

# HB0175S01 compared with HB0175

~~deleted text~~ shows text that was in HB0175 but was deleted in HB0175S01.

Inserted text shows text that was not in HB0175 but was inserted into HB0175S01.

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Representative Marie H. Poulson proposes the following substitute bill:

## EDUCATION ACCOUNTABILITY AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marie H. Poulson**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill amends provisions related to school overall ratings under the school accountability system.

#### Highlighted Provisions:

This bill:

- ▶ removes the requirement on the State Board of Education to use a letter grade when assigning a school overall rating;
- ▶ amends provisions related to school turnaround and leadership development that reference letter grades under the school accountability system; and
- ▶ makes technical and conforming changes.

#### Money Appropriated in this Bill:

None

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### Other Special Clauses:

None

### Utah Code Sections Affected:

#### AMENDS:

**53E-3-511**, as last amended by Laws of Utah 2019, Chapter 186

**53E-5-204**, as last amended by Laws of Utah 2019, Chapter 186

**53E-5-301**, as last amended by Laws of Utah 2019, Chapter 186

**53E-5-306**, as last amended by Laws of Utah 2019, Chapter 186

**53E-5-307**, as last amended by Laws of Utah 2019, Chapter 186

**53E-5-309**, as last amended by Laws of Utah 2019, Chapter 186

**53G-5-503**, as last amended by Laws of Utah 2019, Chapter 293

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

Section 1. Section **53E-3-511** is amended to read:

**53E-3-511. Student Achievement Backpack -- Utah Student Record Store.**

(1) As used in this section:

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

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

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

Student Record Store.

(b) "Statewide assessment" means the same as that term is defined in Section 53E-4-301.

(c) "Student Achievement Backpack" means, for a student from kindergarten through grade 12, a complete learner profile that:

(i) is in electronic format;

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

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

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

(i) managed by the state board;

(ii) cloud-based; and

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

(2) (a) The state board shall use the state board's robust, comprehensive data collection system, which collects longitudinal student transcript data from LEAs and the unique student identifiers as described in Section 53E-4-308, to allow the following to access a student's Student Achievement Backpack:

(i) the student's parent; and

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

(b) The state board shall ensure that a Student Achievement Backpack:

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

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

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

(iv) assists a teacher or administrator in diagnosing a student's learning needs through the use of data already collected by the state board;

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

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

(3) Using existing information collected and stored in the state board's data warehouse, the state board shall create the Utah Student Record Store where an authorized LEA user may:

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

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

(4) The state board shall implement security measures to ensure that:

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

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

(5) A student's parent may request the student's Student Achievement Backpack from

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the LEA or the school in which the student is enrolled.

(6) An authorized LEA user may access student data in a Student Achievement Backpack, which shall include the following data, or request that the data be transferred from one LEA to another:

- (a) student demographics;
- (b) course grades;
- (c) course history; and
- (d) results of a statewide assessment.

(7) An authorized LEA user may access student data in a Student Achievement Backpack, which shall include the data listed in Subsections (6)(a) through (d) and the following data, or request that the data be transferred from one LEA to another:

- (a) section attendance;
- (b) the name of a student's teacher for classes or courses the student takes;
- (c) teacher qualifications for a student's teacher, including years of experience, degree, license, and endorsement;
- (d) results of statewide assessments;
- (e) a student's writing sample that is written for a writing assessment administered pursuant to Section 53E-4-303;
- (f) student growth scores on a statewide assessment, as applicable;
- (g) a school's [~~grade assigned pursuant to~~] overall rating assigned in accordance with Chapter 5, Part 2, School Accountability System;
- (h) results of benchmark assessments of reading administered pursuant to Section 53E-4-307; and
- (i) a student's reading level at the end of grade 3.

(8) No later than June 30, 2017, the state board shall ensure that data collected in the Utah Student Record Store for a Student Achievement Backpack is integrated into each LEA's student information system and is made available to a student's parent and an authorized LEA user in an easily accessible viewing format.

Section 2. Section **53E-5-204** is amended to read:

### **53E-5-204. Rating schools.**

- (1) Except as provided in Subsection (3), and in accordance with this part, the state

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board shall annually assign to each school [~~an overall rating using an A through F letter grading scale where, based on the school's performance level on the indicators described in Subsection (2)] one of the following overall ratings:~~

- (a) [~~an A grade represents an~~] exemplary [school];
- (b) [~~a B grade represents a~~] commendable [school];
- (c) [~~a C grade represents a~~] typical [school];
- (d) [~~a D grade represents a~~] developing [school]; and
- (e) [~~an F grade represents a~~] critical needs [school].

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

- (a) Section 53E-5-205, for an elementary school or a middle school; or
- (b) Section 53E-5-206, for a high school.

