

SCHOOL ACCOUNTABILITY AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marie H. Poulson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to school accountability in the public education system.

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ requires the State Board of Education to establish a school accountability system;
 - ▶ enacts provisions related to the school accountability system, including provisions related to:
 - the indicators used to determine a school's rating under the school accountability system;
 - board duties and rulemaking under the school accountability system; and
 - required reports;
 - ▶ modifies provisions in the School Turnaround and Leadership Development Act;
- and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.



Utah Code Sections Affected:**AMENDS:**

53A-1-413, as last amended by Laws of Utah 2016, Chapter 144
53A-1-1202, as last amended by Laws of Utah 2016, Chapter 241
53A-1-1203, as last amended by Laws of Utah 2016, Chapter 241
53A-1-1206, as last amended by Laws of Utah 2016, Chapter 241
53A-1-1207, as last amended by Laws of Utah 2016, Chapter 241
53A-1-1208, as last amended by Laws of Utah 2016, Chapter 241
53A-1-1209, as last amended by Laws of Utah 2016, Chapter 331
53A-1a-510, as last amended by Laws of Utah 2015, Chapter 449
53A-15-1403, as last amended by Laws of Utah 2015, Chapter 444
63A-3-402, as last amended by Laws of Utah 2015, Chapters 215, 226, and 283

REPEALS AND REENACTS:

53A-1-1101, as enacted by Laws of Utah 2011, Chapter 417
53A-1-1102, as last amended by Laws of Utah 2015, Chapter 452
53A-1-1103, as last amended by Laws of Utah 2015, Chapter 415
53A-1-1104, as last amended by Laws of Utah 2015, Chapters 258 and 452
53A-1-1105, as last amended by Laws of Utah 2013, Chapter 478 and last amended by
Coordination Clause, Laws of Utah 2013, Chapter 478
53A-1-1106, as last amended by Laws of Utah 2013, Chapter 478
53A-1-1107, as last amended by Laws of Utah 2014, Chapter 403

REPEALS:

53A-1-1108, as last amended by Laws of Utah 2014, Chapter 403
53A-1-1109, as enacted by Laws of Utah 2011, Chapter 417
53A-1-1110, as last amended by Laws of Utah 2016, Chapter 349
53A-1-1111, as enacted by Laws of Utah 2011, Chapter 417
53A-1-1112, as last amended by Laws of Utah 2013, Chapter 478
53A-1-1113, as enacted by Laws of Utah 2011, Chapter 417
53A-3-601, as last amended by Laws of Utah 2000, Chapter 219
53A-3-602.5, as last amended by Laws of Utah 2015, Chapter 415
53A-3-603, as last amended by Laws of Utah 2016, Chapter 144

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

Section 1. Section **53A-1-413** is amended to read:

53A-1-413. 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) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and the Blind.

(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 guardian or an authorized LEA user.

(d) "U-PASS" means the Utah Performance Assessment System for Students established in Part 6, Achievement Tests.

(e) "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 of Education;

(ii) cloud-based; and

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

(2) (a) The State Board of Education shall use the State Board of Education's robust, comprehensive data collection system, which collects longitudinal student transcript data from LEAs and the unique student identifiers as described in Section [53A-1-603.5](#), to allow the following to access a student's Student Achievement Backpack:

(i) the student's parent or guardian; and

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

(b) The State Board of Education shall ensure that a Student Achievement Backpack:

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

90 progress;

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

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

94 (iv) assists a teacher or administrator in diagnosing a student's learning needs through
95 the use of data already collected by the State Board of Education;

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

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

100 (3) Using existing information collected and stored in the State Board of Education's
101 data warehouse, the State Board of Education shall create the Utah Student Record Store where
102 an authorized LEA user may:

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

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

106 (4) The State Board of Education shall implement security measures to ensure that:

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

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

112 (5) A student's parent or guardian may request the student's Student Achievement
113 Backpack from the LEA or the school in which the student is enrolled.

114 (6) ~~[No later than June 30, 2014, an]~~ An authorized LEA user shall be able to access
115 student data in a Student Achievement Backpack, which shall include the following data, or
116 request the data be transferred from one LEA to another:

117 (a) student demographics;

118 (b) course grades;

119 (c) course history; and

120 (d) results ~~[for]~~ of an assessment administered under U-PASS.

