

1 **PUBLIC EDUCATION INFORMATION SYSTEMS**

2 **UNIFORMITY ACT**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jacob L. Anderegg**

6 House Sponsor: Karianne Lisonbee

8 **LONG TITLE**

9 **General Description:**

10 This bill requires the State Board of Education to have a system for collecting and
11 reporting public education data.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ requires the State Board of Education to have in place an information management
16 system by a certain date;
- 17 ▶ establishes requirements for the information management system;
- 18 ▶ establishes requirements for local education agencies related to the information
19 management system;
- 20 ▶ requires the State Board of Education to establish data and reporting standards; and
- 21 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 This bill appropriates in fiscal year 2020:

- 24 ▶ to the State Board of Education - State Administrative Office, as a one-time
25 appropriation:
 - 26 • from the Education Fund, One-time, \$17,200,000.

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53E-3-501**, as renumbered and amended by Laws of Utah 2018, Chapter 1

32 **53G-4-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3

33 **53G-5-404**, as last amended by Laws of Utah 2018, Chapter 256 and renumbered and
34 amended by Laws of Utah 2018, Chapter 3

35 ENACTS:

36 **53E-3-518**, Utah Code Annotated 1953



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

39 Section 1. Section **53E-3-501** is amended to read:

40 **53E-3-501. State Board of Education to establish miscellaneous minimum**
41 **standards for public schools.**

42 (1) The State Board of Education shall establish rules and minimum standards for the
43 public schools that are consistent with this public education code, including rules and
44 minimum standards governing the following:

45 (a) (i) the qualification and certification of educators and ancillary personnel who
46 provide direct student services;

47 (ii) required school administrative and supervisory services; and

48 (iii) the evaluation of instructional personnel;

49 (b) (i) access to programs;

50 (ii) attendance;

51 (iii) competency levels;

52 (iv) graduation requirements; and

53 (v) discipline and control;

54 (c) (i) school accreditation;

55 (ii) the academic year;

56 (iii) alternative and pilot programs;

57 (iv) curriculum and instruction requirements;

- 58 (v) school libraries; and
- 59 (vi) services to:
 - 60 (A) persons with a disability as defined by and covered under:
 - 61 (I) the Americans with Disabilities Act of 1990, 42 U.S.C. 12102;
 - 62 (II) the Rehabilitation Act of 1973, 29 U.S.C. 705(20)(A); and
 - 63 (III) the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3); and
 - 64 (B) other special groups;
 - 65 (d) (i) state reimbursed bus routes;
 - 66 (ii) bus safety and operational requirements; and
 - 67 (iii) other transportation needs; ~~and~~
 - 68 (e) (i) school productivity and cost effectiveness measures;
 - 69 (ii) federal programs;
 - 70 (iii) school budget formats; and
 - 71 (iv) financial, statistical, and student accounting requirements[-]; and
 - 72 (f) data collection and reporting by LEAs.
- 73 (2) The State Board of Education shall determine if:
 - 74 (a) the minimum standards have been met; and
 - 75 (b) required reports are properly submitted.
- 76 (3) The State Board of Education may apply for, receive, administer, and distribute to
- 77 eligible applicants funds made available through programs of the federal government.
- 78 (4) (a) A technical college listed in Section [53B-2a-105](#) shall provide
- 79 competency-based career and technical education courses that fulfill high school graduation
- 80 requirements, as requested and authorized by the State Board of Education.
- 81 (b) A school district may grant a high school diploma to a student participating in a
- 82 course described in Subsection (4)(a) that is provided by a technical college listed in Section
- 83 [53B-2a-105](#).
- 84 Section 2. Section **53E-3-518** is enacted to read:
- 85 **53E-3-518. Utah school information management system -- Local education**

