

Representative Marie H. Poulson proposes the following substitute bill:

SCHOOL ACCOUNTABILITY AND ASSESSMENT AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marie H. Poulson

Senate Sponsor: Lincoln Fillmore

Cosponsors:	Brian S. King	Norman K Thurston
Patrice M. Arent	Karen Kwan	Elizabeth Weight
Joel K. Briscoe	Carol Spackman Moss	Mike Winder
Rebecca P. Edwards	Derrin R. Owens	
Craig Hall		

LONG TITLE

General Description:

This bill amends and enacts provisions related to assessments and accountability in the public education system.

Highlighted Provisions:

This bill:

- defines terms;
- repeals outdated references to the Utah Performance Assessment System for Students or "U-PASS";
- amends provisions related to the administration of statewide assessments;
- enacts provisions related to a high school assessment;
- repeals and reenacts provisions related to:
 - State Board of Education duties related to assessments; and



- 24 • standards assessments;
- 25 ▸ amends other provisions related to assessments;
- 26 ▸ establishes a school accountability system;
- 27 ▸ enacts provisions related to the school accountability system, including provisions
- 28 related to:
 - 29 • the indicators and calculation of points used to determine a school's rating under
 - 30 the school accountability system;
 - 31 • required rulemaking by the board; and
 - 32 • required reports;
 - 33 ▸ repeals and reenacts, for technical purposes, provisions related to youth suicide
 - 34 prevention training; and
 - 35 ▸ makes technical and conforming changes.

36 Money Appropriated in this Bill:

37 None

38 Other Special Clauses:

39 This bill provides a special effective date.

40 This bill provides revisor instructions.

41 Utah Code Sections Affected:**42 AMENDS:**

- 43 **53A-1-301**, as last amended by Laws of Utah 2016, Chapter 348
- 44 **53A-1-402.6**, as last amended by Laws of Utah 2015, Chapter 415
- 45 **53A-1-413**, as last amended by Laws of Utah 2016, Chapter 144
- 46 **53A-1-601**, as last amended by Laws of Utah 2000, Chapter 219
- 47 **53A-1-602**, as last amended by Laws of Utah 2015, Chapters 222 and 415
- 48 **53A-1-603.5**, as enacted by Laws of Utah 2006, Chapter 147
- 49 **53A-1-605**, as last amended by Laws of Utah 2015, Chapter 222
- 50 **53A-1-607**, as last amended by Laws of Utah 2009, Chapter 299
- 51 **53A-1-608**, as enacted by Laws of Utah 1990, Chapter 267
- 52 **53A-1-610**, as enacted by Laws of Utah 1990, Chapter 267
- 53 **53A-1-611**, as last amended by Laws of Utah 2016, Chapter 203
- 54 **53A-1-613**, as enacted by Laws of Utah 2013, Chapter 161

55 **53A-1-708**, as last amended by Laws of Utah 2016, Chapters 144 and 221
56 **53A-1-1202**, as last amended by Laws of Utah 2016, Chapter 241
57 **53A-1-1203**, as last amended by Laws of Utah 2016, Chapter 241
58 **53A-1-1206**, as last amended by Laws of Utah 2016, Chapter 241
59 **53A-1-1207**, as last amended by Laws of Utah 2016, Chapter 241
60 **53A-1-1208**, as last amended by Laws of Utah 2016, Chapter 241
61 **53A-1-1209**, as last amended by Laws of Utah 2016, Chapter 331
62 **53A-1a-106**, as last amended by Laws of Utah 2012, Chapter 315
63 **53A-1a-504**, as last amended by Laws of Utah 2016, Chapter 213
64 **53A-1a-510**, as last amended by Laws of Utah 2015, Chapter 449
65 **53A-15-1403**, as last amended by Laws of Utah 2015, Chapter 444
66 **53A-17a-166**, as enacted by Laws of Utah 2011, Chapter 359
67 **53A-25b-304**, as last amended by Laws of Utah 2012, Chapter 291
68 ENACTS:
69 **53A-1-611.5**, Utah Code Annotated 1953
70 **53A-1-1113.5**, Utah Code Annotated 1953
71 **53A-15-1303**, Utah Code Annotated 1953
72 REPEALS AND REENACTS:
73 **53A-1-603**, as last amended by Laws of Utah 2016, Chapters 203 and 221
74 **53A-1-604**, as last amended by Laws of Utah 2013, Chapter 161
75 **53A-1-1101**, as enacted by Laws of Utah 2011, Chapter 417
76 **53A-1-1102**, as last amended by Laws of Utah 2015, Chapter 452
77 **53A-1-1103**, as last amended by Laws of Utah 2015, Chapter 415
78 **53A-1-1104**, as last amended by Laws of Utah 2015, Chapters 258 and 452
79 **53A-1-1105**, as last amended by Laws of Utah 2013, Chapter 478 and last amended by
80 Coordination Clause, Laws of Utah 2013, Chapter 478
81 **53A-1-1106**, as last amended by Laws of Utah 2013, Chapter 478
82 **53A-1-1107**, as last amended by Laws of Utah 2014, Chapter 403
83 **53A-1-1108**, as last amended by Laws of Utah 2014, Chapter 403
84 **53A-1-1109**, as enacted by Laws of Utah 2011, Chapter 417
85 **53A-1-1110**, as last amended by Laws of Utah 2016, Chapter 349

