~ (2), as determined by the student's IEP.

597 Section 14. Section **53A-1-611.5** is enacted to read:

598 **53A-1-611.5. High school assessments.**

599 (1) The board shall adopt a high school assessment that:

600 (a) is predictive of a student's college readiness as measured by the college readiness
601 assessment described in Section [53A-1-611](#); and

602 (b) provides a growth score for a student from grade 9 to 10.

603 (2) A school district or charter school shall annually administer the high school
604 assessment adopted by the board under Subsection (1) to all students in grades 9 and 10.

605 Section 15. Section **53A-1-613** is amended to read:

606 **53A-1-613. Online test preparation program.**

607 (1) The ~~[State Board of Education]~~ board shall contract with a provider, selected
608 through a request for proposals process, to provide an online ~~[program to prepare students to~~
609 ~~take the college admissions test that includes an assessment of language arts, mathematics, and~~
610 ~~science]~~ college readiness diagnostic tool that is aligned with the college readiness assessment
611 that is most commonly submitted to local universities.

612 (2) An online test preparation program described in Subsection (1):

613 (a) (i) shall allow a student to independently access online materials and learn at the
614 student's own pace; and

- 615 (ii) may be used to provide classroom and teacher-assisted instruction;
- 616 (b) shall provide online study materials, diagnostic exams, drills, and practice tests in
617 an approach that is engaging to high school students;
- 618 (c) shall enable electronic reporting of student progress to administrators, teachers,
619 parents, and other facilitators;
- 620 (d) shall record a student's progress in an online dashboard that provides diagnostic
621 assessment of the content areas tested and identifies mastery of corresponding skill sets; and
- 622 (e) shall provide training and professional development to personnel in school districts
623 and charter schools on how to utilize the online test preparation program and provide
624 teacher-assisted instruction to students.

625 ~~[(3) To be eligible to administer a college admissions test provided by the State Board
626 of Education from funds appropriated for college readiness assessments, a school district or
627 charter school shall:]~~

628 ~~[(a) promote the use of the online test preparation program; and]~~

629 ~~[(b) inform parents and students of the availability of, and how to access and use, the
630 online test preparation program. (4) The State Board of Education,]~~

631 (3) The board, school districts, and charter schools shall make the online test
632 preparation program available to a student:

- 633 (a) beginning in the 2013-14 school year; and
- 634 (b) for at least one full year~~[, except a student in grade 11 in the 2013-14 school year
635 shall have access to the online test preparation program as soon as the program can be made
636 operational].~~

637 Section 16. Section **53A-1-708** is amended to read:

638 **53A-1-708. Grants for online delivery of statewide assessments.**

639 (1) As used in this section:

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

642 (b) "Core standards for Utah public schools" means the standards ~~[developed and
643 adopted by the State Board of Education that define the knowledge and skills students should
644 have in kindergarten through grade 12 to enable students to be prepared for college or
645 workforce training.]~~ established by the State Board of Education as described in Section

646 [53A-1-402.6.](#)

647 (c) "Statewide assessment" means the same as that term is defined in Section

648 [53A-1-602.](#)

649 ~~[(c)]~~ (d) "Summative tests" means tests administered near the end of a course to assess
650 overall achievement of course goals.

651 ~~[(d)]~~ (e) "Uniform online summative test system" means a single system for the online
652 delivery of summative tests required ~~[under U-PASS]~~ as statewide assessments that:

653 (i) is coordinated by the State Board of Education;

654 (ii) ensures the reliability and security of ~~[U-PASS tests]~~ statewide assessments; and

655 (iii) is selected through collaboration between the State Board of Education and school
656 district representatives with expertise in technology, assessment, and administration.

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

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

660 (a) a uniform online summative test system to enable ~~[parents of students and]~~ school
661 staff and parents of students to review ~~[U-PASS test]~~ statewide assessment scores by the end of
662 the school year; or

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

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

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

670 (ii) software;

671 (iii) networking equipment;

672 (iv) upgrades of existing equipment or software;

673 (v) upgrades of existing physical plant facilities;

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

675 (vii) teacher professional development.

676 (b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the

677 online delivery of summative tests or adaptive tests required [~~under U-PASS~~] as statewide
678 assessments, may be used for other purposes.

679 (4) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
680 Act, the State Board of Education shall make rules:

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

682 (b) specifying how grant money [~~shall be~~] is allocated among school districts and
683 charter schools;

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

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

688 (e) requiring a school district or charter school that receives a grant under this section
689 to implement, in compliance with [~~Chapter 1,~~] Part 14, Student Data Protection Act, and
690 Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act, an online adaptive test
691 system by the 2014-15 school year that:

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

693 (ii) is aligned with the core standards for Utah public schools;

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

697 (g) ensuring that student identifiable data is not released to any person, except as
698 provided by [~~Chapter 1,~~] Part 14, Student Data Protection Act, Section [53A-13-301](#), and rules
699 of the State Board of Education adopted under that section.

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

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

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

707 Section 17. Section [53A-1-1101](#) is repealed and reenacted to read:

708 **Part 11. School Accountability System**

709 **53A-1-1101. Title.**

710 This part is known as "School Accountability System."

711 Section 18. Section **53A-1-1102** is repealed and reenacted to read:

712 **53A-1-1102. Definitions.**

713 As used in this part:

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

715 (2) "Individualized education program" means a written statement for a student with a
716 disability that is developed, reviewed, and revised in accordance with the Individuals with
717 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

718 (3) "Lowest performing 25% of students" means the proportion of a school's students
719 who scored in the lowest 25% of students in the school on a statewide assessment based on the
720 prior school year's scores.

721 (4) "Statewide assessment" means one or more of the following, as applicable:

722 (a) a standards assessment described in Section **53A-1-604**;

723 (b) a high school assessment described in Section **53A-1-611.5**;

724 (c) a college readiness assessment described in Section **53A-1-611**; or

725 (d) an alternate assessment administered to a student with a disability.

726 Section 19. Section **53A-1-1103** is repealed and reenacted to read:

727 **53A-1-1103. Statewide school accountability system -- State Board of Education**
728 **rulemaking.**

729 (1) There is established a statewide school accountability system.

730 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
731 board shall make rules to implement the school accountability system in accordance with this
732 part.

733 Section 20. Section **53A-1-1104** is repealed and reenacted to read:

734 **53A-1-1104. Schools included in school accountability system -- Other indicators**
735 **and point distribution for a school that serves a special student population.**

736 (1) Except as provided in Subsection (2), the board shall include all public schools in
737 the state in the school accountability system established under this part.

738 (2) The board shall exempt from the school accountability system:

739 (a) a school in which the number of students tested on a statewide assessment is lower
740 than the minimum sample size necessary, based on acceptable professional practice for
741 statistical reliability, or when release of the information would violate 20 U.S.C. Sec. 1232h,
742 the prevention of the unlawful release of personally identifiable student data;

743 (b) a school in the school's first year of operations if the school's local school board or
744 charter school governing board requests the exemption; or

745 (c) a high school in the school's second year of operations if the school's local school
746 board or charter school governing board requests the exemption.

747 (3) Notwithstanding the provisions of this part, the board may use, to appropriately
748 assess the educational impact of a school that serves a special student population:

749 (a) other indicators in addition to the indicators described in Section [53A-1-1106](#) or
750 [53A-1-1107](#); or

751 (b) different point distribution than the point distribution described in Section
752 [53A-1-1108](#).

