

**Representative Marie H. Poulson** proposes the following substitute bill:

**SCHOOL ACCOUNTABILITY AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Deidre M. Henderson**

House 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 (state board) to use a letter grade when assigning a school overall rating;
- ▶ provides that for the 2018-2019 and 2019-2020 school years, the state board is not required to assign to each school an 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

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



- 26 [53E-3-511](#), as last amended by Laws of Utah 2019, Chapter 186
  - 27 [53E-5-204](#), as last amended by Laws of Utah 2019, Chapter 186
  - 28 [53E-5-301](#), as last amended by Laws of Utah 2019, Chapter 186
  - 29 [53E-5-306](#), as last amended by Laws of Utah 2019, Chapter 186
  - 30 [53E-5-309](#), as last amended by Laws of Utah 2019, Chapter 186
  - 31 [53G-5-503](#), as last amended by Laws of Utah 2019, Chapter 293
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33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section [53E-3-511](#) is amended to read:

35 **[53E-3-511. Student Achievement Backpack -- Utah Student Record Store.](#)**

36 (1) As used in this section:

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

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

39 (ii) authorized to access data in a Student Achievement Backpack through the Utah  
40 Student Record Store.

41 (b) "Statewide assessment" means the same as that term is defined in Section

42 [53E-4-301](#).

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

45 (i) is in electronic format;

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

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

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

50 (i) managed by the state board;

51 (ii) cloud-based; and

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

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

- 57 (i) the student's parent; and  
58 (ii) each LEA that provides instruction to the student.  
59 (b) The state board shall ensure that a Student Achievement Backpack:  
60 (i) provides a uniform, transparent reporting mechanism for individual student  
61 progress;  
62 (ii) provides a complete learner history for postsecondary planning;  
63 (iii) provides a teacher with visibility into a student's complete learner profile to better  
64 inform instruction and personalize education;  
65 (iv) assists a teacher or administrator in diagnosing a student's learning needs through  
66 the use of data already collected by the state board;  
67 (v) facilitates a student's parent taking an active role in the student's education by  
68 simplifying access to the student's complete learner profile; and  
69 (vi) serves as additional disaster mitigation for LEAs by using a cloud-based data  
70 storage and collection system.  
71 (3) Using existing information collected and stored in the state board's data warehouse,  
72 the state board shall create the Utah Student Record Store where an authorized LEA user may:  
73 (a) access data in a Student Achievement Backpack relevant to the user's LEA or  
74 school; or  
75 (b) request student records to be transferred from one LEA to another.  
76 (4) The state board shall implement security measures to ensure that:  
77 (a) student data stored or transmitted to or from the Utah Student Record Store is  
78 secure and confidential pursuant to the requirements of the Family Educational Rights and  
79 Privacy Act, 20 U.S.C. Sec. 1232g; and  
80 (b) an authorized LEA user may only access student data that is relevant to the user's  
81 LEA or school.  
82 (5) A student's parent may request the student's Student Achievement Backpack from  
83 the LEA or the school in which the student is enrolled.  
84 (6) An authorized LEA user may access student data in a Student Achievement  
85 Backpack, which shall include the following data, or request that the data be transferred from  
86 one LEA to another:  
87 (a) student demographics;

- 88 (b) course grades;
- 89 (c) course history; and
- 90 (d) results of a statewide assessment.

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

- 94 (a) section attendance;
- 95 (b) the name of a student's teacher for classes or courses the student takes;
- 96 (c) teacher qualifications for a student's teacher, including years of experience, degree,  
97 license, and endorsement;
- 98 (d) results of statewide assessments;
- 99 (e) a student's writing sample that is written for a writing assessment administered  
100 pursuant to Section [53E-4-303](#);
- 101 (f) student growth scores on a statewide assessment, as applicable;
- 102 (g) a school's ~~[grade assigned pursuant to]~~ overall rating assigned in accordance with  
103 Chapter 5, Part 2, School Accountability System;
- 104 (h) results of benchmark assessments of reading administered pursuant to Section  
105 [53E-4-307](#); and
- 106 (i) a student's reading level at the end of grade 3.

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

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

112 **53E-5-204. Rating schools.**

113 (1) Except as provided in Subsection (3), and in accordance with this part, the state  
114 board shall annually assign to each school ~~[an overall rating using an A through F letter grading~~  
115 ~~scale where, based on the school's performance level on the indicators described in Subsection~~  
116 ~~(2)]~~ one of the following overall ratings:

- 117 (a) ~~[an A grade represents an]~~ exemplary ~~[school]~~;
- 118 (b) ~~[a B grade represents a]~~ commendable ~~[school]~~;