86 **53A-1-1111**, as enacted by Laws of Utah 2011, Chapter 417

87 **53A-1-1112**, as last amended by Laws of Utah 2013, Chapter 478

88 REPEALS:

89 **53A-1-1104.5**, as enacted by Laws of Utah 2014, Chapter 403

90 **53A-1-1107.5**, as last amended by Laws of Utah 2015, Chapter 452

91 **53A-1-1113**, as enacted by Laws of Utah 2011, Chapter 417

92 **53A-3-601**, as last amended by Laws of Utah 2000, Chapter 219

93 **53A-3-602.5**, as last amended by Laws of Utah 2015, Chapter 415

94 **53A-3-603**, as last amended by Laws of Utah 2016, Chapter 144

95 **Utah Code Sections Affected by Revisor Instructions:**

96 **53A-1-413**, as last amended by Laws of Utah 2016, Chapter 144

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

99 Section 1. Section **53A-1-301** is amended to read:

100 **53A-1-301. Appointment -- Qualifications -- Duties.**

101 (1) (a) The State Board of Education shall appoint a superintendent of public
102 instruction, hereinafter called the state superintendent, who is the executive officer of the
103 ~~[board]~~ State Board of Education and serves at the pleasure of the ~~[board]~~ State Board of
104 Education.

105 (b) The ~~[board]~~ State Board of Education shall appoint the state superintendent on the
106 basis of outstanding professional qualifications.

107 (c) The state superintendent shall administer all programs assigned to the State Board
108 of Education in accordance with the policies and the standards established by the ~~[board]~~ State
109 Board of Education.

110 (2) The State Board of Education shall, with the ~~[appointed]~~ state superintendent,
111 develop a statewide education strategy focusing on core academics, including the development
112 of:

113 (a) core standards for Utah public schools and graduation requirements;

114 (b) a process to select model instructional materials that best correlate ~~[to]~~ with the
115 core standards for Utah public schools and graduation requirements that are supported by
116 generally accepted scientific standards of evidence;

- 117 (c) professional development programs for teachers, superintendents, and principals;
118 (d) model remediation programs;
119 (e) a model method for creating individual student learning targets, and a method of
120 measuring an individual student's performance toward those targets;
121 (f) progress-based assessments for ongoing performance evaluations of school districts
122 and schools;
123 (g) incentives to achieve the desired outcome of individual student progress in core
124 academics~~[, and which]~~ that do not create disincentives for setting high goals for the students;
125 (h) an annual report card for school and school district performance, measuring
126 learning and reporting progress-based assessments;
127 (i) a systematic method to encourage innovation in schools and school districts as ~~[they~~
128 ~~strive]~~ each strives to achieve improvement in ~~[their]~~ performance; and
129 (j) a method for identifying and sharing best demonstrated practices across school
130 districts and schools.
- 131 (3) The state superintendent shall perform duties assigned by the ~~[board]~~ State Board
132 of Education, including ~~[the following]~~:
- 133 (a) investigating all matters pertaining to the public schools;
134 (b) adopting and keeping an official seal to authenticate the state superintendent's
135 official acts;
136 (c) holding and conducting meetings, seminars, and conferences on educational topics;
137 (d) presenting to the governor and the Legislature each December a report of the public
138 school system for the preceding year ~~[to include]~~ that includes:
- 139 (i) data on the general condition of the schools with recommendations considered
140 desirable for specific programs;
141 (ii) a complete statement of fund balances;
142 (iii) a complete statement of revenues by fund and source;
143 (iv) a complete statement of adjusted expenditures by fund, the status of bonded
144 indebtedness, the cost of new school plants, and school levies;
145 (v) a complete statement of state funds allocated to each school district and charter
146 school by source, including supplemental appropriations, and a complete statement of
147 expenditures by each school district and charter school, including supplemental appropriations,

by function and object as outlined in the United States Department of Education publication "Financial Accounting for Local and State School Systems";

(vi) a complete statement, by school district and charter school, of the amount of and percentage increase or decrease in expenditures from the previous year attributed to:

(A) wage increases, with expenditure data for base salary adjustments identified separately from step and lane expenditures;

(B) medical and dental premium cost adjustments; and

(C) adjustments in the number of teachers and other staff;

(vii) a statement that includes data on:

(A) fall enrollments;

(B) average membership;

(C) high school graduates;

(D) licensed and classified employees, including data reported by school districts on educator ratings pursuant to Section 53A-8a-410;

(E) pupil-teacher ratios;

(F) average class sizes [~~calculated in accordance with State Board of Education rules adopted under Subsection 53A-3-602.5(4)~~];

(G) average salaries;

(H) applicable private school data; and

(I) data from [~~standardized norm-referenced tests in grades 5, 8, and 11 on~~] statewide assessments described in Section 53A-1-602 for each school and school district;

(viii) statistical information regarding incidents of delinquent activity in the schools or at school-related activities with separate categories for:

(A) alcohol and drug abuse;

(B) weapon possession;

(C) assaults; and

(D) arson;

(ix) information about:

(A) the development and implementation of the strategy of focusing on core academics;

(B) the development and implementation of competency-based education and

progress-based assessments; and

(C) the results being achieved under Subsections (3)(d)(ix)(A) and (B), as measured by individual progress-based assessments and a comparison of Utah students' progress with the progress of students in other states using standardized norm-referenced tests as benchmarks; and

(x) other statistical and financial information about the school system [~~which~~] that the state superintendent considers pertinent;

(e) collecting and organizing education data into an automated decision support system to facilitate school district and school improvement planning, accountability reporting, performance recognition, and the evaluation of educational policy and program effectiveness to include:

(i) data that are:

(A) comparable across schools and school districts;

(B) appropriate for use in longitudinal studies; and

(C) comprehensive with regard to the data elements required under applicable state or federal law or [~~state board~~] State Board of Education rule;