86 **agency requirements.**87 (1) As used in this section:88 (a) "LEA data system" or "LEA's data system" means a data system that:89 (i) is developed, selected, or relied upon by an LEA; and90 (ii) the LEA uses to collect data or submit data to the state board related to:91 (A) student information;92 (B) educator information;93 (C) financial information; or94 (D) other information requested by the state board.95 (b) "Utah school information management system" or "information management96 system" means the state board's data collection and reporting system described in this section.97 (c) "User" means an individual who has authorized access to the information98 management system.99 (2) On or before July 1, 2023, the state board shall have in place an information100 management system that meets the requirements described in this section.101 (3) The state board shall ensure that the information management system:102 (a) interfaces with an LEA's data systems that meet the requirements described in103 Subsection (5);104 (b) serves as the mechanism for the state board to collect and report on all data that105 LEAs submit to the state board related to:106 (i) student information;107 (ii) educator information;108 (iii) financial information; and109 (iv) other information requested by the state board;110 (c) includes a web-based user interface through which a user may:111 (i) enter data;112 (ii) view data; and113 (iii) generate customizable reports;

114 (d) includes a data warehouse and other hardware or software necessary to store or
115 process data submitted by an LEA;

116 (e) provides for data privacy, including by complying with Title 53E, Chapter 9,
117 Student Privacy and Data Protection;

118 (f) restricts user access based on each user's role; and

119 (g) meets requirements related to a student achievement backpack described in Section
120 [53E-3-511](#).

121 (4) The state board shall establish the restrictions on user access described in
122 Subsection (3)(f).

123 (5) (a) On or before July 1, 2023, an LEA shall ensure that all of the LEA's data
124 systems:

125 (i) meet the data standards established by the state board in accordance with Section
126 [53E-3-501](#); and

127 (ii) are fully compatible with the state board's information management system.

128 (b) An LEA shall ensure that an LEA data system purchased or developed on or after
129 May 14, 2019, will be compatible with the information management system when the
130 information management system is fully operational.

131 Section 3. Section **53G-4-402** is amended to read:

132 **53G-4-402. Powers and duties generally.**

133 (1) A local school board shall:

134 (a) implement the core standards for Utah public schools using instructional materials
135 that best correlate to the core standards for Utah public schools and graduation requirements;

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

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

142 resources to implement remediation;

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

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

146 (f) implement training programs for school administrators, including basic
147 management training, best practices in instructional methods, budget training, staff
148 management, managing for learning results and continuous improvement, and how to help
149 every child achieve optimal learning in basic academic subjects[-]; and

150 (g) ensure that the local school board meets the data collection and reporting standards
151 described in Section 53E-3-501.

152 (2) Local school boards shall spend minimum school program funds for programs and
153 activities for which the State Board of Education has established minimum standards or rules
154 under Section 53E-3-501.

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

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

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

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

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

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

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

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

168 (6) Except as provided in Section 53E-3-905, a board may enroll children in school
169 who are at least five years of age before September 2 of the year in which admission is sought.

- 170 (7) A board may establish and support school libraries.
- 171 (8) A board may collect damages for the loss, injury, or destruction of school property.
- 172 (9) A board may authorize guidance and counseling services for children and their
173 parents or guardians before, during, or following enrollment of the children in schools.
- 174 (10) (a) A board shall administer and implement federal educational programs in
175 accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National Education
176 Programs.
- 177 (b) Federal funds are not considered funds within the school district budget under
178 Chapter 7, Part 3, Budgets.
- 179 (11) (a) A board may organize school safety patrols and adopt rules under which the
180 patrols promote student safety.
- 181 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
182 parental consent for the appointment.
- 183 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
184 of a highway intended for vehicular traffic use.
- 185 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
186 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
187 the program by virtue of the organization, maintenance, or operation of a school safety patrol.
- 188 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
189 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
190 devises, or bequests that are made for educational purposes.
- 191 (b) These contributions are not subject to appropriation by the Legislature.
- 192 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
193 citations for violations of Subsection [76-10-105\(2\)](#).
- 194 (b) A person may not be appointed to serve as a compliance officer without the
195 person's consent.
- 196 (c) A teacher or student may not be appointed as a compliance officer.
- 197 (14) A board shall adopt bylaws and rules for the board's own procedures.

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

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

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

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

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

205 (i) the schools within the district;

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

207 (iii) the municipality or county;

208 (iv) state or local law enforcement; and

209 (v) state or local traffic safety engineering.

210 (c) The committee shall:

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

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

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

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

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

224 (18) (a) A school board shall adopt and implement a comprehensive emergency
225 response plan to prevent and combat violence in the school board's public schools, on school

226 grounds, on its school vehicles, and in connection with school-related activities or events.