753 Section 21. Section [53A-1-1105](#) is repealed and reenacted to read:

754 **53A-1-1105. Rating schools.**

755 (1) Except as provided in Subsection (3), and in accordance with this part, the board
756 shall annually assign to each school an overall rating, as determined by the board.

757 (2) A school's overall rating described in Subsection (1) shall be based on the school's
758 performance level on the indicators described in:

759 (a) Section [53A-1-1106](#), for an elementary school or a middle school; or

760 (b) Section [53A-1-1107](#), for a high school.

761 (3) For the 2017-2018 school year, the board:

762 (a) shall evaluate a school based on the school's performance level on the indicators
763 described in Subsection (2) and in accordance with this part; and

764 (b) is not required to assign a school an overall rating described in Subsection (1).

765 Section 22. Section [53A-1-1106](#) is repealed and reenacted to read:

766 **53A-1-1106. Indicators for elementary and middle schools.**

767 For an elementary school or a middle school, the board shall assign the school's overall
768 rating, in accordance with Section [53A-1-1108](#), based on the school's performance on the
769 following indicators:

770 (1) academic achievement as measured by performance on a statewide assessment of
771 English language arts, mathematics, and science;

772 (2) academic growth as measured by progress from year to year on a statewide
773 assessment of English language arts, mathematics, and science; and

774 (3) equitable educational opportunity as measured by:

775 (a) academic growth of the lowest performing 25% of students as measured by
776 progress of the lowest performing 25% of students on a statewide assessment of English
777 language arts, mathematics, and science; and

778 (b) except as provided in Section 53A-1-1110, English learner progress as measured by
779 performance on an English learner assessment established by the board.

780 Section 23. Section 53A-1-1107 is repealed and reenacted to read:

781 **53A-1-1107. Indicators for high schools.**

782 For a high school, in accordance with Section 53A-1-1108, the board shall assign the
783 school's overall rating based on the school's performance on the following indicators:

784 (1) academic achievement as measured by performance on a statewide assessment of
785 English language arts, mathematics, and science;

786 (2) academic growth as measured by progress from year to year on a statewide
787 assessment of English language arts, mathematics, and science;

788 (3) equitable educational opportunity as measured by:

789 (a) academic growth of the lowest performing 25% of students as measured by
790 progress of the lowest performing 25% of students on a statewide assessment of English
791 language arts, mathematics, and science; and

792 (b) except as provided in Section 53A-1-1110, English learner progress as measured by
793 performance on an English learner assessment established by the board; and

794 (4) postsecondary readiness as measured by:

795 (a) the school's graduation rate, as described in Section 53A-1-1108;

796 (b) student performance, as described in Section 53A-1-1108, on a college readiness
797 assessment described in Section 53A-1-611; and

798 (c) student achievement in advanced course work, as described in Section 53A-1-1108.

799 Section 24. Section 53A-1-1108 is repealed and reenacted to read:

800 **53A-1-1108. Calculation of points.**

801 (1) (a) The board shall award to a school points for academic achievement described in
802 Subsection 53A-1-1106(1) or 53A-1-1107(1) as follows:

803 (i) the board shall award a school points proportional to the percentage of the school's
804 students who, out of all the school's students who take a statewide assessment of English
805 language arts, score at or above the proficient level on the assessment;

806 (ii) the board shall award a school points proportional to the percentage of the school's
807 students who, out of all the school's students who take a statewide assessment of mathematics,
808 score at or above the proficient level on the assessment; and

809 (iii) the board shall award a school points proportional to the percentage of the school's
810 students who, out of all the school's students who take a statewide assessment of science, score
811 at or above the proficient level on the assessment.

812 (b) (i) The maximum number of total points possible for academic achievement
813 described in Subsection (1)(a) is 56 points.

814 (ii) The maximum number of points possible for a component listed in Subsection
815 (1)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (1)(b)(i).

816 (2) (a) Subject to Subsection (2)(b), the board shall award to a school points for
817 academic growth described in Subsection 53A-1-1106(2) or 53A-1-1107(2) as follows:

818 (i) the board shall award a school points for growth of the school's students on a
819 statewide assessment of English language arts;

820 (ii) the board shall award a school points for growth of the school's students on a
821 statewide assessment of mathematics; and

822 (iii) the board shall award a school points for growth of the school's students on a
823 statewide assessment of science.

824 (b) The board shall determine points for growth awarded under Subsection (2)(a) by
825 indexing the points based on:

826 (i) whether a student's performance on a statewide assessment is equal to or exceeds
827 the student's academic growth target; and

828 (ii) the amount of a student's growth on a statewide assessment compared to other
829 students with similar prior assessment scores.

830 (c) (i) The maximum number of total points possible for academic growth described in
831 Subsection (2)(a) is 56 points.

832 (ii) The maximum number of points possible for a component listed in Subsection
833 (2)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (2)(c)(i).

834 (3) (a) Subject to Subsection (3)(b), the board shall award to a school points for
835 equitable educational opportunity described in Subsection 53A-1-1106(3) or 53A-1-1107(3) as
836 follows:

837 (i) the board shall award a school points for growth of the school's lowest performing
838 25% of students on a statewide assessment of English language arts;

839 (ii) the board shall award a school points for growth of the school's lowest performing
840 25% of students on a statewide assessment of mathematics;

841 (iii) the board shall award a school points for growth of the school's lowest performing
842 25% of students on a statewide assessment of science; and

843 (iv) except as provided in Section 53A-1-1110, the board shall award to a school points
844 proportional to the percentage of English learners who achieve adequate progress as
845 determined by the board on an English learner assessment established by the board.

846 (b) The board shall determine points for academic growth awarded under Subsection
847 (3)(a)(i), (ii), or (iii) by indexing the points based on the amount of a student's growth on a
848 statewide assessment compared to other students with similar prior assessment scores.

849 (c) (i) The maximum number of total points possible for equitable educational
850 opportunity described in Subsection (3)(a) is 38 points.

851 (ii) The maximum number of points possible for the components listed in Subsection
852 (3)(a)(i), (ii), and (iii), combined, is 25 points.

853 (iii) The maximum number of points possible for a component listed in Subsection
854 (3)(a)(i), (ii), or (iii) is one-third of the number of the combined points described in Subsection
855 (3)(c)(ii).

856 (iv) The maximum number of points possible for the component listed in Subsection
857 (3)(a)(iv) is 13 points.

858 (4) (a) The board shall award to a high school points for postsecondary readiness
859 described in Subsection 53A-1-1107(4) as follows:

860 (i) the board shall award to a high school points proportional to the percentage of the
861 school's students who, out of all the school's students who take a college readiness assessment
862 described in Section 53A-1-611, receive at least the minimum score required for acceptance

863 into the majority of local universities;

864 (ii) the board shall award to a high school points proportional to the percentage of the
865 school's students who achieve at least one of the following:

866 (A) a C grade or better in an Advanced Placement course;

867 (B) a C grade or better in a concurrent enrollment course;

868 (C) a C grade or better in an International Baccalaureate course; or

869 (D) completion of a career and technical education pathway, as defined by the board;

870 and

871 (iii) in accordance with Subsection (4)(c), the board shall award to a high school points
872 proportional to the percentage of the school's students who graduate from the school.

873 (b) (i) The maximum number of total points possible for postsecondary readiness
874 described in Subsection (4)(a) is 75 points.

875 (ii) The maximum number of points possible for a component listed in Subsection
876 (4)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (4)(b)(i).