(ii) features that enable users, most particularly school administrators, teachers, and parents, to:

(A) retrieve school and school district level data electronically;

(B) interpret the data visually; and

(C) draw conclusions that are statistically valid; and

(iii) procedures for the collection and management of education data that:

(A) require the state superintendent [~~of public instruction~~] to:

(I) collaborate with school districts in designing and implementing uniform data standards and definitions;

(II) undertake or sponsor research to implement improved methods for analyzing education data;

(III) provide for data security to prevent unauthorized access to or contamination of the data; and

(IV) protect the confidentiality of data under state and federal privacy laws; and

(B) require all school districts and schools to comply with the data collection and

management procedures established under Subsection (3)(e);

(f) administering and implementing federal educational programs in accordance with Title 53A, Chapter 1, Part 9, Implementing Federal or National Education Programs Act; and

(g) with the approval of the ~~[board]~~ State Board of Education, preparing and submitting to the governor a budget for the ~~[board]~~ State Board of Education to be included in the budget that the governor submits to the Legislature.

(4) The state superintendent shall distribute funds deposited in the Autism Awareness Restricted Account created in Section 53A-1-304 in accordance with the requirements of Section 53A-1-304.

(5) Upon leaving office, the state superintendent shall deliver to the state superintendent's successor all books, records, documents, maps, reports, papers, and other articles pertaining to the state superintendent's office.

(6) (a) For the ~~[purpose]~~ purposes of Subsection (3)(d)(vii):

(i) the pupil-teacher ratio for a school shall be calculated by dividing the number of students enrolled in a school by the number of full-time equivalent teachers assigned to the school, including regular classroom teachers, school-based specialists, and special education teachers;

(ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of the schools within a school district;

(iii) the pupil-teacher ratio for charter schools aggregated shall be the median pupil-teacher ratio of charter schools in the state; and

(iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median pupil-teacher ratio of public schools in the state.

(b) The printed copy of the report required by Subsection (3)(d) shall:

(i) include the pupil-teacher ratio for:

(A) each school district;

(B) the charter schools aggregated; and

(C) the state's public schools aggregated; and

(ii) ~~[indicate the Internet]~~ identify a website where pupil-teacher ratios for each school in the state may be accessed.

Section 2. Section 53A-1-402.6 is amended to read:

53A-1-402.6. Core standards for Utah public schools.

(1) (a) In establishing minimum standards related to curriculum and instruction requirements under Section [53A-1-402](#), the State Board of Education shall, in consultation with local school boards, school superintendents, teachers, employers, and parents implement core standards for Utah public schools that will enable students to, among other objectives:

- (i) communicate effectively, both verbally and through written communication;
- (ii) apply mathematics; and
- (iii) access, analyze, and apply information.

(b) Except as provided in this title, the State Board of Education may recommend but may not require a local school board or charter school governing board to use:

- (i) a particular curriculum or instructional material; or
- (ii) a model curriculum or instructional material.

(2) The ~~[board]~~ State Board of Education shall, in establishing the core standards for Utah public schools:

(a) identify the basic knowledge, skills, and competencies each student is expected to acquire or master as the student advances through the public education system; and

(b) align with each other the core standards for Utah public schools and ~~[tests administered under the Utah Performance Assessment System for Students (U-PASS) with each other.]~~ the assessments described in Section [53A-1-604](#).

(3) The basic knowledge, skills, and competencies identified pursuant to Subsection (2)(a) shall increase in depth and complexity from year to year and focus on consistent and continual progress within and between grade levels and courses in the basic academic areas of:

(a) English, including explicit phonics, spelling, grammar, reading, writing, vocabulary, speech, and listening; and

(b) mathematics, including basic computational skills.

(4) Before adopting core standards for Utah public schools, the State Board of Education shall:

(a) publicize draft core standards for Utah public schools on the State Board of Education's website and the Utah Public Notice website created under Section [63F-1-701](#);

(b) invite public comment on the draft core standards for Utah public schools for a period of not less than 90 days; and

(c) conduct three public hearings that are held in different regions of the state on the draft core standards for Utah public schools.

(5) Local school boards shall design their school programs, that are supported by generally accepted scientific standards of evidence, to focus on the core standards for Utah public schools with the expectation that each program will enhance or help achieve mastery of the core standards for Utah public schools.

(6) Except as provided in Section 53A-13-101, each school may select instructional materials and methods of teaching, that are supported by generally accepted scientific standards of evidence, that [it] the school considers most appropriate to meet the core standards for Utah public schools.

(7) The state may exit any agreement, contract, memorandum of understanding, or consortium that cedes control of the core standards for Utah public schools to any other entity, including a federal agency or consortium, for any reason, including:

(a) the cost of developing or implementing the core standards for Utah public schools;
(b) the proposed core standards for Utah public schools are inconsistent with community values; or

(c) the agreement, contract, memorandum of understanding, or consortium:
(i) was entered into in violation of Part 9, Implementing Federal or National Education Programs Act, or Title 63J, Chapter 5, Federal Funds Procedures Act;
(ii) conflicts with Utah law;
(iii) requires Utah student data to be included in a national or multi-state database;
(iv) requires records of teacher performance to be included in a national or multi-state database; or

(v) imposes curriculum, assessment, or data tracking requirements on home school or private school students.

(8) The State Board of Education shall annually report to the Education Interim Committee on the development and implementation of the core standards for Utah public schools, including the time line established for the review of the core standards for Utah public schools by a standards review committee and the recommendations of a standards review committee established under Section 53A-1-402.8.

Section 3. 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) "Statewide assessment" means the same as that term is defined in Section [53A-1-602](#).