(7) ~~[No later than June 30, 2015, an]~~ An authorized LEA user shall be able to 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 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 formative, interim, and summative computer adaptive assessments administered pursuant to Section 53A-1-603;
- (e) detailed data demonstrating a student's mastery of the core standards for Utah public schools and objectives as measured by computer adaptive assessments administered pursuant to Section 53A-1-603;
- (f) a student's writing sample written for an online writing assessment administered pursuant to Section 53A-1-603;
- (g) student growth scores for U-PASS tests;
- (h) a school's ~~[grade]~~ rating assigned pursuant to Part 11, School ~~[Grading Act]~~ Accountability System;

(i) results of benchmark assessments of reading administered pursuant to Section 53A-1-606.6; and

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

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

Section 2. Section 53A-1-1101 is repealed and reenacted to read:

Part 11. School Accountability System

53A-1-1101. Title.

This part is known as "School Accountability System."

Section 3. Section 53A-1-1102 is repealed and reenacted to read:

53A-1-1102. Definitions.

As used in this part:

(1) "Board" means the State Board of Education.

(2) "Statewide assessment" means a statewide assessment as determined by the board.

Section 4. Section **53A-1-1103** is repealed and reenacted to read:

53A-1-1103. Board to establish school accountability system.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to establish a school accountability system in accordance with this part.

Section 5. Section **53A-1-1104** is repealed and reenacted to read:

53A-1-1104. Indicators -- Rating schools.

(1) The board shall ensure that the school accountability system established under this part includes an indicator for each of the following:

(a) academic achievement as measured by performance on a statewide assessment of English language arts, mathematics, and science;

(b) except as provided in Subsection (3)(a), academic growth as measured by progress on a statewide assessment of English language arts, mathematics, and science;

(c) college and career readiness of students as measured by at least the following, as applicable to a grade level:

(i) performance on a college readiness assessment described in Section **53A-1-611**;

(ii) high school graduation;

(iii) performance in advanced courses and secondary core courses, as determined by the board; and

(iv) grade 1 through 3 literacy; and

(d) equitable educational opportunity as measured by:

(i) student access to resources and conditions that influence student learning outcomes;

(ii) student, parent, or community engagement in schooling; or

(iii) the success of students who are at risk of academic failure.

(2) The board may include other indicators in addition to the indicators described in Subsection (1).

(3) (a) Subject to Subsection (3)(b), the board may exclude the academic growth indicator described in Subsection (1)(b) for a school year in which the board determines it is necessary to establish a new baseline to calculate growth due to:

183 (i) a transition to a new assessment; or

184 (ii) a qualifying event, as determined by the board.

185 (b) The board may only exclude an academic growth indicator for a school for which
186 an academic growth indicator is unavailable due to a transition to a new assessment or
187 qualifying event described in Subsection (3)(a).

188 (4) (a) Using the accountability system established under this part, except as provided
189 in Subsection (4)(b), the board shall annually assign:

190 (i) an overall rating, as determined by the board, to each school; and

191 (ii) a rating, as determined by the board, for each of the indicators described in
192 Subsections (1) and (2).

193 (b) For a school for which an academic growth indicator has been excluded in
194 accordance with Subsection (3), the board is not required to assign:

195 (i) an overall rating described in Subsection (4)(a)(i); or

196 (ii) a rating for an academic growth indicator in accordance with Subsection (4)(a)(ii).

197 Section 6. Section **53A-1-1105** is repealed and reenacted to read:

198 **53A-1-1105. Methodology for determining a school's rating -- Metrics and weights**
199 **-- Formula for calculating growth.**

200 (1) The board shall use an evidence-based methodology for determining a school's
201 ratings described in Section **53A-1-1104** by establishing:

202 (a) the metrics that are used to assess performance on an indicator described in Section
203 **53A-1-1104**; and

204 (b) the relative weight assigned to:

205 (i) an indicator described in Section **53A-1-1104**; and

206 (ii) a metric within an indicator that has more than one metric described in Subsection
207 (1)(a).

208 (2) In establishing a metric to assess performance on the academic growth indicator
209 described in Subsection **53A-1-1104**(1)(b), the board shall establish a formula for a growth
210 target for a student's performance on a statewide assessment that enables an individual to
211 know, at the beginning of a school year, the growth a student would need to achieve to reach
212 the student's growth target by the end of the school year.

213 Section 7. Section **53A-1-1106** is repealed and reenacted to read:

53A-1-1106. Schools included in the school accountability system.

(1) The board shall include all public schools in the state in the school accountability system established under this part.

(2) The board may use different metrics and weights, described in Section [53A-1-1105](#), to appropriately assess the educational impact of:

(a) a school that serves a special student population;

(b) a newly opened school; or

(c) a small school in which the total number of students tested is fewer than the minimum number of students necessary for statistical reporting purposes.

Section 8. Section [53A-1-1107](#) is repealed and reenacted to read:

53A-1-1107. Reporting.

