

# HB0308S01 compared with HB0308

~~{deleted text}~~ shows text that was in HB0308 but was deleted in HB0308S01.

inserted text shows text that was not in HB0308 but was inserted into HB0308S01.

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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

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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}~~ 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

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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 2021, Chapter 346

**53E-5-301**, as last amended by Laws of Utah 2022, Chapter 473

**53E-5-306**, as last amended by Laws of Utah 2022, Chapter 473

**53E-5-309**, as last amended by Laws of Utah 2022, Chapter 473

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

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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

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

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

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(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; performance as reported 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. ~~{Rat}~~Measuring schools.**

(1) ~~[Except as provided in Subsection (3), and in]~~ In accordance with this part, the state board shall annually ~~[assign to each school {f}] an overall rating using an A through F letter~~

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~~grading scale where,] measure and report on each school, in accordance with the Every Student Succeeds Act, Public Law No. 114-95, 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] The state board shall base a school's overall rating ~~reported performance~~ 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) For the 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the state board:]~~

~~[(a) 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]~~

~~[(b) 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) "Cohort" means all district schools and charter schools identified as:

(a) springboard schools based on school accountability results from the same school year; or

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

(3) "Continuous improvement expert" means a person identified by the state board under Section 53E-5-305.

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

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

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(a) is not a Title I school;

(b) is implementing targeted support and improvement activities under 20 U.S.C. Sec. 6311; and

(c) has applied and been designated by the state board as an elevate school as described in Section 53E-5-302.1.

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

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

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

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

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

~~[(11)]~~ (10) "School improvement 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.

~~[(12)]~~ (11) "School improvement 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.

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

(a) is not a Title I school; and

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

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

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

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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 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;]~~

~~[(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) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules establishing:

- (i) the final remedial year for a cohort;
- (ii) exit criteria for a springboard school or elevate school;
- (iii) criteria for granting a school an extension as described in Subsection (3); and
- (iv) implications for a springboard 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 springboard school, the state board shall:

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

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

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

(3) (a) A springboard school may petition the state board for an extension to continue school improvement efforts for up to two years if the springboard 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

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continued funding under Section 53E-5-305.

(4) If a springboard 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; or
  - (ii) conversion to a charter school;
- (b) restructuring a charter school by:
  - (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-5-309** 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 supply 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 improve springboard schools and elevate schools;
- (b) may emphasize hands-on and job-embedded learning;
- (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



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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~~] ranked in the lowest performing 20% of schools 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) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, 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 6. 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;

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

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

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in Title 53E, Chapter 5, Part 3, School Improvement 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 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.

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(4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, 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, 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;
- (c) a private management company; or
- (d) the governing board of a nonprofit corporation.

(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).