~~[(c)]~~ (d) "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 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 of Education;

(v) facilitates a student's parent or guardian 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 of Education's data warehouse, the State Board of Education 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 of Education 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 or guardian may request the student's Student Achievement Backpack from the LEA or the school in which the student is enrolled.

(6) ~~[No later than June 30, 2014, an]~~ An authorized LEA user ~~[shall be able to]~~ 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 ~~[for an]~~ of a statewide assessment ~~[administered under U-PASS]~~.

(7) ~~[No later than June 30, 2015, an]~~ An authorized LEA user ~~[shall be able to]~~ 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 ~~[formative, interim, and summative computer adaptive assessments administered pursuant to Section 53A-1-603]~~ statewide assessments;

~~[(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)]~~ (e) a student's writing sample that is written for ~~[an online]~~ a writing assessment administered pursuant to Section ~~[53A-1-603]~~ 53A-1-604;

~~[(g)]~~ (f) student growth scores ~~[for U-PASS tests]~~ on a statewide assessment, as applicable;

~~[(h)]~~ (g) a school's grade assigned pursuant to Part 11, School Grading Act;

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

~~[(j)]~~ (i) 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]~~ is integrated into each LEA's student information system and ~~[shall be]~~ is made available to a student's parent or guardian and an authorized LEA user in an easily accessible viewing format.

Section 4. Section **53A-1-601** is amended to read:

53A-1-601. Legislative intent.

(1) ~~[It is the intent of the Legislature in]~~ In enacting this part, the Legislature intends to determine the effectiveness of school districts and schools in assisting students to master the fundamental educational skills ~~[towards]~~ toward which instruction is directed.

(2) ~~[(a) The Utah Performance Assessment System for Students enacted under this part shall provide]~~ The board shall ensure that a statewide assessment provides the public, the

Legislature, the ~~[State Board of Education]~~ board, school districts, public schools, and school teachers with:

(a) evaluative information regarding the various levels of proficiency achieved by students, so that they may have an additional tool to plan, measure, and evaluate the effectiveness of programs in the public schools~~[-];~~ and

(b) ~~[The]~~ information ~~[may also be used]~~ to recognize excellence and to identify the need for additional resources or to reallocate educational resources in a manner to ~~[assure]~~ ensure educational opportunities for all students and to improve existing programs.

Section 5. Section **53A-1-602** is amended to read:

53A-1-602. Definitions.

As used in this part:

~~[(1) "Basic academic subject" means a subject that requires mastery of specific functions, as defined under rules made by the State Board of Education, to include reading, language arts, mathematics, science in grades 4 through 12, and effectiveness of written expression.]~~

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

(2) "Core standards for Utah public schools" means the standards [developed and adopted by the State Board of Education that define the knowledge and skills students should have in kindergarten through grade 12 to enable students to be prepared for college or workforce training.] established by the board as described in Section [53A-1-402.6](#).

(3) "Individualized education program" or "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

~~[(4) "Utah Performance Assessment System for Students" or "U-PASS" means:]~~

~~[(a) as determined by the State Board of Education, criterion-referenced achievement testing or online computer adaptive testing of students in grades 3 through 12 in basic academic subjects;]~~

~~[(b) an online writing assessment in grades 5 and 8;]~~

(4) "Statewide assessment" means one or more of the following, as applicable:

(a) a standards assessment described in Section [53A-1-604](#);

(b) a high school assessment described in Section [53A-1-611.5](#);

(c) a college readiness [assessments as detailed] assessment described in Section 53A-1-611; [and] or

(d) [testing] an assessment of students in grade 3 to measure reading grade level described in Section 53A-1-606.6.

Section 6. Section **53A-1-603** is repealed and reenacted to read:

53A-1-603. Statewide assessments -- Duties of State Board of Education.

(1) The board shall:

(a) require the state superintendent of public instruction to:

(i) submit and recommend statewide assessments to the board for adoption by the board; and

(ii) distribute the statewide assessments adopted by the board to a school district or charter school;

(b) provide for the state to participate in the National Assessment of Educational Progress state-by-state comparison testing program; and

(c) require a school district or charter school to administer statewide assessments.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules for the administration of statewide assessments.

(3) The board shall ensure that statewide assessments are administered in compliance with the requirements of Part 14, Student Data Protection Act, and Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act.

Section 7. Section **53A-1-603.5** is amended to read:

53A-1-603.5. Unique student identifier -- Coordination of higher education and public education information technology systems.

(1) As used in this section, "unique student identifier" means an alphanumeric code assigned to each public education student for identification purposes, which:

(a) is not assigned to any former or current student; and

(b) does not incorporate personal information, including a birth date or Social Security number.

(2) The ~~[State Board of Education]~~ board, through the superintendent of public instruction, shall assign each public education student a unique student identifier, which shall be used to track individual student performance on achievement tests administered under this

part.

(3) The ~~[State Board of Education]~~ board and the State Board of Regents shall coordinate public education and higher education information technology systems to allow individual student academic achievement to be tracked through both education systems in accordance with this section and Section [53B-1-109](#).

(4) The ~~[State Board of Education]~~ board and the State Board of Regents shall coordinate access to the unique student identifier of a public education student who later attends an institution within the state system of higher education.

Section 8. Section [53A-1-604](#) is repealed and reenacted to read:

53A-1-604. Utah standards assessments -- Administration -- Review committee.

(1) As used in this section, "computer adaptive assessment" means an assessment that measures the range of a student's ability by adapting to the student's responses, selecting more difficult or less difficult questions based on the student's responses.