(1) The board shall annually publish on the board's website a report card for each school that includes:

(a) the school's overall rating described in Subsection [53A-1-1104](#)(4)(a)(i);

(b) the school's ratings for each of the indicators described in Subsection [53A-1-1104](#)(4)(a)(ii);

(c) the methodology for determining a school's rating described in Section [53A-1-1105](#); and

(d) (i) the percentage of students who participated in statewide assessments; and

(ii) the percentage of nonproficient students, as determined by prior year statewide assessment scores, who participated in statewide assessments.

(2) (a) The board shall develop an individualized student achievement report that includes:

(i) information on a student's level of proficiency as measured by a statewide assessment; and

(ii) a comparison of a student's growth target and actual learning growth as measured by a statewide assessment.

(b) The board shall, subject to the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, make the individualized student achievement report described in Subsection (2)(a) available for a school district or charter school to access electronically.

(c) A school district or charter school shall distribute an individualized student

achievement report to the parent or guardian of the student to whom the report applies.

Section 9. Section **53A-1-1202** is amended to read:

53A-1-1202. Definitions.

As used in this part:

(1) "Board" means the State Board of Education.

(2) "Charter school authorizer" means the same as that term is defined in Section [53A-1a-501.3](#).

(3) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

(4) "Educator" means the same as that term is defined in Section [53A-6-103](#).

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

(6) "Initial remedial year" means the school year a district school or charter school is designated as a low performing school under Section [53A-1-1203](#).

(7) "Low performing school" means a district school or charter school that has been designated as a low performing school by the board ~~[because the school is: (a) in the lowest performing 3% of schools statewide according to the percentage of possible points earned under the school grading system; and (b) a low performing school according to other outcome-based measures as may be defined in rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~ in accordance with Section [53A-1-1203](#).

(8) "School accountability system" means the system established by the board in accordance with Part 11, School Accountability System.

~~[(8)]~~ (9) ~~["School grade" or "grade"]~~ "Rating" means the ~~[letter grade]~~ overall rating assigned to a school under the school ~~[grading]~~ accountability system.

~~[(9)]~~ "School grading system" means the system established under Part 11, School Grading Act, ~~of assigning letter grades to schools.~~

~~[(10)]~~ "Statewide assessment" means a test of student achievement in basic academic subjects, including a test administered in a computer adaptive format that is administered statewide under Part 6, Achievement Tests.]

Section 10. Section **53A-1-1203** is amended to read:

53A-1-1203. State Board of Education to designate low performing schools.

[On] (1) Except as provided in Subsection (2), on or before September 1, the board shall annually designate a school as a low performing school if the school is:

[(+)] (a) in the lowest performing 3% of schools statewide according to the [percentage of possible points earned] school's performance under the school [grading] accountability system; and

[(2)] (b) a low performing school according to other outcome-based measures as may be defined in rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) The board is not required to designate as a low performing school a school for which an academic growth indicator has been excluded under the school accountability system in accordance with Section [53A-1-1104](#).

Section 11. Section **53A-1-1206** is amended to read:

53A-1-1206. State Board of Education to identify independent school turnaround experts -- Review and approval of school turnaround plans -- Appeals process.

(1) On or before August 30, the board shall identify at least two ~~[or more]~~ approved independent school turnaround experts, through a request for proposals process, that a low performing school may select from to partner with to:

(a) collect and analyze data on the low performing school's student achievement, personnel, culture, curriculum, assessments, instructional practices, governance, leadership, finances, and policies;

(b) recommend changes ~~[to the low performing school's culture, curriculum, assessments, instructional practices, governance, finances, policies, or other areas]~~ based on data collected under Subsection (1)(a);

(c) develop and implement, in partnership with the school turnaround committee, a school turnaround plan that meets the criteria described in Subsection [53A-1-1204\(3\)](#);

(d) monitor the effectiveness of a school turnaround plan through reliable means of evaluation, including on-site visits, observations, surveys, analysis of student achievement data, and interviews;

(e) provide ongoing implementation support and project management for a school

turnaround plan;

(f) provide high-quality professional development personalized for school staff that is designed to build the:

(i) leadership capacity of the school principal; and

(ii) instructional capacity of school staff; and

(g) leverage support from community partners to coordinate an efficient delivery of supports to students both inside and outside the classroom.