877 (c) (i) In calculating the percentage of students who graduate described in Subsection
878 (4)(a)(iii), except as provided in Subsection (4)(c)(ii), the board shall award to a high school
879 points proportional to the percentage of the school's students who graduate from the school
880 within four years.

881 (ii) The board may award up to 10% of the points allocated for high school graduation
882 described in Subsection (4)(b)(ii) to a school for students who graduate from the school within
883 five years.

884 Section 25. Section **53A-1-1109** is repealed and reenacted to read:

885 **53A-1-1109. Calculation of total points awarded -- Maximum number of total**
886 **points possible.**

887 (1) Except as provided in Section **53A-1-1110**, the board shall calculate the number of
888 total points awarded to a school by totaling the number of points the board awards to the school
889 in accordance with Section **53A-1-1108**.

890 (2) The maximum number of total points possible under Subsection (1) is:

891 (a) for an elementary school or a middle school, 150 points; or

892 (b) for a high school, 225 points.

893 Section 26. Section **53A-1-1110** is repealed and reenacted to read:

894 53A-1-1110. Exclusion of English learner progress -- Calculation of total points
895 awarded for a school with fewer than 10 English learners.

896 (1) For a school that has fewer than 10 English learners, the board shall:

897 (a) exclude the use of English learner progress in determining the school's overall
898 rating by:

899 (i) awarding no points to the school for English learner progress described in
900 Subsection 53A-1-1108(3)(a)(iv); and

901 (ii) excluding the points described in Subsection 53A-1-1108(3)(c)(iv) from the
902 school's maximum points possible; and

903 (b) calculate the number of total points awarded to the school by totaling the number of
904 points the board awards to the school in accordance with Section 53A-1-1108 subject to the
905 exclusion described in Subsection (1)(a).

906 (2) The maximum number of total points possible under Subsection (1) is:

907 (a) for an elementary school or a middle school, 137 points; or

908 (b) for a high school, 212 points.

909 Section 27. Section 53A-1-1111 is repealed and reenacted to read:

910 53A-1-1111. State Board of Education duties -- Proficient level -- Student growth
911 -- English learner adequate progress.

912 (1) (a) For the purpose of determining whether a student scores at or above the
913 proficient level on a statewide assessment, the board shall determine, through a process that
914 evaluates student performance based on specific criteria, the minimum level that demonstrates
915 proficiency for each statewide assessment.

916 (b) If the board adjusts the minimum level that demonstrates proficiency described in
917 Subsection (1)(a), the board shall report the adjustment and the reason for the adjustment to the
918 Education Interim Committee no later than 30 days after the day on which the board makes the
919 adjustment.

920 (2) (a) For the purpose of determining whether a student's performance on a statewide
921 assessment is equal to or exceeds the student's academic growth target, the board shall
922 calculate, for each individual student, the amount of growth necessary to achieve or maintain
923 proficiency by a future school year determined by the board.

924 (b) For the purpose of determining the amount of a student's growth on a statewide

925 assessment compared to other students with similar prior assessment scores, the board shall
926 calculate growth as a percentile for a student using appropriate statistical methods.

927 (3) For the purpose of determining whether an English learner achieves adequate
928 progress on an English learner assessment established by the board, the board shall determine
929 the minimum progress that demonstrates adequate progress.

930 Section 28. Section **53A-1-1112** is repealed and reenacted to read:

931 **53A-1-1112. Reporting.**

932 (1) The board shall annually publish on the board's website a report card that includes
933 for each school:

934 (a) the school's overall rating described in Subsection 53A-1-1105(1);

935 (b) the school's performance on each indicator described in:

936 (i) Section 53A-1-1106, for an elementary school or a middle school; or

937 (ii) Section 53A-1-1107, for a high school;

938 (c) information comparing the school's performance on each indicator described in

939 Subsection (1)(b) with:

940 (i) the average school performance; and

941 (ii) the school's performance in all previous years for which data is available;

942 (d) the percentage of students who participated in statewide assessments, disaggregated
943 according to student proficiency;

944 (e) for an elementary school, the percentage of students who read on grade level in
945 grades 1 through 3; and

946 (f) for a high school, performance on Advanced Placement exams.

947 (2) A school may include in the school's report card described in Subsection (1) up to
948 two self-reported school quality indicators that:

949 (a) are approved by the board for inclusion; and

950 (b) may include process or input indicators.

951 (3) (a) The board shall develop an individualized student achievement report that
952 includes:

953 (i) information on the student's level of proficiency as measured by a statewide
954 assessment; and

955 (ii) a comparison of the student's academic growth target and actual academic growth

956 as measured by a statewide assessment.

957 (b) The board shall, subject to the Family Educational Rights and Privacy Act, 20
958 U.S.C. Sec. 1232g, make the individualized student achievement report described in
959 Subsection (3)(a) available for a school district or charter school to access electronically.

960 (c) A school district or charter school shall distribute an individualized student
961 achievement report to the parent or guardian of the student to whom the report applies.

962 Section 29. Section **53A-1-1113.5** is enacted to read:

963 **53A-1-1113.5. Overall rating based on student performance -- Establishment of**
964 **performance thresholds and criteria -- Report during interim.**

965 (1) As used in this section, "statewide assessment" means one or more of the following,
966 as applicable:

967 (a) a standards assessment described in Section [53A-1-604](#);

968 (b) a high school assessment described in Section [53A-1-611.5](#);

969 (c) a college readiness assessment described in Section [53A-1-611](#); or

970 (d) an alternate assessment administered to a student with a disability.

971 (2) (a) The board shall calculate a school's grade for the 2016-2017 school year in
972 accordance with Part 11, School Grading Act.

973 (b) For the 2017-2018 school year, the board:

974 (i) shall evaluate a school based on the school's performance level on the indicators
975 described in Subsection (7); and

976 (ii) is not required to assign a school an overall rating.

977 (c) The board shall assign a school an overall rating for the 2018-2019 school year or a
978 school year thereafter in accordance with Subsection (3).

979 (3) The board shall assign a school an overall rating, as determined by the board, based
980 on the school's performance level on the indicators described in Subsection (7).

981 (4) (a) The board shall engage in a criteria setting process to establish:

982 (i) performance thresholds for the overall ratings described in Subsection (3); and

983 (ii) a system for assigning a school an overall rating based on evaluating the school's
984 performance against specific criteria.

985 (b) In establishing the performance thresholds described in Subsection (4)(a), the board
986 shall solicit and consider input from:

- 987 (i) legislators;
988 (ii) the governor;
989 (iii) representatives from local school boards;
990 (iv) other representatives from school districts, including superintendents;
991 (v) representatives from charter school governing boards;
992 (vi) other representatives from charter schools;
993 (vii) teachers; and
994 (viii) parents.
995 (5) On or before the Education Interim Committee's September 2017 interim meeting,
996 the board shall report to the Education Interim Committee:
997 (a) the performance thresholds and criteria described in Subsection (4), including
998 rationale and documentation of the procedures used to develop the performance thresholds and
999 criteria; and
1000 (b) a sample report card for a school, including a sample display of:
1001 (i) the school's overall rating described in Subsection (3);
1002 (ii) the school's performance on each indicator described in Subsection (7);
1003 (iii) information comparing the school's performance on each indicator described in
1004 Subsection (7) with:
1005 (A) the average school performance; and
1006 (B) the school's performance in all previous years for which data is available;
1007 (iv) the percentage of students who participated in statewide assessments,
1008 disaggregated according to student proficiency;
1009 (v) for an elementary school, the percentage of students who read on grade level in
1010 grades 1 through 3;
1011 (vi) for a high school, performance on Advanced Placement exams; and
1012 (vii) up to two school-reported school quality indicators that may include process or
1013 input indicators.
1014 (6) On or before October 31, 2017, the Education Interim Committee shall make
1015 recommendations related to the board's report described in Subsection (5) to the Legislative
1016 Management Committee.
1017 (7) A school's overall rating described in Subsection (3) shall be based on the school's