(2) The board shall:

(a) adopt a standards assessment that:

(i) measures a student's proficiency in:

(A) mathematics for students in each of grades 3 through 8;

(B) English language arts for students in each of grades 3 through 8;

(C) science for students in each of grades 4 through 8; and

(D) writing for students in at least grades 5 and 8; and

(ii) except for the writing measurement described in Subsection (2)(a)(i)(D), is a computer adaptive assessment; and

(b) ensure that an assessment described in Subsection (2)(a) is:

(i) a criterion referenced assessment;

(ii) administered online;

(iii) aligned with the core standards for Utah public schools; and

(iv) adaptable to competency-based education as defined in Section [53A-15-1802](#).

(3) A school district or charter school shall annually administer the standards assessment adopted by the board under Subsection (2) to all students in the subjects and grade levels described in Subsection (2).

(4) A student's score on the standards assessment adopted under Subsection (2) may

not be considered in determining:

(a) the student's academic grade for a course; or

(b) whether the student may advance to the next grade level.

(5) (a) The board shall establish a committee consisting of 15 parents of Utah public education students to review all standards assessment questions.

(b) The committee established in Subsection (5)(a) shall include the following parent members:

(i) five members appointed by the chair of the board;

(ii) five members appointed by the speaker of the House of Representatives or the speaker's designee; and

(iii) five members appointed by the president of the Senate or the president's designee.

(c) The board shall provide staff support to the parent committee.

(d) The term of office of each member appointed in Subsection (5)(b) is four years.

(e) The chair of the board, the speaker of the House of Representatives, and the president of the Senate shall adjust the length of terms to stagger the terms of committee members so that approximately half of the committee members are appointed every two years.

(f) No member may receive compensation or benefits for the member's service on the committee.

Section 9. Section **53A-1-605** is amended to read:

53A-1-605. Analysis of results -- Staff professional development.

(1) The [~~State Board of Education~~] board, through the state superintendent of public instruction, shall develop [~~a plan~~] an online data reporting tool to analyze the results of [~~the U-PASS scores for all grade levels and courses required under Section 53A-1-603.~~] statewide assessments.

(2) The [~~plan~~] online data reporting tool shall include components designed to:

(a) assist school districts and individual schools to use the results of the analysis in planning, evaluating, and enhancing programs; [~~and~~]

(b) identify schools not achieving state-established acceptable levels of student performance in order to assist those schools in [~~raising their~~] improving student performance levels[. (~~3) The plan shall include provisions~~]; and

(c) provide:

(i) for statistical reporting of ~~[criterion-referenced or online computer adaptive test]~~
statewide assessment results at state, school district, school, and grade or course levels~~[-]~~; and
~~[shall include]~~

(ii) actual levels of performance on ~~[tests]~~ statewide assessments.

~~[(4) Each]~~ (3) A local school board ~~[and]~~ or charter school governing board shall
provide for:

(a) evaluation of the ~~[U-PASS test]~~ statewide assessment results and use of the
evaluations in setting goals and establishing programs; and

(b) a professional development program that provides teachers, principals, and other
professional staff with the training required to successfully establish and maintain ~~[U-PASS]~~
statewide assessments.

Section 10. Section **53A-1-607** is amended to read:

53A-1-607. Scoring -- Reports of results.

(1) ~~[Each]~~ For a statewide assessment that requires the use of a student answer sheet, a
local school board ~~[and]~~ or charter school governing board shall submit all answer sheets ~~[for~~
~~the achievement tests administered under U-PASS]~~ on a per-school and per-class basis to the
state superintendent of public instruction for scoring unless the ~~[test]~~ assessment requires
scoring by a national testing service.

(2) The district, school, and class results of the ~~[U-PASS testing program]~~ statewide
assessments, but not the score or relative position of individual students, shall be reported to
each local school board or charter school governing board annually at a regularly scheduled
meeting.

(3) ~~[Each local board and]~~ A local school board or charter school governing board;

(a) shall make copies of the report available to the general public upon request~~[- (4)~~
~~The board]; and~~

(b) may charge a fee for ~~[the copying costs]~~ the cost of copying the report.

~~[(5) The State Board of Education]~~

(4) (a) The board shall annually provide to school districts and charter schools a
comprehensive report for each of ~~[their]~~ the school district's and charter school's students
showing the student's ~~[U-PASS test]~~ statewide assessment results for each year that the student
took a ~~[U-PASS test. School districts and charter schools]~~ statewide assessment.

(b) A school district or charter school shall give a copy of the comprehensive report to the student's parents and make the report available to school staff, as appropriate.

Section 11. Section **53A-1-608** is amended to read:

53A-1-608. Preparation for tests.

(1) School district employees may not ~~[carry on]~~ conduct any specific instruction or preparation of students ~~[which]~~ that would be a breach of testing ethics, such as the teaching of specific test questions.

(2) School district employees who administer the test shall follow the standardization procedures in the ~~[publisher's]~~ test administration manual for an assessment and any additional specific instructions developed by the ~~[State Board of Education]~~ board.

(3) The ~~[State Board of Education]~~ board may revoke the certification of an individual who violates this section.

Section 12. Section **53A-1-610** is amended to read:

53A-1-610. Grade level specification change.

(1) ~~[The State Board of Education may replace the grade]~~ The board may change a grade level specification for the administration of specific ~~[tests]~~ assessments under this part ~~[with a specification of age or time elapsed since the student entered school if the replacement]~~ to a different grade level specification or a competency-based specification if the specification is more consistent with patterns of school organization.