227 (b) The plan shall:

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

229 (ii) be consistent with the student conduct and discipline policies required for school
230 districts under Chapter 11, Part 2, Miscellaneous Requirements;

231 (iii) require [~~inservice training~~] professional learning for all district and school building
232 staff on what their roles are in the emergency response plan;

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

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

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

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

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

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

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

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

252 (c) The plan may:

253 (i) include emergency personnel, emergency communication, and emergency

254 equipment components;

255 (ii) require [~~inservice training~~] professional learning on the emergency response plan
256 for school personnel who are involved in sports programs in the district's secondary schools;
257 and

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

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

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

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

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

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

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

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

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

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

273 (i) indicate the:

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

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

276 (ii) at least 10 days before the public hearing, be:

277 (A) published:

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

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

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

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

284 (23) A board may establish or partner with a certified youth court program, in
285 accordance with Section 78A-6-1203, or establish or partner with a comparable restorative
286 justice program, in coordination with schools in that district. A school may refer a student to
287 youth court or a comparable restorative justice program in accordance with Section 53G-8-211.

288 Section 4. Section 53G-5-404 is amended to read:

289 **53G-5-404. Requirements for charter schools.**

290 (1) A charter school shall be nonsectarian in its programs, admission policies,
291 employment practices, and operations.

292 (2) A charter school may not charge tuition or fees, except those fees normally charged
293 by other public schools.

294 (3) A charter school shall meet all applicable federal, state, and local health, safety, and
295 civil rights requirements.

296 (4) (a) A charter school shall:

297 (i) make the same annual reports required of other public schools under this public
298 education code, including an annual financial audit report[-]; and

299 (ii) ensure that the charter school meets the data and reporting standards described in
300 Section 53E-3-501.

301 (b) A charter school shall file [its] the charter school's annual financial audit report
302 with the Office of the State Auditor within six months of the end of the fiscal year.

303 (5) (a) A charter school shall be accountable to the charter school's authorizer for
304 performance as provided in the school's charter.

305 (b) To measure the performance of a charter school, an authorizer may use data
306 contained in:

307 (i) the charter school's annual financial audit report;

308 (ii) a report submitted by the charter school as required by statute; or

309 (iii) a report submitted by the charter school as required by its charter.

310 (c) A charter school authorizer may not impose performance standards, except as
311 permitted by statute, that limit, infringe, or prohibit a charter school's ability to successfully
312 accomplish the purposes of charter schools as provided in Section 53G-5-104 or as otherwise
313 provided in law.

314 (6) A charter school may not advocate unlawful behavior.

315 (7) Except as provided in Section 53G-5-305, a charter school shall be organized and
316 managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, after its
317 authorization.

318 (8) A charter school shall provide adequate liability and other appropriate insurance.

319 (9) Beginning on July 1, 2014, a charter school shall submit any lease, lease-purchase
320 agreement, or other contract or agreement relating to the charter school's facilities or financing
321 of the charter school's facilities to the school's authorizer and an attorney for review and advice
322 prior to the charter school entering into the lease, agreement, or contract.

323 (10) A charter school may not employ an educator whose license has been suspended
324 or revoked by the State Board of Education under Section 53E-6-604.

325 (11) (a) Each charter school shall register and maintain the charter school's registration
326 as a limited purpose entity, in accordance with Section 67-1a-15.

327 (b) A charter school that fails to comply with Subsection (11)(a) or Section 67-1a-15 is
328 subject to enforcement by the state auditor, in accordance with Section 67-3-1.

329 Section 5. **Appropriation.**

330 The following sums of money are appropriated for the fiscal year beginning July 1,
331 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
332 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
333 Act, the Legislature appropriates the following sums of money from the funds or accounts
334 indicated for the use and support of the government of the state of Utah.

335 ITEM 1

336 To State Board of Education - State Administrative Office

337 From Education Fund, One-time \$17,200,000

338

Schedule of Programs:

339

Information Technology

\$17,200,000

340

The Legislature intends that the State Board of Education use the appropriation

341

provided under this item for the Utah school information management system described in

342

Section [53E-3-518](#).