

**SCHOOL ACCOUNTABILITY AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

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 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

**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 2020, Chapter 266

**53E-5-301**, as last amended by Laws of Utah 2020, Chapters 146 and 408

**53E-5-306**, as last amended by Laws of Utah 2020, Chapters 146 and 408



28 **53E-5-309**, as last amended by Laws of Utah 2020, Chapter 408

29 **53G-5-503**, as last amended by Laws of Utah 2020, Chapters 192 and 408

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

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

33 **53E-3-511. Student Achievement Backpack -- Utah Student Record Store.**

34 (1) As used in this section:

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

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

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

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

40 **53E-4-301**.

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

43 (i) is in electronic format;

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

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

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

48 (i) managed by the state board;

49 (ii) cloud-based; and

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

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

55 (i) the student's parent; and

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

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

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

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

90 Backpack, which shall include the data listed in Subsections (6)(a) through (d) and the  
91 following data, or request that the data be transferred from one LEA to another:

92 (a) section attendance;

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

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

96 (d) results of statewide assessments;

97 (e) a student's writing sample that is written for a writing assessment administered

98 pursuant to Section [53E-4-303](#);

99 (f) student growth scores on a statewide assessment, as applicable;

100 (g) a school's ~~[grade assigned pursuant to]~~ overall rating assigned in accordance with  
101 Chapter 5, Part 2, School Accountability System;

102 (h) results of benchmark assessments of reading administered pursuant to Section  
103 [53E-4-307](#); and

104 (i) a student's reading level at the end of grade 3.

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

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

110 **53E-5-204. Rating schools.**

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

115 (a) ~~[an A grade represents an]~~ exemplary ~~[school]~~;

116 (b) ~~[a B grade represents a]~~ commendable ~~[school]~~;

117 (c) ~~[a C grade represents a]~~ typical ~~[school]~~;

118 (d) ~~[a D grade represents a]~~ developing ~~[school]~~; and

119 (e) ~~[an F grade represents a]~~ critical needs ~~[school]~~.

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

121 performance on the indicators described in:

122 (a) Section 53E-5-205, for an elementary school or a middle school; or

123 (b) Section 53E-5-206, for a high school.

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

128 (b) For the 2017-2018, 2018-2019, and 2019-2020 school years, the state board:

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

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

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

133 **53E-5-301. Definitions.**

134 As used in this part:

135 (1) "Charter school authorizer" means the same as that term is defined in Section  
136 53G-5-102.

137 (2) "Cohort" means all district schools and charter schools identified as low performing  
138 schools based on school ~~accountability~~ accountability results from the same school year.

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

140 (4) "Final remedial year" means the second or third school year following the initial  
141 remedial year, as determined by the state board.

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

144 (6) "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 (7) "LEA governing board" means a local school board or charter school governing  
147 board.

148 (8) "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 in accordance with Title 63G, Chapter 3, Utah  
155 Administrative Rulemaking Act.

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

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

160 [~~(11)~~] (10) "School turnaround committee" means a committee established under:

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

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

163 [~~(12)~~] (11) "School turnaround plan" means a plan described in:

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

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

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

167 **53E-5-306. Implications for failing to improve school performance.**

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

170 [~~(a) satisfies all requirements of state law and state board rules made in accordance~~  
171 ~~with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;]~~

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

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

176 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
177 the state board shall make rules establishing:

178 (i) the final remedial year for a cohort;

179 (ii) exit criteria for a low performing school;

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

181 (iv) implications for a low performing school that does not meet exit criteria after the  
182 school's final remedial year or the last school year of the extension period described in

183 Subsection (3).

184 (b) In establishing exit criteria for a low performing school identified based on school  
185 accountability results from the 2018-19 school year and later, the state board shall:

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

190 (ii) establish a method to provide a target for each low performing school.

191 (c) The state board shall through a competitively awarded contract engage a third party  
192 with expertise in school accountability and assessments to verify the exit criteria adopted under  
193 Subsections (2)(a)(i) and (ii).

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

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

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

200 (ii) the school teacher recruitment and retention incentive under Section 53E-5-308.

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

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

204 (i) contract management;

205 (ii) conversion to a charter school; or

206 (iii) state takeover;

207 (b) restructuring a charter school by:

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

209 (ii) closing a charter school; or

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

211 (A) a high performing charter school; or

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

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

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

215 **53E-5-309. School Leadership Development Program.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

243 (i) completes leadership development training; and

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



245 (4)(b).

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

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

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

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

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

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

254 **53G-5-503. Termination of a charter agreement.**

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

257 (a) failure of the charter school to meet the requirements stated in the charter  
258 agreement;

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

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

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

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

265 (e) other good cause shown.

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

269 (i) the charter school governing board; and

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

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

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

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

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

281 (e) (i) If the authorizer proposes to terminate the charter agreement of a qualifying  
282 charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit  
283 Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b)  
284 120 days or more after notifying the following of the proposed termination:

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

286 (B) the Utah Charter School Finance Authority.

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

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

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

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

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

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

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

305 (b) the charter school governing board of another charter school;

306 (c) a private management company; or

307 (d) the governing board of a nonprofit corporation.

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

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