(2) In identifying independent school turnaround experts under Subsection (1), the board shall identify experts that:

(a) have a credible track record of improving student academic achievement in public schools with various demographic characteristics, as measured by statewide assessments;

(b) have experience designing, implementing, and evaluating data-driven instructional systems in public schools;

(c) have experience coaching public school administrators and teachers on designing data-driven school improvement plans;

(d) have experience working with the various education entities that govern public schools;

(e) have experience delivering high-quality professional development in instructional effectiveness to public school administrators and teachers;

(f) are willing to be compensated for professional services based on performance as described in Subsection (3); and

(g) are willing to partner with any low performing school in the state, regardless of location.

(3) (a) When awarding a contract to an independent school turnaround expert selected by a local school board under Subsection 53A-1-1204(2) or by a charter school governing board under Subsection 53A-1-1205(4)(b), the board shall ensure that a contract between the board and the independent school turnaround expert specifies that the board will:

(i) pay an independent school turnaround expert no more than 50% of the expert's professional fees at the beginning of the independent school turnaround expert's work for the low performing school; and

(ii) pay the remainder of the independent school turnaround expert's professional fees

upon completion of the independent school turnaround expert's work for the low performing school if:

(A) the independent school turnaround expert fulfills the terms of the contract; and

(B) the low performing school's [grade] rating improves by at least one [letter grade] rating, as determined by the board under Subsection (3)(b).

(b) The board shall determine whether a low performing school's [grade] rating has improved under Subsection (3)(a)(ii) by comparing the school's letter [grade] rating for the school year prior to the initial remedial year to the school's [letter grade] rating:

(i) for the final remedial year; or

(ii) for the last school year of the extension period if, as described in Section

53A-1-1207:

(A) a school is granted an extension; and

(B) the board extends the contract of the school's independent school turnaround expert.

(c) In negotiating a contract with an independent school turnaround expert, the board shall offer:

(i) differentiated amounts of funding based on student enrollment; and

(ii) a higher amount of funding for schools that are in the lowest performing 1% of schools statewide according to [the percentage of possible points earned] school performance under the school [grading] accountability system.

(4) The board shall:

(a) review a school turnaround plan submitted for approval under Subsection

53A-1-1204(5)(b) or under Subsection 53A-1-1205(7)(b) within 30 days of submission;

(b) approve a school turnaround plan that:

(i) is timely;

(ii) is well-developed; and

(iii) meets the criteria described in Subsection 53A-1-1204(3); and

(c) subject to legislative appropriations, provide funding to a low performing school for interventions identified in an approved school turnaround plan if the local school board or charter school governing board provides matching funds or an in-kind contribution of goods or services in an amount equal to the funding the low performing school would receive from the

board.

(5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to establish an appeals process for:

(i) a low performing district school that is not granted approval from the district school's local school board under Subsection 53A-1-1204(5)(b);

(ii) a low performing charter school that is not granted approval from the charter school's charter school governing board under Subsection 53A-1-1205(7)(b); and

(iii) a local school board or charter school governing board that is not granted approval from the board under Subsection (4)(b).

(b) The board shall ensure that rules made under Subsection (5)(a) require an appeals process described in:

(i) Subsections (5)(a)(i) and (ii) to be resolved on or before April 1 of the initial remedial year; and

(ii) Subsection (5)(a)(iii) to be resolved on or before May 15 of the initial remedial year.

(6) (a) Subject to Subsection (6)(b), the board shall balance the need to prioritize funding appropriated by the Legislature to carry out the provisions of this part to contract with highly qualified independent school turnaround experts with the need to fund:

(i) interventions to facilitate the implementation of a school turnaround plan under Subsection (4)(c);

(ii) the School Recognition and Reward Program created under Section 53A-1-1208; and

(iii) the School Leadership Development Program created under Section 53A-1-1209.

(b) The board may use up to 4% of the funds appropriated by the Legislature to carry out the provisions of this part for administration if the amount for administration is approved by the board in an open meeting.

Section 12. Section 53A-1-1207 is amended to read:

53A-1-1207. Consequences for failing to improve the school rating of a low performing school.

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

(a) satisfies all requirements of state law and 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]~~ an above-average rating under the school ~~[grading]~~ accountability system in the previous two school years.

(2) (a) A low performing school may petition the board for an extension to continue school improvement efforts for up to two years if the low performing school's ~~[grade]~~ rating does not improve by at least one ~~[letter grade]~~ rating, as determined by comparing the school's ~~[letter grade]~~ rating for the school year prior to the initial remedial year to the school's ~~[letter grade]~~ rating for the final remedial year.

(b) The board may only grant an extension under Subsection (2)(a) if the low performing school has ~~[increased the number of points awarded under the school grading system by at least:]~~ a statistically significant improvement in the school's performance under the school accountability system, as determined by the board.