(3) [~~(a)~~] For a school year in which the state board determines it is necessary to establish, due to a transition to a new assessment, a new baseline to determine student growth described in Section 53E-5-210, the state board is not required to assign an overall rating described in Subsection (1) to a school to which the new baseline applies.

~~[(b) For the 2017-2018 school year, the state board:]~~

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

~~[(ii) is not required to assign a school an overall rating described in Subsection (1).]~~

Section 3. Section **53E-5-301** is amended to read:

### **53E-5-301. Definitions.**

As used in this part:

(1) "Charter school authorizer" means the same as that term is defined in Section 53G-5-102.

(2) "Educator" means the same as that term is defined in Section 53E-6-102.

(3) "Final remedial year" means the second school year following the initial remedial year.

(4) "Independent school turnaround expert" or "turnaround expert" means a person identified by the state board under Section 53E-5-305.

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

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designated as a low performing school under Section 53E-5-302.

(6) "LEA governing board" means a local school board or charter school governing board.

(7) "Low performing school" means a district school or charter school that has been designated a low performing school by the state board because the school is:

(a) for two consecutive school years in the lowest performing 3% of schools statewide according to the percentage of possible points earned under the school accountability system; and

(b) a low performing school according to other outcome-based measures as may be defined in rules made by the state board.

(8) "School accountability system" means the school accountability system established in Part 2, School Accountability System.

~~[(9) "School grade" or "grade" means the letter grade assigned to a school as the school's overall rating under the school accountability system.]~~

~~[(10)]~~ (9) "School turnaround committee" means a committee established under:

(a) for a district school, Section 53E-5-303; or

(b) for a charter school, Section 53E-5-304.

~~[(11)]~~ (10) "School turnaround plan" means a plan described in:

(a) for a district school, Section 53E-5-303; or

(b) for a charter school, Section 53E-5-304.

Section 4. Section **53E-5-306** is amended to read:

### **53E-5-306. Implications for failing to improve school performance.**

(1) As used in this section, "high performing charter school" means ~~[a charter school that:]~~ the same as that term is defined in Section 53G-5-502.

~~[(a) satisfies all requirements of state law and state board rules;]~~

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

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

(2) (a) The state board shall make rules establishing:

(i) exit criteria for a low performing school;

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(ii) criteria for granting a school an extension as described in Subsection (3); and  
(iii) implications for a low performing school that does not meet exit criteria after the school's final remedial year or the last school year of the extension period described in Subsection (3).

(b) In establishing exit criteria for a low performing school the state board shall:

(i) determine for each low performing school the number of points awarded under the school accountability system in the final remedial year that represent a substantive and statistically significant improvement over the number of points awarded under the school accountability system in the school year immediately preceding the initial remedial year;

(ii) establish a method to estimate the exit criteria after a low performing school's first remedial year to provide a target for each low performing school; and

(iii) use generally accepted statistical practices.

(c) The state board shall through a competitively awarded contract engage a third party with expertise in school accountability and assessments to verify the criteria adopted under this Subsection (2).

(3) (a) A low performing school may petition the state board for an extension to continue school improvement efforts for up to two years if the low performing school does not meet the exit criteria established by the state board as described in Subsection (2).

(b) A school that has been granted an extension under this Subsection (3) is eligible for:

(i) continued funding under Section 53E-5-305; and

(ii) (A) the school teacher recruitment and retention incentive under Section 53E-5-308; or

(B) the School Recognition and Reward Program under Section 53E-5-307.

(4) If a low performing school does not meet exit criteria after the school's final remedial year or the last school year of the extension period, the state board may intervene by:

(a) restructuring a district school, which may include:

(i) contract management;

(ii) conversion to a charter school; or

(iii) state takeover;

(b) restructuring a charter school by:

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- (i) terminating a school's charter agreement;
- (ii) closing a charter school; or
- (iii) transferring operation and control of the charter school to:
  - (A) a high performing charter school; or
  - (B) the school district in which the charter school is located; or
- (c) other appropriate action as determined by the state board.

Section 5. Section **53E-5-307** is amended to read:

### **53E-5-307. School Recognition and Reward Program.**

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

- (a) was designated as a low performing school based on 2014-2015 school year performance; and
  - (b) (i) improves the school's grade by at least one letter grade, as determined by comparing the school's letter grade for the school year prior to the initial remedial year to the school's letter grade for the final remedial year; or
  - (ii) (A) has been granted an extension under Subsection 53E-5-306(3); and
  - (B) improves the school's grade by at least one letter grade, as determined by comparing the school's letter grade for the school year prior to the initial remedial year to the school's letter grade for the last school year of the extension period.

(2) The School Recognition and Reward Program is created to provide incentives to schools and educators to improve the school [grade] performance under the school accountability system of a low performing school.