(2) ~~[The]~~ (a) If the board changes a grade level specification described in Subsection (1), the board shall submit a report to the Legislature explaining the reasons for ~~[replacing]~~ changing the grade level specification.

(b) The board shall submit the report at least six months ~~[prior to]~~ before the anticipated change.

Section 13. Section **53A-1-611** is amended to read:

53A-1-611. College readiness assessments.

(1) The Legislature recognizes the need for the ~~[State Board of Education]~~ board to develop and implement standards and assessment processes to ensure that student progress is measured and that school boards and school personnel are accountable.

~~[(2) In addition to its responsibilities under Sections 53A-1-603 through 53A-1-605, the State Board of Education shall:]~~

~~[(a) adopt college readiness assessments for secondary students; and]
[(b) require a school district or charter school to administer the college readiness
assessments adopted by the State Board of Education.]~~

~~[(3) A college readiness assessment adopted by the State Board of Education:]~~

~~[(a) shall include the college admissions test that includes an assessment of language
arts, mathematics, and science that is]~~

(2) The board shall adopt a college readiness assessment for secondary students that:

(a) [most commonly submitted to] is a college readiness assessment accepted by local
universities; and

(b) may include:

(i) the Armed Services Vocational Aptitude Battery; [and] or

(ii) a battery of assessments that are predictive of success in higher education.

~~[(4)]~~ (3) (a) Except as provided in Subsection [(4)(b), the State Board of Education
shall require] (3)(b), a school district or charter school [to] shall annually administer [a test] the
college readiness assessment adopted under Subsection [(3)(a)] (2) to all students in grade 11.

(b) A student with an IEP may take an appropriate college readiness assessment other
than [a test] the assessment adopted by the [State Board of Education] board under Subsection
[(3)(a)] (2), as determined by the student's IEP.

Section 14. Section **53A-1-611.5** is enacted to read:

53A-1-611.5. High school assessments.

(1) The board shall adopt a high school assessment that:

(a) is predictive of a student's college readiness as measured by the college readiness
assessment described in Section [53A-1-611](#); and

(b) provides a growth score for a student from grade 9 to 10.

(2) A school district or charter school shall annually administer the high school
assessment adopted by the board under Subsection (1) to all students in grades 9 and 10.

Section 15. Section **53A-1-613** is amended to read:

53A-1-613. Online test preparation program.

(1) The [State Board of Education] board shall contract with a provider, selected
through a request for proposals process, to provide an online [program to prepare students to
take the college admissions test that includes an assessment of language arts, mathematics, and

613 ~~science]~~ college readiness diagnostic tool that is aligned with the college readiness assessment
614 that is most commonly submitted to local universities.

615 (2) An online test preparation program described in Subsection (1):

616 (a) (i) shall allow a student to independently access online materials and learn at the
617 student's own pace; and

618 (ii) may be used to provide classroom and teacher-assisted instruction;

619 (b) shall provide online study materials, diagnostic exams, drills, and practice tests in
620 an approach that is engaging to high school students;

621 (c) shall enable electronic reporting of student progress to administrators, teachers,
622 parents, and other facilitators;

623 (d) shall record a student's progress in an online dashboard that provides diagnostic
624 assessment of the content areas tested and identifies mastery of corresponding skill sets; and

625 (e) shall provide training and professional development to personnel in school districts
626 and charter schools on how to utilize the online test preparation program and provide
627 teacher-assisted instruction to students.

628 ~~[(3) To be eligible to administer a college admissions test provided by the State Board~~
629 ~~of Education from funds appropriated for college readiness assessments, a school district or~~
630 ~~charter school shall:]~~

631 ~~[(a) promote the use of the online test preparation program; and]~~

632 ~~[(b) inform parents and students of the availability of, and how to access and use, the~~
633 ~~online test preparation program. (4) The State Board of Education,]~~

634 (3) The board, school districts, and charter schools shall make the online test
635 preparation program available to a student:

636 (a) beginning in the 2013-14 school year; and

637 (b) for at least one full year~~[, except a student in grade 11 in the 2013-14 school year~~
638 ~~shall have access to the online test preparation program as soon as the program can be made~~
639 ~~operational].~~

640 Section 16. Section **53A-1-708** is amended to read:

641 **53A-1-708. Grants for online delivery of statewide assessments.**

642 (1) As used in this section:

643 (a) "Adaptive tests" means tests administered during the school year using an online

644 adaptive test system.

645 (b) "Core standards for Utah public schools" means the standards ~~[developed and~~
646 ~~adopted by the State Board of Education that define the knowledge and skills students should~~
647 ~~have in kindergarten through grade 12 to enable students to be prepared for college or~~
648 ~~workforce training.]~~ established by the State Board of Education as described in Section
649 [53A-1-402.6.](#)

650 (c) "Statewide assessment" means the same as that term is defined in Section
651 [53A-1-602.](#)

652 ~~[(c)]~~ (d) "Summative tests" means tests administered near the end of a course to assess
653 overall achievement of course goals.

654 ~~[(d)]~~ (e) "Uniform online summative test system" means a single system for the online
655 delivery of summative tests required ~~[under U-PASS]~~ as statewide assessments that:

- 656 (i) is coordinated by the State Board of Education;
657 (ii) ensures the reliability and security of ~~[U-PASS tests]~~ statewide assessments; and
658 (iii) is selected through collaboration between the State Board of Education and school
659 district representatives with expertise in technology, assessment, and administration.