1018 performance on the following indicators:

1019 (a) for a school:

1020 (i) academic achievement as measured by performance on a statewide assessment of
1021 English language arts, mathematics, and science;

1022 (ii) academic growth as measured by progress from year to year on a statewide
1023 assessment of English language arts, mathematics, and science; and

1024 (iii) equitable educational opportunity as measured by:

1025 (A) academic growth of the lowest performing 25% of students as measured by
1026 progress of the lowest performing 25% of students on a statewide assessment of English
1027 language arts, mathematics, and science; and

1028 (B) English learner progress as measured by performance on an English learner
1029 assessment established by the board; and

1030 (b) for a high school, in addition to the indicators described in Subsection (7)(a),
1031 postsecondary readiness as measured by:

1032 (i) the school's graduation rate;

1033 (ii) student performance on a college readiness assessment described in Section
1034 53A-1-611; and

1035 (iii) student achievement in advanced course work.

1036 Section 30. Section **53A-1-1202** is amended to read:

1037 **53A-1-1202. Definitions.**

1038 As used in this part:

1039 (1) "Board" means the State Board of Education.

1040 (2) "Charter school authorizer" means the same as that term is defined in Section
1041 [53A-1a-501.3](#).

1042 (3) "District school" means a public school under the control of a local school board
1043 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
1044 Boards.

1045 (4) "Educator" means the same as that term is defined in Section [53A-6-103](#).

1046 (5) "Final remedial year" means the second school year following the initial remedial
1047 year.

1048 (6) "Initial remedial year" means the school year a district school or charter school is

1049 designated as a low performing school under Section [53A-1-1203](#).

1050 (7) "Low performing school" means a district school or charter school that has been
 1051 designated as a low performing school by the board [~~because the school is: (a) in the lowest~~
 1052 ~~performing 3% of schools statewide according to the percentage of possible points earned~~
 1053 ~~under the school grading system; and (b) a low performing school according to other~~
 1054 ~~outcome-based measures as may be defined in rules made by the board in accordance with Title~~
 1055 ~~63G, Chapter 3, Utah Administrative Rulemaking Act.] in accordance with Section
 1056 [53A-1-1203](#).~~

1057 (8) "Rating" means the overall rating assigned to a school under the school
 1058 accountability system.

1059 (9) "School accountability system" means the school accountability system established
 1060 in Part 11, School Accountability System.

1061 [~~(8) "School grade" or "grade" means the letter grade assigned to a school under the~~
 1062 ~~school grading system.~~]

1063 [~~(9) "School grading system" means the system established under Part 11, School~~
 1064 ~~Grading Act, of assigning letter grades to schools.~~]

1065 [~~(10) "Statewide assessment" means a test of student achievement in basic academic~~
 1066 ~~subjects, including a test administered in a computer adaptive format that is administered~~
 1067 ~~statewide under Part 6, Achievement Tests.~~]

1068 Section 31. Section **53A-1-1203** is amended to read:

1069 **53A-1-1203. State Board of Education to designate low performing schools.**

1070 [Øn] (1) Except as provided in Subsection (2), on or before September 1, the board
 1071 shall annually designate a school as a low performing school if the school is:

1072 [(1)] (a) in the lowest performing 3% of schools statewide according to the percentage
 1073 of possible points earned under the school [grading] accountability system; and

1074 [(2)] (b) a low performing school according to other outcome-based measures as may
 1075 be defined in rules made by the board in accordance with Title 63G, Chapter 3, Utah
 1076 Administrative Rulemaking Act.

1077 (2) The board is not required to designate as a low performing school a school for
 1078 which the board is not required to assign an overall rating in accordance with Section
 1079 [53A-1-1105](#).

1080 Section 32. Section 53A-1-1206 is amended to read:

1081 **53A-1-1206. State Board of Education to identify independent school turnaround**
1082 **experts -- Review and approval of school turnaround plans -- Appeals process.**

1083 (1) On or before August 30 each year, the board shall identify at least two [~~or more~~]
1084 approved independent school turnaround experts, through a request for proposals process, that
1085 a low performing school may select from to partner with to:

1086 (a) collect and analyze data on the low performing school's student achievement,
1087 personnel, culture, curriculum, assessments, instructional practices, governance, leadership,
1088 finances, and policies;

1089 (b) recommend changes [~~to the low performing school's culture, curriculum,~~
1090 ~~assessments, instructional practices, governance, finances, policies, or other areas~~] based on
1091 data collected under Subsection (1)(a);

1092 (c) develop and implement, in partnership with the school turnaround committee, a
1093 school turnaround plan that meets the criteria described in Subsection 53A-1-1204(3);

1094 (d) monitor the effectiveness of a school turnaround plan through reliable means of
1095 evaluation, including on-site visits, observations, surveys, analysis of student achievement data,
1096 and interviews;

1097 (e) provide ongoing implementation support and project management for a school
1098 turnaround plan;

1099 (f) provide high-quality professional development personalized for school staff that is
1100 designed to build the:

1101 (i) leadership capacity of the school principal; and

1102 (ii) instructional capacity of school staff; and

1103 (g) leverage support from community partners to coordinate an efficient delivery of
1104 supports to students both inside and outside the classroom.

1105 (2) In identifying independent school turnaround experts under Subsection (1), the
1106 board shall identify experts that:

1107 (a) have a credible track record of improving student academic achievement in public
1108 schools with various demographic characteristics, as measured by statewide assessments
1109 described in Section 53A-1-602;

1110 (b) have experience designing, implementing, and evaluating data-driven instructional

1111 systems in public schools;

1112 (c) have experience coaching public school administrators and teachers on designing
1113 data-driven school improvement plans;

1114 (d) have experience working with the various education entities that govern public
1115 schools;

1116 (e) have experience delivering high-quality professional development in instructional
1117 effectiveness to public school administrators and teachers;

1118 (f) are willing to be compensated for professional services based on performance as
1119 described in Subsection (3); and

1120 (g) are willing to partner with any low performing school in the state, regardless of
1121 location.

1122 (3) (a) When awarding a contract to an independent school turnaround expert selected
1123 by a local school board under Subsection 53A-1-1204(2) or by a charter school governing
1124 board under Subsection 53A-1-1205(4)(b), the board shall ensure that a contract between the
1125 board and the independent school turnaround expert specifies that the board will:

1126 (i) pay an independent school turnaround expert no more than 50% of the expert's
1127 professional fees at the beginning of the independent school turnaround expert's work for the
1128 low performing school; and

1129 (ii) pay the remainder of the independent school turnaround expert's professional fees
1130 upon completion of the independent school turnaround expert's work for the low performing
1131 school if:

1132 (A) the independent school turnaround expert fulfills the terms of the contract; and

1133 (B) the low performing school's [~~grade~~] rating improves by at least one [~~letter grade~~]
1134 rating, as determined by the board under Subsection (3)(b).