- 119 (c) [~~a C grade represents a~~] typical [school];  
120 (d) [~~a D grade represents a~~] developing [school]; and  
121 (e) [~~an F grade represents a~~] critical needs [school].
- 122 (2) A school's overall rating described in Subsection (1) shall be based on the school's  
123 performance on the indicators described in:
- 124 (a) Section [53E-5-205](#), for an elementary school or a middle school; or  
125 (b) Section [53E-5-206](#), for a high school.
- 126 (3) (a) For a school year in which the state board determines it is necessary to establish,  
127 due to a transition to a new assessment, a new baseline to determine student growth described  
128 in Section [53E-5-210](#), the state board is not required to assign an overall rating described in  
129 Subsection (1) to a school to which the new baseline applies.
- 130 (b) For the [~~2017-2018~~] 2018-2019 and 2019-2020 school [year] years, the state board:
- 131 (i) shall evaluate a school based on the school's performance level on the indicators  
132 described in Subsection (2) and in accordance with this part; and  
133 (ii) is not required to assign a school an overall rating described in Subsection (1).
- 134 Section 3. Section **53E-5-301** is amended to read:
- 135 **53E-5-301. Definitions.**
- 136 As used in this part:
- 137 (1) "Charter school authorizer" means the same as that term is defined in Section  
138 [53G-5-102](#).
- 139 (2) "Educator" means the same as that term is defined in Section [53E-6-102](#).
- 140 (3) "Final remedial year" means the second school year following the initial remedial  
141 year.
- 142 (4) "Independent school turnaround expert" or "turnaround expert" means a person  
143 identified by the state board under Section [53E-5-305](#).
- 144 (5) "Initial remedial year" means the school year a district school or charter school is  
145 designated as a low performing school under Section [53E-5-302](#).
- 146 (6) "LEA governing board" means a local school board or charter school governing  
147 board.
- 148 (7) "Low performing school" means a district school or charter school that has been  
149 designated a low performing school by the state board because the school is:

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

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

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

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

159 ~~[(10)]~~ (9) "School turnaround committee" means a committee established under:

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

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

162 ~~[(11)]~~ (10) "School turnaround plan" means a plan described in:

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

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

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

166 **53E-5-306. Implications for failing to improve school performance.**

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

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

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

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

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

175 (i) exit criteria for a low performing school;

176 (ii) criteria for granting a school an extension as described in Subsection (3); and

177 (iii) implications for a low performing school that does not meet exit criteria after the  
178 school's final remedial year or the last school year of the extension period described in  
179 Subsection (3).

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

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

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

187 (iii) use generally accepted statistical practices.

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

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

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

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

197 (ii) (A) the school teacher recruitment and retention incentive under Section  
198 53E-5-308; or

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

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

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

203 (i) contract management;

204 (ii) conversion to a charter school; or

205 (iii) state takeover;

206 (b) restructuring a charter school by:

207 (i) terminating a school's charter agreement;

208 (ii) closing a charter school; or

209 (iii) transferring operation and control of the charter school to:

210 (A) a high performing charter school; or

211 (B) the school district in which the charter school is located; or

212 (c) other appropriate action as determined by the state board.

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

214 **53E-5-309. School Leadership Development Program.**

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

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

219 (a) initiating, achieving, and sustaining school improvement efforts; and

220 (b) forming and sustaining community partnerships as described in Section [53F-5-402](#).

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

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

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

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

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

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

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

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

234 (h) includes instruction on forming and sustaining community partnerships as  
235 described in Section [53F-5-402](#).

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

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

239 (b) agrees to work, for at least five years, in a school that [~~received an F grade or D~~  
240 grade] was designated as a low performing school under the school accountability system in the  
241 school year previous to the first year the school leader:

242 (i) completes leadership development training; and

243 (ii) begins to work, or continues to work, in a school described in this Subsection  
244 (4)(b).

245 (5) The state board shall make rules specifying:

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

251 Section 6. Section **53G-5-503** is amended to read:

252 **53G-5-503. Termination of a charter agreement.**

253 (1) Subject to the requirements of Subsection (3), a charter school authorizer may  
254 terminate a school's charter agreement for any of the following reasons:

- 255 (a) failure of the charter school to meet the requirements stated in the charter  
256 agreement;
- 257 (b) failure to meet generally accepted standards of fiscal management;
- 258 (c) (i) designation as a low performing school under Title 53E, Chapter 5, Part 3,  
259 School Turnaround and Leadership Development; and  
260 (ii) failure to improve the school's [grade] performance under the conditions described  
261 in Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development;
- 262 (d) violation of requirements under this chapter or another law; or
- 263 (e) other good cause shown.

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

- 267 (i) the charter school governing board; and
- 268 (ii) if the charter school is a qualifying charter school with outstanding bonds issued in  
269 accordance with Part 6, Charter School Credit Enhancement Program, the Utah Charter School  
270 Finance Authority.

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

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

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

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

279 (e) (i) If the authorizer proposes to terminate the charter agreement of a qualifying  
280 charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit  
281 Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b)  
282 120 days or more after notifying the following of the proposed termination:

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

284 (B) the Utah Charter School Finance Authority.

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

288 (3) An authorizer may not terminate the charter agreement of a qualifying charter  
289 school with outstanding bonds issued in accordance with Part 6, Charter School Credit  
290 Enhancement Program, without mutual agreement of the Utah Charter School Finance  
291 Authority and the authorizer.

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

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

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

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

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

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

304 (c) a private management company.

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

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