660 ~~[(e) "U-PASS" means the Utah Performance Assessment System for Students.]~~

661 (2) The State Board of Education may award grants to school districts and charter
662 schools to implement ~~[one or both of the following]~~:

663 (a) a uniform online summative test system to enable ~~[parents of students and]~~ school
664 staff and parents of students to review ~~[U-PASS test]~~ statewide assessment scores by the end of
665 the school year; or

666 (b) an online adaptive test system to enable parents of students and school staff to
667 measure and monitor a student's academic progress during a school year.

668 (3) (a) Grant money may be used to pay for any of the following, provided it is directly
669 related to implementing a uniform online summative test system, an online adaptive test
670 system, or both:

- 671 (i) computer equipment and peripherals, including electronic data capture devices
672 designed for electronic test administration and scoring;
673 (ii) software;
674 (iii) networking equipment;

- (iv) upgrades of existing equipment or software;
- (v) upgrades of existing physical plant facilities;
- (vi) personnel to provide technical support or coordination and management; and
- (vii) teacher professional development.

(b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the online delivery of summative tests or adaptive tests required [~~under U-PASS~~] as statewide assessments, may be used for other purposes.

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

- (a) establishing procedures for applying for and awarding grants;
- (b) specifying how grant money [~~shall be~~] is allocated among school districts and charter schools;
- (c) requiring reporting of grant money expenditures and evidence showing that the grant money has been used to implement a uniform online summative test system, an online adaptive test system, or both;
- (d) establishing technology standards for an online adaptive testing system;
- (e) requiring a school district or charter school that receives a grant under this section to implement, in compliance with [~~Chapter 1,~~] Part 14, Student Data Protection Act, and Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act, an online adaptive test system by the 2014-15 school year that:
 - (i) meets the technology standards established under Subsection (4)(d); and
 - (ii) is aligned with the core standards for Utah public schools;
- (f) requiring a school district or charter school to provide matching funds to implement a uniform online summative test system, an online adaptive test system, or both in an amount that is greater than or equal to the amount of a grant received under this section; and
- (g) ensuring that student identifiable data is not released to any person, except as provided by [~~Chapter 1,~~] Part 14, Student Data Protection Act, Section 53A-13-301, and rules of the State Board of Education adopted under that section.

(5) If a school district or charter school uses grant money for purposes other than those stated in Subsection (3), the school district or charter school is liable for reimbursing the State Board of Education in the amount of the grant money improperly used.

(6) A school district or charter school may not use federal funds to provide the matching funds required to receive a grant under this section.

(7) A school district may not impose a tax rate above the certified tax rate for the purpose of generating revenue to provide matching funds for a grant under this section.

Section 17. 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 18. 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) "Individualized education program" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

(3) "Lowest performing 25% of students" means the proportion of a school's students who scored in the lowest 25% of students in the school on a statewide assessment based on the prior school year's scores.

(4) "Statewide assessment" means one or more of the following, as applicable:

(a) a standards assessment described in Section **53A-1-604**;

(b) a high school assessment described in Section **53A-1-611.5**;

(c) a college readiness assessment described in Section **53A-1-611**; or

(d) an alternate assessment administered to a student with a disability.

Section 19. Section **53A-1-1103** is repealed and reenacted to read:

53A-1-1103. Statewide school accountability system -- State Board of Education rulemaking.

(1) There is established a statewide school accountability system.

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

Section 20. Section **53A-1-1104** is repealed and reenacted to read:

53A-1-1104. Schools included in school accountability system -- Other indicators and point distribution for a school that serves a special student population.

(1) Except as provided in Subsection (2), the board shall include all public schools in the state in the school accountability system established under this part.

(2) The board shall exempt from the school accountability system:

(a) a school in which the number of students tested on a statewide assessment is lower than the minimum sample size necessary, based on acceptable professional practice for statistical reliability, or when release of the information would violate 20 U.S.C. Sec. 1232h, the prevention of the unlawful release of personally identifiable student data;

(b) a school in the school's first year of operations if the school's local school board or charter school governing board requests the exemption; or

(c) a high school in the school's second year of operations if the school's local school board or charter school governing board requests the exemption.

(3) Notwithstanding the provisions of this part, the board may use, to appropriately assess the educational impact of a school that serves a special student population:

(a) other indicators in addition to the indicators described in Section [53A-1-1106](#) or [53A-1-1107](#); or

(b) different point distribution than the point distribution described in Section [53A-1-1108](#).

Section 21. Section [53A-1-1105](#) is repealed and reenacted to read:

53A-1-1105. Rating schools.

(1) Except as provided in Subsection (3), and in accordance with this part, the board shall annually assign to each school an overall rating, as determined by the board.

(2) A school's overall rating described in Subsection (1) shall be based on the school's performance level on the indicators described in:

(a) Section [53A-1-1106](#), for an elementary school or a middle school; or

(b) Section [53A-1-1107](#), for a high school.

(3) For the 2017-2018 school year, the 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 22. Section [53A-1-1106](#) is repealed and reenacted to read:

53A-1-1106. Indicators for elementary and middle schools.

For an elementary school or a middle school, the board shall assign the school's overall rating, in accordance with Section [53A-1-1108](#), based on the school's performance on the following indicators:

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

(2) academic growth as measured by progress from year to year on a statewide assessment of English language arts, mathematics, and science; and

(3) equitable educational opportunity as measured by:

(a) academic growth of the lowest performing 25% of students as measured by progress of the lowest performing 25% of students on a statewide assessment of English language arts, mathematics, and science; and

(b) except as provided in Section [53A-1-1110](#), English learner progress as measured by performance on an English learner assessment established by the board.

Section 23. Section [53A-1-1107](#) is repealed and reenacted to read:

53A-1-1107. Indicators for high schools.