(3) Subject to appropriations by the Legislature, upon the release of school grades by the state board, the state board shall distribute a reward equal to:

- (a) for an eligible school that improves the eligible school's grade one letter grade:
  - (i) \$100 per tested student; and
  - (ii) \$1,000 per educator;
- (b) for an eligible school that improves the eligible school's grade two letter grades:
  - (i) \$200 per tested student; and
  - (ii) \$2,000 per educator;
- (c) for an eligible school that improves the eligible school's grade three letter grades:
  - (i) \$300 per tested student; and



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- (ii) \$3,000 per educator; and
- (d) for an eligible school that improves the eligible school's grade four letter grades:
  - (i) \$500 per tested student; and
  - (ii) \$5,000 per educator.

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

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

(6) A local school board of an eligible school, in coordination with the eligible school's turnaround committee, may elect to receive a reward under this section or receive funds described in Section 53E-5-308 but not both.

(7) Notwithstanding the provisions of this section, for a school year for which the state board does not assign letter grades under the school accountability system and for purposes of the School Recognition and Reward Program, the state board shall determine how to:

- (a) measure improvement of a school; and
- (b) reward an eligible school.

Section 6. Section **53E-5-309** is amended to read:

### **53E-5-309. School Leadership Development Program.**

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

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

- (a) initiating, achieving, and sustaining school improvement efforts; and
- (b) forming and sustaining community partnerships as described in Section 53F-5-402.

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

- (a) may provide in-depth training in proven strategies to turn around low performing schools;
- (b) may emphasize hands-on and job-embedded learning;

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- (c) aligns with the state's leadership standards established by state board rule;
- (d) reflects the needs of a school district or charter school where a school leader serves;
- (e) may include training on using student achievement data to drive decisions;
- (f) may develop skills in implementing and evaluating evidence-based instructional practices;
- (g) may develop skills in leading collaborative school improvement structures, including professional learning communities; and
- (h) includes instruction on forming and sustaining community partnerships as described in Section 53F-5-402.

(4) Subject to legislative appropriations, the state board shall provide incentive pay to a school leader who:

- (a) completes leadership development training under this section; and
  - (b) agrees to work, for at least five years, in a school that [~~received an F grade or D grade~~] was in the lowest designated as a low performing 20% of schools school under the school accountability system in the school year previous to the first year the school leader:
    - (i) completes leadership development training; and
    - (ii) begins to work, or continues to work, in a school described in this Subsection
- (4)(b).

(5) The state board shall make rules specifying:

- (a) eligibility criteria for a school leader to participate in the School Leadership Development Program;
- (b) application procedures for the School Leadership Development Program;
- (c) criteria for selecting school leaders from the application pool; and
- (d) procedures for awarding incentive pay under Subsection (4).

Section 7. Section **53G-5-503** is amended to read:

### **53G-5-503. Termination of a charter agreement.**

- (1) Subject to the requirements of Subsection (3), a charter school authorizer may terminate a school's charter agreement for any of the following reasons:
- (a) failure of the charter school to meet the requirements stated in the charter agreement;
  - (b) failure to meet generally accepted standards of fiscal management;

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(c) (i) designation as a low performing school under Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development; and

(ii) failure to improve the school's [grade] performance under the conditions described in Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development;

(d) violation of requirements under this chapter or another law; or

(e) other good cause shown.

(2) (a) The authorizer shall notify the following of the proposed termination in writing, state the grounds for the termination, and stipulate that the charter school governing board may request an informal hearing before the authorizer:

(i) the charter school governing board; and

(ii) if the charter school is a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program, the Utah Charter School Finance Authority.

(b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after receiving a written request under Subsection (2)(a).

(c) If the authorizer, by majority vote, approves a motion to terminate a charter school, the charter school governing board may appeal the decision to the state board.

(d) (i) The state board shall hear an appeal of a termination made pursuant to Subsection (2)(c).

(ii) The state board's action is final action subject to judicial review.

(e) (i) If the authorizer proposes to terminate the charter agreement of a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b) 120 days or more after notifying the following of the proposed termination:

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

(B) the Utah Charter School Finance Authority.

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

(3) An authorizer may not terminate the charter agreement of a qualifying charter

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school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program, without mutual agreement of the Utah Charter School Finance Authority and the authorizer.

(4) (a) The state board shall make rules that require a charter school to report any threats to the health, safety, or welfare of its students to the State Charter School Board in a timely manner.

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

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

(6) If a charter agreement is terminated during a school year, the following entities may apply to the charter school's authorizer to assume operation of the school:

- (a) the school district where the charter school is located;
- (b) the charter school governing board of another charter school; or
- (c) a private management company.

(7) (a) If a charter agreement is terminated, a student who attended the school may apply to and shall be enrolled in another public school under the enrollment provisions of Chapter 6, Part 3, School District Residency, subject to space availability.

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