1135 (b) The board shall determine whether a low performing school's [~~grade~~] rating has
1136 improved under Subsection (3)(a)(ii) by comparing the school's [~~letter grade~~] rating for the
1137 school year prior to the initial remedial year to the school's [~~letter grade~~] rating:

1138 (i) for the final remedial year; or

1139 (ii) for the last school year of the extension period if, as described in Section
1140 53A-1-1207:

1141 (A) a school is granted an extension; and

1142 (B) the board extends the contract of the school's independent school turnaround
1143 expert.

1144 (c) In negotiating a contract with an independent school turnaround expert, the board
1145 shall offer:

1146 (i) differentiated amounts of funding based on student enrollment; and

1147 (ii) a higher amount of funding for schools that are in the lowest performing 1% of
1148 schools statewide according to the percentage of possible points earned under the school
1149 [grading] accountability system.

1150 (4) The board shall:

1151 (a) review a school turnaround plan submitted for approval under Subsection
1152 [53A-1-1204\(5\)\(b\)](#) or under Subsection [53A-1-1205\(7\)\(b\)](#) within 30 days of submission;

1153 (b) approve a school turnaround plan that:

1154 (i) is timely;

1155 (ii) is well-developed; and

1156 (iii) meets the criteria described in Subsection [53A-1-1204\(3\)](#); and

1157 (c) subject to legislative appropriations, provide funding to a low performing school for
1158 interventions identified in an approved school turnaround plan if the local school board or
1159 charter school governing board provides matching funds or an in-kind contribution of goods or
1160 services in an amount equal to the funding the low performing school would receive from the
1161 board.

1162 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1163 the board shall make rules to establish an appeals process for:

1164 (i) a low performing district school that is not granted approval from the district
1165 school's local school board under Subsection [53A-1-1204\(5\)\(b\)](#);

1166 (ii) a low performing charter school that is not granted approval from the charter
1167 school's charter school governing board under Subsection [53A-1-1205\(7\)\(b\)](#); and

1168 (iii) a local school board or charter school governing board that is not granted approval
1169 from the board under Subsection (4)(b).

1170 (b) The board shall ensure that rules made under Subsection (5)(a) require an appeals
1171 process described in:

1172 (i) Subsections (5)(a)(i) and (ii) to be resolved on or before April 1 of the initial

1173 remedial year; and

1174 (ii) Subsection (5)(a)(iii) to be resolved on or before May 15 of the initial remedial
1175 year.

1176 (6) (a) Subject to Subsection (6)(b), the board shall balance the need to prioritize
1177 funding appropriated by the Legislature to carry out the provisions of this part to contract with
1178 highly qualified independent school turnaround experts with the need to fund:

1179 (i) interventions to facilitate the implementation of a school turnaround plan under
1180 Subsection (4)(c);

1181 (ii) the School Recognition and Reward Program created under Section [53A-1-1208](#);
1182 and

1183 (iii) the School Leadership Development Program created under Section [53A-1-1209](#).

1184 (b) The board may use up to 4% of the funds appropriated by the Legislature to carry
1185 out the provisions of this part for administration if the amount for administration is approved
1186 by the board in an open meeting.

1187 Section 33. Section [53A-1-1207](#) is amended to read:

1188 **[53A-1-1207. Consequences for failing to improve the school rating of a low](#)**
1189 **[performing school.](#)**

1190 (1) As used in this section, "high performing charter school" means a charter school
1191 that:

1192 (a) satisfies all requirements of state law and board rules;

1193 (b) meets or exceeds standards for student achievement established by the charter
1194 school's charter school authorizer; and

1195 (c) has received at least [~~a "B" grade~~] an above-average rating under the school
1196 [~~grading~~] accountability system in the previous two school years.

1197 (2) (a) A low performing school may petition the board for an extension to continue
1198 school improvement efforts for up to two years if the low performing school's [~~grade~~] rating
1199 does not improve by at least one [~~letter grade~~] rating, as determined by comparing the school's
1200 [~~letter grade~~] rating for the school year prior to the initial remedial year to the school's [~~letter~~
1201 ~~grade~~] rating for the final remedial year.

1202 (b) The board may only grant an extension under Subsection (2)(a) if the low
1203 performing school has increased the number of points awarded under the school [~~grading~~]

1204 accountability system by at least:

1205 (i) 25% for [~~a school that is not a high school; and~~] an elementary school or a middle
1206 school; or

1207 (ii) 10% for a high school.

1208 (c) The board shall determine whether a low performing school has increased the
1209 number of points awarded under the school [~~grading~~] accountability system by the percentages
1210 described in Subsection (2)(b) by comparing the number of points awarded for the school year
1211 prior to the initial remedial year to the number of points awarded for the final remedial year.

1212 (d) The board may extend the contract of an independent school turnaround expert of a
1213 low performing school that is granted an extension under this Subsection (2).

1214 (e) A school that has been granted an extension under this Subsection (2) is eligible
1215 for:

1216 (i) continued funding under Subsection 53A-1-1206(4)(c); and

1217 (ii) the School Recognition and Reward Program under Section 53A-1-1208.

1218 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1219 board shall make rules establishing consequences for a low performing school that:

1220 (a) (i) does not improve the school's [~~grade~~] rating by at least one [~~letter grade~~] rating,
1221 as determined by comparing the school's [~~letter grade~~] rating for the school year prior to the
1222 initial remedial year to the school's [~~letter grade~~] rating for the final remedial year; and

1223 (ii) is not granted an extension under Subsection (2); or

1224 (b) (i) is granted an extension under Subsection (2); and

1225 (ii) does not improve the school's [~~grade~~] rating by at least one [~~letter grade~~] rating, as
1226 determined by comparing the school's [~~letter grade~~] rating for the school year prior to the initial
1227 remedial year to the school's [~~letter grade~~] rating for the last school year of the extension
1228 period.

1229 (4) The board shall ensure that the rules established under Subsection (3) include a
1230 mechanism for:

1231 (a) restructuring a district school that may include:

1232 (i) contract management;

1233 (ii) conversion to a charter school; or

1234 (iii) state takeover; and

- 1235 (b) restructuring a charter school that may include:
- 1236 (i) termination of a school's charter;
- 1237 (ii) closure of a charter school; or
- 1238 (iii) transferring operation and control of the charter school to:
- 1239 (A) a high performing charter school; or
- 1240 (B) the school district in which the charter school is located.

1241 Section 34. Section **53A-1-1208** is amended to read:

1242 **53A-1-1208. School Recognition and Reward Program.**

1243 (1) As used in this section, "eligible school" means a low performing school that:

1244 (a) improves the school's [grade] rating by at least one [letter grade] rating, as
1245 determined by comparing the school's [letter grade] rating for the school year prior to the initial
1246 remedial year to the school's [letter grade] rating for the final remedial year; or

1247 (b) (i) has been granted an extension under Subsection **53A-1-1207(2)**; and

1248 (ii) improves the school's [grade] rating by at least one [letter grade] rating, as
1249 determined by comparing the school's [letter grade] rating for the school year prior to the initial
1250 remedial year to the school's [letter grade] rating for the last school year of the extension
1251 period.

1252 (2) The School Recognition and Reward Program is created to provide incentives to
1253 schools and educators to improve the school [grade] rating of a low performing school.