~~[(i) 25% for a school that is not a high school; and]~~

~~[(ii) 10% for a high school:]~~

~~[(c) The board shall determine whether a low performing school has increased the number of points awarded under the school grading system by the percentages described in Subsection (2)(b) by comparing the number of points awarded for the school year prior to the initial remedial year to the number of points awarded for the final remedial year.]~~

~~[(d)]~~ (c) The board may extend the contract of an independent school turnaround expert of a low performing school that is granted an extension under this Subsection (2).

~~[(e)]~~ (d) A school that has been granted an extension under this Subsection (2) is eligible for:

(i) continued funding under Subsection [53A-1-1206\(4\)\(c\)](#); and

(ii) the School Recognition and Reward Program under Section [53A-1-1208](#).

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules establishing consequences for a low performing school that:

(a) (i) does not improve the school's ~~[grade]~~ rating by at least one ~~[letter grade]~~ rating, as determined by comparing the school's ~~[letter grade]~~ rating for the school year prior to the initial remedial year to the school's ~~[letter grade]~~ rating for the final remedial year; and

431 (ii) is not granted an extension under Subsection (2); or
432 (b) (i) is granted an extension under Subsection (2); and
433 (ii) does not improve the school's [grade] rating by at least one [letter grade] rating, as
434 determined by comparing the school's [letter grade] rating for the school year prior to the initial
435 remedial year to the school's [letter grade] rating for the last school year of the extension
436 period.

437 (4) The board shall ensure that the rules established under Subsection (3) include a
438 mechanism for:

439 (a) restructuring a district school that may include:

440 (i) contract management;

441 (ii) conversion to a charter school; or

442 (iii) state takeover; and

443 (b) restructuring a charter school that may include:

444 (i) termination of a school's charter;

445 (ii) closure of a charter school; or

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

447 (A) a high performing charter school; or

448 (B) the school district in which the charter school is located.

449 Section 13. Section **53A-1-1208** is amended to read:

450 **53A-1-1208. School Recognition and Reward Program.**

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

452 (a) improves the school's [grade] rating by at least one [letter grade] rating, as
453 determined by comparing the school's [letter grade] rating for the school year prior to the initial
454 remedial year to the school's [letter grade] rating for the final remedial year; or

455 (b) (i) has been granted an extension under Subsection **53A-1-1207**(2); and

456 (ii) improves the school's [grade] rating by at least one [letter grade] rating, as
457 determined by comparing the school's [letter grade] rating for the school year prior to the initial
458 remedial year to the school's [letter grade] rating for the last school year of the extension
459 period.

460 (2) The School Recognition and Reward Program is created to provide incentives to
461 schools and educators to improve the school [grade] rating of a low performing school.

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

(a) for an eligible school that improves the eligible school's ~~[grade one letter grade]~~
rating by one rating:

- (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]~~
rating by two ratings:

- (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]~~
rating by three ratings:

- (i) \$300 per tested student; and
- (ii) \$3,000 per educator; and

(d) for an eligible school that improves the eligible school's ~~[grade four letter grades]~~
rating by four ratings:

- (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 board may reduce the amounts specified in Subsection (3).

Section 14. Section **53A-1-1209** is amended to read:

53A-1-1209. 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 [53A-4-303](#).

493 (3) The board shall identify one or more providers, through a request for proposals
494 process, to develop or provide leadership development training for school leaders that:
495 (a) may provide in-depth training in proven strategies to turn around low performing
496 schools;
497 (b) may emphasize hands-on and job-embedded learning;
498 (c) aligns with the state's leadership standards established by board rule;
499 (d) reflects the needs of a school district or charter school where a school leader serves;
500 (e) may include training on using student achievement data to drive decisions;
501 (f) may develop skills in implementing and evaluating evidence-based instructional
502 practices;
503 (g) may develop skills in leading collaborative school improvement structures,
504 including professional learning communities; and
505 (h) includes instruction on forming and sustaining community partnerships as
506 described in Section 53A-4-303.

507 (4) Subject to legislative appropriations, the State Board of Education shall provide
508 incentive pay to a school leader who:
509 (a) completes leadership development training under this section; and
510 (b) agrees to work, for at least five years, in a school that received ~~[an "F" grade or "D"~~
511 ~~grade]~~ a below-average rating under the school ~~[grading]~~ accountability system in the school
512 year previous to the first year the school leader:
513 (i) completes leadership development training; and
514 (ii) begins to work, or continues to work, in a school described in this Subsection
515 (4)(b).

516 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
517 board shall make rules specifying:
518 (a) eligibility criteria for a school leader to participate in the School Leadership
519 Development Program;
520 (b) application procedures for the School Leadership Development Program;
521 (c) criteria for selecting school leaders from the application pool; and
522 (d) procedures for awarding incentive pay under Subsection (4).
523 Section 15. Section **53A-1a-510** is amended to read:

53A-1a-510. Termination of a charter.

