

Representative Douglas R. Welton proposes the following substitute bill:

SCHOOL GRADING MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas R. Welton

Senate Sponsor: Scott D. Sandall

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 to assign a 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:

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

53E-5-204, as last amended by Laws of Utah 2021, Chapter 346



- 26 **53E-5-301**, as last amended by Laws of Utah 2022, Chapter 473
 - 27 **53E-5-306**, as last amended by Laws of Utah 2022, Chapter 473
 - 28 **53E-5-309**, as last amended by Laws of Utah 2022, Chapter 473
 - 29 **53G-5-503**, as last amended by Laws of Utah 2020, Chapters 192, 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~~] performance as reported 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. Measuring schools.**

111 (1) [~~Except as provided in Subsection (3), and in~~] 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;~~] measure and report on each school, in accordance with the Every Student
114 Succeeds Act, Public Law No. 114-95, based on the school's performance level on the
115 indicators described in Subsection (2)[~~;~~].

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

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

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

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

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

121 (2) ~~[A school's overall rating]~~ The state board shall base a school's reported

122 performance described in Subsection (1) ~~[shall be based]~~ on the school's performance on the

123 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) For the 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the state~~

127 ~~board:]~~

128 ~~[(a) shall evaluate a school based on the school's performance level on the indicators~~

129 ~~described in Subsection (2) and in accordance with this part; and]~~

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

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

132 **53E-5-301. Definitions.**

133 As used in this part:

134 (1) "Charter school authorizer" means the same as that term is defined in Section

135 [53G-5-102](#).

136 (2) "Cohort" means all district schools and charter schools identified as:

137 (a) springboard schools based on school accountability results from the same school

138 year; or

139 (b) elevate schools based on school accountability results from the same school year.

140 (3) "Continuous improvement expert" means a person identified by the state board

141 under Section [53E-5-305](#).

142 (4) "Educator" means the same as that term is defined in Section [53E-6-102](#).

143 (5) "Elevate school" means a district school or charter school that:

144 (a) is not a Title I school;

145 (b) is implementing targeted support and improvement activities under 20 U.S.C. Sec.

146 6311; and

147 (c) has applied and been designated by the state board as an elevate school as described

148 in Section [53E-5-302.1](#).

149 (6) "Final remedial year" means the second or third school year following the initial

150 remedial year, as determined by the state board.

151 (7) "Initial remedial year" means the school year a district school or charter school is
152 designated as a springboard school under Section 53E-5-302 or elevate school under Section
153 53E-5-302.1.

154 (8) "LEA governing board" means a local school board or charter school governing
155 board.

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 improvement 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 improvement 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 ~~[(13)]~~ (12) "Springboard school" means a district school or charter school that has been
167 designated a springboard school by the state board because the school:

168 (a) is not a Title I school; and

169 (b) when ranked according to the percentage of possible points the state board awards
170 under Title 53E, Chapter 5, Part 2, School Accountability System, averaged over three school
171 years is:

172 (i) one of the five lowest performing elementary, middle, or junior high schools
173 statewide; or

174 (ii) one of the two lowest performing high schools statewide.

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

176 **53E-5-306. Implications for failing to improve school performance.**

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

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

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

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

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

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

188 (ii) exit criteria for a springboard school or elevate school;

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

190 (iv) implications for a springboard school that does not meet exit criteria after the
191 school's final remedial year or the last school year of the extension period described in
192 Subsection (3).

193 (b) In establishing exit criteria for a springboard school, the state board shall:

194 (i) determine for each springboard school the number of points awarded under the
195 school accountability system that represent a substantive improvement over the number of
196 points awarded under the school accountability system in the school year immediately
197 preceding the initial remedial year; and

198 (ii) establish a method to provide a target for each springboard school.

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

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

205 (b) A school that has been granted an extension under this Subsection (3) is eligible for
206 continued funding under Section [53E-5-305](#).

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

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

210 (i) contract management; or

211 (ii) conversion to a charter school;

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

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

220 **53E-5-309. School Leadership Development Program.**

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

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

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

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

230 (a) may provide in-depth training in proven strategies to improve springboard schools
231 and elevate schools;

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

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

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

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

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

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

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

242 (4) Subject to legislative appropriations, the state board shall provide incentive pay to a

243 school leader who:

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

245 (b) agrees to work, for at least five years, in a school that [~~received an F grade or D~~

246 ~~grade~~] ranked in the lowest performing 20% of schools under the school accountability system

247 in the school year previous to the first year the school leader:

248 (i) completes leadership development training; and

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

250 (4)(b).

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

252 state board shall make rules specifying:

253 (a) eligibility criteria for a school leader to participate in the School Leadership

254 Development Program;

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

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

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

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

259 **53G-5-503. Termination of a charter agreement.**

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

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

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

263 agreement;

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

265 (c) (i) designation as a low performing school under Title 53E, Chapter 5, Part 3,

266 School Improvement and Leadership Development; and

267 (ii) failure to improve the school's [~~grade~~] performance under the conditions described

268 in Title 53E, Chapter 5, Part 3, School Improvement and Leadership Development;

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

270 (e) other good cause shown.

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

272 state the grounds for the termination, and stipulate that the charter school governing board may

273 request an informal hearing before the authorizer:

274 (i) the charter school governing board; and
275 (ii) if the charter school is a qualifying charter school with outstanding bonds issued in
276 accordance with Part 6, Charter School Credit Enhancement Program, the Utah Charter School
277 Finance Authority.

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

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

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

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

286 (e) (i) If the authorizer proposes to terminate the charter agreement of a qualifying
287 charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit
288 Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b)
289 120 days or more after notifying the following of the proposed termination:

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

291 (B) the Utah Charter School Finance Authority.

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

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

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

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

304 (5) Subject to the requirements of Subsection (3), the authorizer may terminate a

305 charter agreement immediately if good cause has been shown or if the health, safety, or welfare
306 of the students at the school is threatened.

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

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

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

311 (c) a private management company; or

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

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

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