1254 (3) Subject to appropriations by the Legislature, upon the release of school [grades]
1255 ratings by the board, the board shall distribute a reward equal to:

1256 (a) for an eligible school that improves the eligible school's [grade one letter grade]
1257 rating by one rating:

1258 (i) \$100 per tested student; and

1259 (ii) \$1,000 per educator;

1260 (b) for an eligible school that improves the eligible school's [grade two letter grades]
1261 rating by two ratings:

1262 (i) \$200 per tested student; and

1263 (ii) \$2,000 per educator;

1264 (c) for an eligible school that improves the eligible school's [grade three letter grades]
1265 rating by three ratings:

1266 (i) \$300 per tested student; and
1267 (ii) \$3,000 per educator; and
1268 (d) for an eligible school that improves the eligible school's [~~grade four letter grades~~]
1269 rating by four ratings:

1270 (i) \$500 per tested student; and
1271 (ii) \$5,000 per educator.

1272 (4) The principal of an eligible school that receives a reward under Subsection (3), in
1273 consultation with the educators at the eligible school, may determine how to use the money in
1274 the best interest of the school, including providing bonuses to educators.

1275 (5) If the number of qualifying eligible schools exceeds available funds, the board may
1276 reduce the amounts specified in Subsection (3).

1277 Section 35. Section **53A-1-1209** is amended to read:

1278 **53A-1-1209. School Leadership Development Program.**

1279 (1) As used in this section, "school leader" means a school principal or assistant
1280 principal.

1281 (2) There is created the School Leadership Development Program to increase the
1282 number of highly effective school leaders capable of:

1283 (a) initiating, achieving, and sustaining school improvement efforts; and
1284 (b) forming and sustaining community partnerships as described in Section [53A-4-303](#).

1285 (3) The board shall identify one or more providers, through a request for proposals
1286 process, to develop or provide leadership development training for school leaders that:

1287 (a) may provide in-depth training in proven strategies to turn around low performing
1288 schools;

1289 (b) may emphasize hands-on and job-embedded learning;

1290 (c) aligns with the state's leadership standards established by board rule;

1291 (d) reflects the needs of a school district or charter school where a school leader serves;

1292 (e) may include training on using student achievement data to drive decisions;

1293 (f) may develop skills in implementing and evaluating evidence-based instructional
1294 practices;

1295 (g) may develop skills in leading collaborative school improvement structures,
1296 including professional learning communities; and

1297 (h) includes instruction on forming and sustaining community partnerships as
1298 described in Section 53A-4-303.

1299 (4) Subject to legislative appropriations, the State Board of Education shall provide
1300 incentive pay to a school leader who:

1301 (a) completes leadership development training under this section; and

1302 (b) agrees to work, for at least five years, in a school that received [~~an "F" grade or "D"~~
1303 ~~grade~~] a below-average rating under the school [~~grading~~] accountability system in the school
1304 year previous to the first year the school leader:

1305 (i) completes leadership development training; and

1306 (ii) begins to work, or continues to work, in a school described in this Subsection

1307 (4)(b).

1308 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1309 board shall make rules specifying:

1310 (a) eligibility criteria for a school leader to participate in the School Leadership
1311 Development Program;

1312 (b) application procedures for the School Leadership Development Program;

1313 (c) criteria for selecting school leaders from the application pool; and

1314 (d) procedures for awarding incentive pay under Subsection (4).

1315 Section 36. Section **53A-1a-106** is amended to read:

1316 **53A-1a-106. School district and individual school powers -- Student**
1317 **education/occupation plan (SEOP) definition.**

1318 (1) In order to acquire and develop the characteristics listed in Section 53A-1a-104,
1319 each school district and each public school within its respective district shall implement a
1320 comprehensive system of accountability in which students advance through public schools by
1321 demonstrating competency in [~~required skills and mastery of required knowledge~~] the core
1322 standards for Utah public schools through the use of diverse assessment instruments such as
1323 authentic [~~and criterion-referenced tests~~] assessments, projects, and portfolios.

1324 (2) (a) Each school district and public school shall:

1325 (i) develop and implement programs integrating technology into the curriculum,
1326 instruction, and student assessment;

1327 (ii) provide for teacher and parent involvement in policymaking at the school site;

1328 (iii) implement a public school choice program to give parents, students, and teachers
1329 greater flexibility in designing and choosing among programs with different focuses through
1330 schools within the same district and other districts, subject to space availability, demographics,
1331 and legal and performance criteria;

1332 (iv) establish strategic planning at both the district and school level and site-based
1333 decision making programs at the school level;

1334 (v) provide opportunities for each student to acquire and develop academic and
1335 occupational knowledge, skills, and abilities;

1336 (vi) participate in ongoing research and development projects primarily at the school
1337 level aimed at improving the quality of education within the system; and

1338 (vii) involve business and industry in the education process through the establishment
1339 of partnerships with the business community at the district and school level.

1340 (b) (i) As used in this title, "student education/occupation plan" or "SEOP" means a
1341 plan developed by a student and the student's parent or guardian, in consultation with school
1342 counselors, teachers, and administrators that:

1343 (A) is initiated at the beginning of grade 7;

1344 (B) identifies a student's skills and objectives;

1345 (C) maps out a strategy to guide a student's course selection; and

1346 (D) links a student to post-secondary options, including higher education and careers.

1347 (ii) Each local school board, in consultation with school personnel, parents, and school
1348 community councils or similar entities shall establish policies to provide for the effective
1349 implementation of a personalized student education plan (SEP) or student
1350 education/occupation plan (SEOP) for each student at the school site.

1351 (iii) The policies shall include guidelines and expectations for:

1352 (A) recognizing the student's accomplishments, strengths, and progress [~~towards~~
1353 toward meeting student achievement standards as defined in [~~U-PASS~~] the core standards for
1354 Utah public schools;

1355 (B) planning, monitoring, and managing education and career development; and

1356 (C) involving students, parents, and school personnel in preparing and implementing
1357 SEPs and SEOPs.

1358 (iv) A parent may request conferences with school personnel in addition to SEP or

1359 SEOP conferences established by local school board policy.

1360 (v) Time spent during the school day to implement SEPs and SEOPs is considered part
1361 of the school term referred to in Subsection 53A-17a-103(4).

1362 (3) A school district or public school may submit proposals to modify or waive rules or
1363 policies of a supervisory authority within the public education system in order to acquire or
1364 develop the characteristics listed in Section 53A-1a-104.

1365 (4) (a) Each school district and public school shall make an annual report to its patrons
1366 on its activities under this section.

1367 (b) The reporting process shall involve participation from teachers, parents, and the
1368 community at large in determining how well the district or school is performing.

1369 Section 37. Section 53A-1a-504 is amended to read:

1370 **53A-1a-504. Charter school application -- Applicants -- Contents.**

1371 (1) (a) An application to establish a charter school may be submitted by:

1372 (i) an individual;

1373 (ii) a group of individuals; or

1374 (iii) a nonprofit legal entity organized under Utah law.

1375 (b) An authorized charter school may apply under this chapter for a charter from
1376 another charter school authorizer.