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

(a) failure of the charter school to meet the requirements stated in the charter;
(b) failure to meet generally accepted standards of fiscal management;
(c) subject to Subsection (8), failure to make adequate yearly progress under the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.;

(d) (i) designation as a low performing school under Chapter 1, ~~[Part 11, School Grading Act]~~ Part 12, School Turnaround and Leadership Development Act; and

(ii) failure to improve the school's ~~[grade]~~ rating under the conditions described in Chapter 1, Part 12, School Turnaround and Leadership Development Act;

(e) violation of requirements under this part or another law; or

(f) 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 governing board may request an informal hearing before the authorizer:

(i) the governing board of the charter school; and

(ii) if the charter school is a qualifying charter school with outstanding bonds issued in accordance with Chapter 20b, Part 2, 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 governing board of the charter school may appeal the decision to the State Board of Education.

(d) (i) The State Board of Education shall hear an appeal of a termination made pursuant to Subsection (2)(c).

(ii) The State Board of Education's action is final action subject to judicial review.

(e) (i) If the authorizer proposes to terminate the charter of a qualifying charter school with outstanding bonds issued in accordance with Chapter 20b, Part 2, 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 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.

(3) An authorizer may not terminate the charter of a qualifying charter school with outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit Enhancement Program, without mutual agreement of the Utah Charter School Finance Authority and the authorizer.

(4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education 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 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 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 governing board of another charter school; or
- (c) a private management company.

(7) (a) If a charter 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 2, Part 2, District of Residency, subject to space availability.

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

(8) Subject to the requirements of Subsection (3), an authorizer may terminate a charter pursuant to Subsection (1)(c) under the same circumstances that local educational agencies are

required to implement alternative governance arrangements under 20 U.S.C. Sec. 6316.

Section 16. Section **53A-15-1403** is amended to read:

53A-15-1403. Parental right to academic accommodations.

(1) (a) A student's parent or guardian is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent or guardian. As such, a student's parent or guardian has the right to reasonable academic accommodations from the student's LEA as specified in this section.

(b) Each accommodation shall be considered on an individual basis and no student shall be considered to a greater or lesser degree than any other student.

(c) The parental rights specified in this section do not include all the rights or accommodations that may be available to a student's parent or guardian as a user of the public education system.

(d) An accommodation under this section may only be provided if the accommodation is:

(i) consistent with federal law; and

(ii) consistent with a student's IEP if the student already has an IEP.

(2) An LEA shall reasonably accommodate a parent's or guardian's written request to retain a student in kindergarten through grade 8 on grade level based on the student's academic ability or the student's social, emotional, or physical maturity.

(3) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a teacher or request for a change of teacher.

(4) An LEA shall reasonably accommodate the request of a student's parent or guardian to visit and observe any class the student attends.

(5) Notwithstanding Chapter 11, Part 1, Compulsory Education Requirements, an LEA shall record an excused absence for a scheduled family event or a scheduled proactive visit to a health care provider if:

(a) the parent or guardian submits a written statement at least one school day before the scheduled absence; and

(b) the student agrees to make up course work for school days missed for the scheduled absence in accordance with LEA policy.

(6) (a) An LEA shall reasonably accommodate a parent's or guardian's written request

to place a student in a specialized class, a specialized program, or an advanced course.

(b) An LEA shall consider multiple academic data points when determining an accommodation under Subsection (6)(a).

(7) Consistent with Section 53A-13-108, which requires the State Board of Education to establish graduation requirements that use competency-based standards and assessments, an LEA shall allow a student to earn course credit [~~towards~~] toward high school graduation without completing a course in school by:

(a) testing out of the course; or

(b) demonstrating competency in course standards.

(8) An LEA shall reasonably accommodate a parent's or guardian's request to meet with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a regularly scheduled parent teacher conference.

(9) (a) At the request of a student's parent or guardian, an LEA shall excuse a student from taking an assessment that:

(i) is federally mandated;

(ii) is mandated by the state under this title; or

(iii) requires the use of:

(A) a state assessment system; or

(B) software that is provided or paid for by the state.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:

(i) to establish a statewide procedure for excusing a student under Subsection (9)(a) that:

(A) does not place an undue burden on a parent or guardian; and

(B) may be completed online; and

(ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or an LEA's employees through school [~~grading~~] accountability or employee evaluations due to a student not taking a test under Subsection (9)(a).