1377 (2) A charter school application shall include:

1378 (a) the purpose and mission of the school;

1379 (b) except for a charter school authorized by a local school board, a statement that,
1380 after entering into a charter agreement, the charter school will be organized and managed under
1381 Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act;

1382 (c) a description of the governance structure of the school, including:

1383 (i) a list of the governing board members that describes the qualifications of each
1384 member; and

1385 (ii) an assurance that the applicant shall, within 30 days of authorization, provide the
1386 authorizer with the results of a background check for each member;

1387 (d) a description of the target population of the school that includes:

1388 (i) the projected maximum number of students the school proposes to enroll;

1389 (ii) the projected school enrollment for each of the first three years of school operation;

1390 and

1391 (iii) the ages or grade levels the school proposes to serve;

1392 (e) academic goals;

1393 (f) qualifications and policies for school employees, including policies that:

1394 (i) comply with the criminal background check requirements described in Section

1395 [53A-1a-512.5](#);

1396 (ii) require employee evaluations; and

1397 (iii) address employment of relatives within the charter school;

1398 (g) a description of how the charter school will provide, as required by state and federal

1399 law, special education and related services;

1400 (h) for a public school converting to charter status, arrangements for:

1401 (i) students who choose not to continue attending the charter school; and

1402 (ii) teachers who choose not to continue teaching at the charter school;

1403 (i) a statement that describes the charter school's plan for establishing the charter

1404 school's facilities, including:

1405 (i) whether the charter school intends to lease or purchase the charter school's facilities;

1406 and

1407 (ii) financing arrangements;

1408 (j) a market analysis of the community the school plans to serve;

1409 (k) a capital facility plan;

1410 (l) a business plan;

1411 (m) other major issues involving the establishment and operation of the charter school;

1412 and

1413 (n) the signatures of the governing board members of the charter school.

1414 (3) A charter school authorizer may require a charter school application to include:

1415 (a) the charter school's proposed:

1416 (i) curriculum;

1417 (ii) instructional program; or

1418 (iii) delivery methods;

1419 (b) a method for assessing whether students are reaching academic goals, including, at

1420 a minimum, ~~[participation in the Utah Performance Assessment System for Students under~~

1421 ~~Chapter 1, Part 6, Achievement Tests]~~ administering the statewide assessments described in

1422 Section 53A-1-602;

1423 (c) a proposed calendar;

1424 (d) sample policies;

1425 (e) a description of opportunities for parental involvement;

1426 (f) a description of the school's administrative, supervisory, or other proposed services

1427 that may be obtained through service providers; or

1428 (g) other information that demonstrates an applicant's ability to establish and operate a

1429 charter school.

1430 Section 38. Section **53A-1a-510** is amended to read:

1431 **53A-1a-510. Termination of a charter.**

1432 (1) Subject to the requirements of Subsection (3), a charter school authorizer may

1433 terminate a school's charter for any of the following reasons:

1434 (a) failure of the charter school to meet the requirements stated in the charter;

1435 (b) failure to meet generally accepted standards of fiscal management;

1436 (c) subject to Subsection (8), failure to make adequate yearly progress under the No

1437 Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.;

1438 (d) (i) designation as a low performing school under Chapter 1, [~~Part 11, School~~

1439 ~~Grading Act]~~ Part 12, School Turnaround and Leadership Development Act; and

1440 (ii) failure to improve the school's [~~grade~~] rating under the conditions described in

1441 Chapter 1, Part 12, School Turnaround and Leadership Development Act;

1442 (e) violation of requirements under this part or another law; or

1443 (f) other good cause shown.

1444 (2) (a) The authorizer shall notify the following of the proposed termination in writing,

1445 state the grounds for the termination, and stipulate that the governing board may request an

1446 informal hearing before the authorizer:

1447 (i) the governing board of the charter school; and

1448 (ii) if the charter school is a qualifying charter school with outstanding bonds issued in

1449 accordance with Chapter 20b, Part 2, Charter School Credit Enhancement Program, the Utah

1450 Charter School Finance Authority.

1451 (b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in

1452 accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after
1453 receiving a written request under Subsection (2)(a).

1454 (c) If the authorizer, by majority vote, approves a motion to terminate a charter school,
1455 the governing board of the charter school may appeal the decision to the State Board of
1456 Education.

1457 (d) (i) The State Board of Education shall hear an appeal of a termination made
1458 pursuant to Subsection (2)(c).

1459 (ii) The State Board of Education's action is final action subject to judicial review.

1460 (e) (i) If the authorizer proposes to terminate the charter of a qualifying charter school
1461 with outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit
1462 Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b)
1463 120 days or more after notifying the following of the proposed termination:

1464 (A) the governing board of the qualifying charter school; and

1465 (B) the Utah Charter School Finance Authority.

1466 (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School
1467 Finance Authority shall meet with the authorizer to determine whether the deficiency may be
1468 remedied in lieu of termination of the qualifying charter school's charter.

1469 (3) An authorizer may not terminate the charter of a qualifying charter school with
1470 outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit
1471 Enhancement Program, without mutual agreement of the Utah Charter School Finance
1472 Authority and the authorizer.

1473 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1474 the State Board of Education shall make rules that require a charter school to report any threats
1475 to the health, safety, or welfare of its students to the State Charter School Board in a timely
1476 manner.

1477 (b) The rules under Subsection (4)(a) shall also require the charter school report to
1478 include what steps the charter school has taken to remedy the threat.

1479 (5) Subject to the requirements of Subsection (3), the authorizer may terminate a
1480 charter immediately if good cause has been shown or if the health, safety, or welfare of the
1481 students at the school is threatened.

1482 (6) If a charter is terminated during a school year, the following entities may apply to

1483 the charter school's authorizer to assume operation of the school:

1484 (a) the school district where the charter school is located;

1485 (b) the governing board of another charter school; or

1486 (c) a private management company.

1487 (7) (a) If a charter is terminated, a student who attended the school may apply to and
1488 shall be enrolled in another public school under the enrollment provisions of Chapter 2, Part 2,
1489 District of Residency, subject to space availability.

1490 (b) Normal application deadlines shall be disregarded under Subsection (7)(a).

1491 (8) Subject to the requirements of Subsection (3), an authorizer may terminate a charter
1492 pursuant to Subsection (1)(c) under the same circumstances that local educational agencies are
1493 required to implement alternative governance arrangements under 20 U.S.C. Sec. 6316.

1494 Section 39. Section **53A-15-1303** is enacted to read:

1495 **53A-15-1303. Youth suicide prevention training for employees.**

1496 (1) A school district or charter school shall require a licensed employee to complete
1497 two hours of professional development training on youth suicide prevention within the
1498 employee's license cycle described in Section [53A-6-104](#).

1499 (2) The board shall:

1500 (a) develop or adopt sample materials to be used by a school district or charter school
1501 for professional development training on youth suicide prevention; and

1502 (b) in rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1503 Rulemaking Act, incorporate the training described in Subsection (1) into professional
1504 development training described in Section [53A-6-104](#).

1505 Section 40. Section **53A-15-1403** is amended to read:

1506 **53A-15-1403. Parental right to academic accommodations.**

1507 (1) (a) A student's parent or guardian is the primary person responsible for the
1508 education of the student, and the state is in a secondary and supportive role to the parent or
1509 guardian. As such, a student's parent or guardian has the right to reasonable academic
1510 accommodations from the student's LEA as specified in this section.

1511 (b) Each accommodation shall be considered on an individual basis and no student
1512 shall be considered to a greater or lesser degree than any other student.

1513 (c) The parental rights specified in this section do not include all the rights or

1514 accommodations that may be available to a student's parent or guardian as a user of the public
1515 education system.

1516 (d) An accommodation under this section may only be provided if the accommodation
1517 is:

1518 (i) consistent with federal law; and

1519 (ii) consistent with a student's IEP if the student already has an IEP.

1520 (2) An LEA shall reasonably accommodate a parent's or guardian's written request to
1521 retain a student in kindergarten through grade 8 on grade level based on the student's academic
1522 ability or the student's social, emotional, or physical maturity.

1523 (3) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a
1524 teacher or request for a change of teacher.