(c) An LEA:

(i) shall follow the procedures outlined in rules made by the State Board of Education under Subsection (9)(b) to excuse a student under Subsection (9)(a);

(ii) may not require procedures to excuse a student under Subsection (9)(a) in addition to the procedures outlined in rules made by the State Board of Education under Subsection (9)(b); and

(iii) may not reward a student for taking an assessment described in Subsection (9)(a).

(d) The State Board of Education shall:

(i) maintain and publish a list of state assessments, state assessment systems, and software that qualify under Subsection (9)(a); and

(ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).

(10) (a) An LEA shall provide for:

(i) the distribution of a copy of a school's discipline and conduct policy to each student in accordance with Section 53A-11-903; and

(ii) a parent's or guardian's signature acknowledging receipt of the school's discipline and conduct policy.

(b) An LEA shall notify a parent or guardian of a student's violation of a school's discipline and conduct policy and allow a parent or guardian to respond to the notice in accordance with Chapter 11, Part 9, School Discipline and Conduct Plans.

Section 17. Section 63A-3-402 is amended to read:

**63A-3-402. Utah Public Finance Website -- Establishment and administration --
Records disclosure -- Exceptions.**

(1) There is created the Utah Public Finance Website to be administered by the Division of Finance with the technical assistance of the Department of Technology Services.

(2) The Utah Public Finance Website shall:

(a) permit Utah taxpayers to:

(i) view, understand, and track the use of taxpayer dollars by making public financial information available on the Internet for participating state entities, independent entities, and participating local entities, using the Utah Public Finance Website; and

(ii) link to websites administered by participating local entities or independent entities that do not use the Utah Public Finance Website for the purpose of providing participating local entities' or independent entities' public financial information as required by this part and by rule under Section 63A-3-404;

(b) allow a person who has Internet access to use the website without paying a fee;

(c) allow the public to search public financial information on the Utah Public Finance Website using criteria established by the board;

(d) provide access to financial reports, financial audits, budgets, or other financial documents that are used to allocate, appropriate, spend, and account for government funds, as may be established by rule under Section [63A-3-404](#);

(e) have a unique and simplified website address;

(f) be directly accessible via a link from the main page of the official state website;

(g) include other links, features, or functionality that will assist the public in obtaining and reviewing public financial information, as may be established by rule under Section [63A-3-404](#); and

(h) include a link to school report cards published on the State Board of Education's website under Section [~~53A-1-1112~~] [53A-1-1107](#).

(3) The division shall:

(a) establish and maintain the website, including the provision of equipment, resources, and personnel as necessary;

(b) maintain an archive of all information posted to the website;

(c) coordinate and process the receipt and posting of public financial information from participating state entities;

(d) coordinate and regulate the posting of public financial information by participating local entities and independent entities; and

(e) provide staff support for the advisory committee.

(4) (a) A participating state entity and each independent entity shall permit the public to view the entity's public financial information via the website, beginning with information that is generated not later than the fiscal year that begins July 1, 2008, except that public financial information for an:

(i) institution of higher education shall be provided beginning with information generated for the fiscal year beginning July 1, 2009; and

(ii) independent entity shall be provided beginning with information generated for the entity's fiscal year beginning in 2014.

(b) No later than May 15, 2009, the website shall:

(i) be operational; and

(ii) permit public access to participating state entities' public financial information, except as provided in Subsections (4)(c) and (d).

(c) An institution of higher education that is a participating state entity shall submit the entity's public financial information at a time allowing for inclusion on the website no later than May 15, 2010.

(d) No later than the first full quarter after July 1, 2014, an independent entity shall submit the entity's public financial information for inclusion on the Utah Public Finance Website or via a link to its own website on the Utah Public Finance Website.

(5) (a) The Utah Educational Savings Plan, created in Section [53B-8a-103](#), shall provide the following financial information to the division for posting on the Utah Public Finance Website:

(i) administrative fund expense transactions from its general ledger accounting system; and

(ii) employee compensation information.

(b) The plan is not required to submit other financial information to the division, including:

(i) revenue transactions;

(ii) account owner transactions; and

(iii) fiduciary or commercial information, as defined in Section [53B-12-102](#).

(6) (a) The following independent entities shall each provide administrative expense transactions from its general ledger accounting system and employee compensation information to the division for posting on the Utah Public Finance Website or via a link to a website administered by the independent entity:

(i) the Utah Capital Investment Corporation, created in Section [63N-6-301](#);

(ii) the Utah Housing Corporation, created in Section [63H-8-201](#); and

(iii) the School and Institutional Trust Lands Administration, created in Section [53C-1-201](#).

(b) For purposes of this part, an independent entity described in Subsection (6)(a) is not required to submit to the division, or provide a link to, other financial information, including:

(i) revenue transactions of a fund or account created in its enabling statute;

(ii) fiduciary or commercial information related to any subject if the disclosure of the

741 information:

742 (A) would conflict with fiduciary obligations; or

743 (B) is prohibited by insider trading provisions;

744 (iii) information of a commercial nature, including information related to:

745 (A) account owners, borrowers, and dependents;

746 (B) demographic data;

747 (C) contracts and related payments;

748 (D) negotiations;

749 (E) proposals or bids;

750 (F) investments;

751 (G) the investment and management of funds;

752 (H) fees and charges;

753 (I) plan and program design;

754 (J) investment options and underlying investments offered to account owners;

755 (K) marketing and outreach efforts;

756 (L) lending criteria;

757 (M) the structure and terms of bonding; and

758 (N) financial plans or strategies; and

759 (iv) information protected from public disclosure by federal law.

760 (7) (a) As used in this Subsection (7):

761 (i) "Local education agency" means a school district or a charter school.

762 (ii) "New school building project" means:

763 (A) the construction of a school or school facility that did not previously exist in a local
764 education agency; or

765 (B) the lease or purchase of an existing building, by a local education agency, to be
766 used as a school or school facility.

767 (iii) "School facility" means a facility, including a pool, theater, stadium, or
768 maintenance building, that is built, leased, acquired, or remodeled by a local education agency
769 regardless of whether the facility is open to the public.

770 (iv) "Significant school remodel" means a construction project undertaken by a local
771 education agency with a project cost equal to or greater than \$2,000,000, including:

772 (A) the upgrading, changing, alteration, refurbishment, modification, or complete
773 substitution of an existing school or school facility in a local education agency; or

774 (B) the addition of a school facility.

775 (b) For each new school building project or significant school remodel, the local
776 education agency shall:

777 (i) prepare an annual school plant capital outlay report; and

778 (ii) submit the report:

779 (A) to the division for publication on the Utah Public Finance Website; and

780 (B) in a format, including any raw data or electronic formatting, prescribed by
781 applicable division policy.

782 (c) The local education agency shall include in the capital outlay report described in
783 Subsection (7)(b)(i) the following information as applicable to each new school building
784 project or significant school remodel:

785 (i) the name and location of the new school building project or significant school
786 remodel;

787 (ii) construction and design costs, including:

788 (A) the purchase price or lease terms of any real property acquired or leased for the
789 project or remodel;

790 (B) facility construction;

791 (C) facility and landscape design;

792 (D) applicable impact fees; and

793 (E) furnishings and equipment;

794 (iii) the gross square footage of the project or remodel;

795 (iv) the year construction was completed; and

796 (v) the final student capacity of the new school building project or, for a significant
797 school remodel, the increase or decrease in student capacity created by the remodel.

798 (d) (i) For a cost, fee, or other expense required to be reported under Subsection (7)(c),
799 the local education agency shall report the actual cost, fee, or other expense.

800 (ii) The division may require that a local education agency provide further itemized
801 data on information listed in Subsection (7)(c).

802 (e) (i) No later than May 15, 2015, a local education agency shall provide the division a

803 school plant capital outlay report for each new school building project and significant school
804 remodel completed on or after July 1, 2004, and before May 13, 2014.

805 (ii) For a new school building project or significant school remodel completed after
806 May 13, 2014, the local education agency shall provide the school plant capital outlay report
807 described in this Subsection (7) to the division annually by a date designated by the division.

808 (8) A person who negligently discloses a record that is classified as private, protected,
809 or controlled by Title 63G, Chapter 2, Government Records Access and Management Act, is
810 not criminally or civilly liable for an improper disclosure of the record if the record is disclosed
811 solely as a result of the preparation or publication of the Utah Public Finance Website.

812 Section 18. **Repealer.**

813 This bill repeals:

814 Section **53A-1-1108**, Calculation of additional points earned for high school
815 graduation and college and career readiness.

816 Section **53A-1-1109**, Calculation of percent of maximum points earned.

817 Section **53A-1-1110**, Letter grade based on percentage of maximum points earned.

818 Section **53A-1-1111**, Students with disabilities.

819 Section **53A-1-1112**, Reporting.

820 Section **53A-1-1113**, Rules.

821 Section **53A-3-601**, Legislative findings.

822 Section **53A-3-602.5**, School performance report -- Components -- Annual filing.

823 Section **53A-3-603**, State board models, guidelines, and training.

824 Section 19. **Effective date.**

825 This bill takes effect on September 15, 2017.

Legislative Review Note
Office of Legislative Research and General Counsel