1525 (4) An LEA shall reasonably accommodate the request of a student's parent or guardian
1526 to visit and observe any class the student attends.

1527 (5) Notwithstanding Chapter 11, Part 1, Compulsory Education Requirements, an LEA
1528 shall record an excused absence for a scheduled family event or a scheduled proactive visit to a
1529 health care provider if:

1530 (a) the parent or guardian submits a written statement at least one school day before the
1531 scheduled absence; and

1532 (b) the student agrees to make up course work for school days missed for the scheduled
1533 absence in accordance with LEA policy.

1534 (6) (a) An LEA shall reasonably accommodate a parent's or guardian's written request
1535 to place a student in a specialized class, a specialized program, or an advanced course.

1536 (b) An LEA shall consider multiple academic data points when determining an
1537 accommodation under Subsection (6)(a).

1538 (7) Consistent with Section [53A-13-108](#), which requires the State Board of Education
1539 to establish graduation requirements that use competency-based standards and assessments, an
1540 LEA shall allow a student to earn course credit [~~towards~~] toward high school graduation
1541 without completing a course in school by:

1542 (a) testing out of the course; or

1543 (b) demonstrating competency in course standards.

1544 (8) An LEA shall reasonably accommodate a parent's or guardian's request to meet

1545 with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a
1546 regularly scheduled parent teacher conference.

1547 (9) (a) At the request of a student's parent or guardian, an LEA shall excuse a student
1548 from taking an assessment that:

1549 (i) is federally mandated;

1550 (ii) is mandated by the state under this title; or

1551 (iii) requires the use of:

1552 (A) a state assessment system; or

1553 (B) software that is provided or paid for by the state.

1554 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1555 State Board of Education shall make rules:

1556 (i) to establish a statewide procedure for excusing a student under Subsection (9)(a)
1557 that:

1558 (A) does not place an undue burden on a parent or guardian; and

1559 (B) may be completed online; and

1560 (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or
1561 an LEA's employees through school [~~grading~~] accountability or employee evaluations due to a
1562 student not taking a test under Subsection (9)(a).

1563 (c) An LEA:

1564 (i) shall follow the procedures outlined in rules made by the State Board of Education
1565 under Subsection (9)(b) to excuse a student under Subsection (9)(a);

1566 (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition
1567 to the procedures outlined in rules made by the State Board of Education under Subsection
1568 (9)(b); and

1569 (iii) may not reward a student for taking an assessment described in Subsection (9)(a).

1570 (d) The State Board of Education shall:

1571 (i) maintain and publish a list of state assessments, state assessment systems, and
1572 software that qualify under Subsection (9)(a); and

1573 (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).

1574 (10) (a) An LEA shall provide for:

1575 (i) the distribution of a copy of a school's discipline and conduct policy to each student

1576 in accordance with Section [53A-11-903](#); and

1577 (ii) a parent's or guardian's signature acknowledging receipt of the school's discipline
1578 and conduct policy.

1579 (b) An LEA shall notify a parent or guardian of a student's violation of a school's
1580 discipline and conduct policy and allow a parent or guardian to respond to the notice in
1581 accordance with Chapter 11, Part 9, School Discipline and Conduct Plans.

1582 Section 41. Section **53A-17a-166** is amended to read:

1583 **53A-17a-166. Enhancement for At-Risk Students Program.**

1584 (1) (a) Subject to the requirements of Subsection (1)(b), the State Board of Education
1585 shall distribute money appropriated for the Enhancement for At-Risk Students Program to
1586 school districts and charter schools according to a formula adopted by the State Board of
1587 Education, after consultation with school districts and charter schools.

1588 (b) (i) The State Board of Education shall appropriate \$1,200,000 from the
1589 appropriation for Enhancement for At-Risk Students for a gang prevention and intervention
1590 program designed to help students at-risk for gang involvement stay in school.

1591 (ii) Money for the gang prevention and intervention program shall be distributed to
1592 school districts and charter schools through a request for proposals process.

1593 (2) In establishing a distribution formula under Subsection (1)(a), the State Board of
1594 Education shall use the following criteria:

1595 (a) low performance on [~~U-PASS tests~~] statewide assessments described in Section
1596 [53A-1-602](#);

1597 (b) poverty;

1598 (c) mobility; and

1599 (d) limited English proficiency.

1600 (3) A school district or charter school shall use money distributed under this section to
1601 improve the academic achievement of students who are at risk of academic failure.

1602 (4) The State Board of Education shall develop performance criteria to measure the
1603 effectiveness of the Enhancement for At-Risk Students Program and make an annual report to
1604 the Public Education Appropriations Subcommittee on the effectiveness of the program.

1605 Section 42. Section **53A-25b-304** is amended to read:

1606 **53A-25b-304. Administration of statewide assessments.**

1607 The Utah Schools for the Deaf and the Blind shall annually administer, as applicable,
1608 the [~~U-PASS tests specified~~] statewide assessments described in Section 53A-1-602, except a
1609 student may take an alternative test in accordance with the student's IEP.

1610 Section 43. **Repealer.**

1611 This bill repeals:

1612 Section 53A-1-1104.5, **Two school grades assigned to a combination school.**

1613 Section 53A-1-1107.5, **Growth target established to determine whether a student**
1614 **demonstrates sufficient growth in a subject.**

1615 Section 53A-1-1113, **Rules.**

1616 Section 53A-3-601, **Legislative findings.**

1617 Section 53A-3-602.5, **School performance report -- Components -- Annual filing.**

1618 Section 53A-3-603, **State board models, guidelines, and training.**

1619 Section 44. **Effective date.**

1620 (1) Except as provided in Subsections (2) and (3), this bill takes effect on July 1, 2017.

1621 (2) The following sections take effect on November 1, 2017:

1622 (a) Section 53A-1-1101;

1623 (b) Section 53A-1-1102;

1624 (c) Section 53A-1-1103;

1625 (d) Section 53A-1-1104;

1626 (e) Section 53A-1-1105;

1627 (f) Section 53A-1-1106;

1628 (g) Section 53A-1-1107;

1629 (h) Section 53A-1-1108;

1630 (i) Section 53A-1-1109;

1631 (j) Section 53A-1-1110;

1632 (k) Section 53A-1-1111;

1633 (l) Section 53A-1-1112;

1634 (m) Section 53A-1-1202;

1635 (n) Section 53A-1-1203;

1636 (o) Section 53A-1-1206;

1637 (p) Section 53A-1-1207;

- 1638 (q) Section 53A-1-1208;
- 1639 (r) Section 53A-1-1209;
- 1640 (s) Section 53A-1a-510; and
- 1641 (t) Section 53A-15-1403.
- 1642 (3) The following sections are repealed on November 1, 2017:
- 1643 (a) Section 53A-1-1104.5;
- 1644 (b) Section 53A-1-1107.5;
- 1645 (c) Section 53A-1-1113;
- 1646 (d) Section 53A-1-1113.5;
- 1647 (e) Section 53A-3-601;
- 1648 (f) Section 53A-3-602.5; and
- 1649 (g) Section 53A-3-603.

1650 Section 45. **Revisor instructions.**

1651 The Legislature intends that, on November 1, 2017, the Office of Legislative Research
1652 and General Counsel, in preparing the Utah Code database for publication, change the language
1653 in Subsection 53A-1-413(7)(g) from "a school's grade assigned pursuant to Part 11, School
1654 Grading Act" to "a school's overall rating assigned in accordance with Part 11, School
1655 Accountability System."