For a high school, in accordance with Section [53A-1-1108](#), the board shall assign the school's overall rating based on the school's performance on the following indicators:

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

(2) academic growth as measured by progress from year to year on a statewide assessment of English language arts, mathematics, and science;

(3) equitable educational opportunity as measured by:

(a) academic growth of the lowest performing 25% of students as measured by progress of the lowest performing 25% of students on a statewide assessment of English language arts, mathematics, and science; and

(b) except as provided in Section [53A-1-1110](#), English learner progress as measured by performance on an English learner assessment established by the board; and

(4) postsecondary readiness as measured by:

(a) the school's graduation rate, as described in Section [53A-1-1108](#);

(b) student performance, as described in Section 53A-1-1108, on a college readiness assessment described in Section 53A-1-611; and

(c) student achievement in advanced course work, as described in Section 53A-1-1108.

Section 24. Section 53A-1-1108 is repealed and reenacted to read:

53A-1-1108. Calculation of points.

(1) (a) The board shall award to a school points for academic achievement described in Subsection 53A-1-1106(1) or 53A-1-1107(1) as follows:

(i) the board shall award a school points proportional to the percentage of the school's students who, out of all the school's students who take a statewide assessment of English language arts, score at or above the proficient level on the assessment;

(ii) the board shall award a school points proportional to the percentage of the school's students who, out of all the school's students who take a statewide assessment of mathematics, score at or above the proficient level on the assessment; and

(iii) the board shall award a school points proportional to the percentage of the school's students who, out of all the school's students who take a statewide assessment of science, score at or above the proficient level on the assessment.

(b) (i) The maximum number of total points possible for academic achievement described in Subsection (1)(a) is 56 points.

(ii) The maximum number of points possible for a component listed in Subsection (1)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (1)(b)(i).

(2) (a) Subject to Subsection (2)(b), the board shall award to a school points for academic growth described in Subsection 53A-1-1106(2) or 53A-1-1107(2) as follows:

(i) the board shall award a school points for growth of the school's students on a statewide assessment of English language arts;

(ii) the board shall award a school points for growth of the school's students on a statewide assessment of mathematics; and

(iii) the board shall award a school points for growth of the school's students on a statewide assessment of science.

(b) The board shall determine points for growth awarded under Subsection (2)(a) by indexing the points based on:

(i) whether a student's performance on a statewide assessment is equal to or exceeds

the student's academic growth target; and

(ii) the amount of a student's growth on a statewide assessment compared to other students with similar prior assessment scores.

(c) (i) The maximum number of total points possible for academic growth described in Subsection (2)(a) is 56 points.

(ii) The maximum number of points possible for a component listed in Subsection (2)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (2)(c)(i).

(3) (a) Subject to Subsection (3)(b), the board shall award to a school points for equitable educational opportunity described in Subsection 53A-1-1106(3) or 53A-1-1107(3) as follows:

(i) the board shall award a school points for growth of the school's lowest performing 25% of students on a statewide assessment of English language arts;

(ii) the board shall award a school points for growth of the school's lowest performing 25% of students on a statewide assessment of mathematics;

(iii) the board shall award a school points for growth of the school's lowest performing 25% of students on a statewide assessment of science; and

(iv) except as provided in Section 53A-1-1110, the board shall award to a school points proportional to the percentage of English learners who achieve adequate progress as determined by the board on an English learner assessment established by the board.

(b) The board shall determine points for academic growth awarded under Subsection (3)(a)(i), (ii), or (iii) by indexing the points based on the amount of a student's growth on a statewide assessment compared to other students with similar prior assessment scores.

(c) (i) The maximum number of total points possible for equitable educational opportunity described in Subsection (3)(a) is 38 points.

(ii) The maximum number of points possible for the components listed in Subsection (3)(a)(i), (ii), and (iii), combined, is 25 points.

(iii) The maximum number of points possible for a component listed in Subsection (3)(a)(i), (ii), or (iii) is one-third of the number of the combined points described in Subsection (3)(c)(ii).

(iv) The maximum number of points possible for the component listed in Subsection (3)(a)(iv) is 13 points.

(4) (a) The board shall award to a high school points for postsecondary readiness described in Subsection [53A-1-1107](#)(4) as follows:

(i) the board shall award to a high school points proportional to the percentage of the school's students who, out of all the school's students who take a college readiness assessment described in Section [53A-1-611](#), receive at least the minimum score required for acceptance into the majority of local universities;

(ii) the board shall award to a high school points proportional to the percentage of the school's students who achieve at least one of the following:

(A) a C grade or better in an Advanced Placement course;

(B) a C grade or better in a concurrent enrollment course;

(C) a C grade or better in an International Baccalaureate course; or

(D) completion of a career and technical education pathway, as defined by the board;

and

(iii) in accordance with Subsection (4)(c), the board shall award to a high school points proportional to the percentage of the school's students who graduate from the school.

(b) (i) The maximum number of total points possible for postsecondary readiness described in Subsection (4)(a) is 75 points.

(ii) The maximum number of points possible for a component listed in Subsection (4)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (4)(b)(i).

(c) (i) In calculating the percentage of students who graduate described in Subsection (4)(a)(iii), except as provided in Subsection (4)(c)(ii), the board shall award to a high school points proportional to the percentage of the school's students who graduate from the school within four years.

(ii) The board may award up to 10% of the points allocated for high school graduation described in Subsection (4)(b)(ii) to a school for students who graduate from the school within five years.

Section 25. Section [53A-1-1109](#) is repealed and reenacted to read:

[53A-1-1109. Calculation of total points awarded -- Maximum number of total points possible.](#)

(1) Except as provided in Section [53A-1-1110](#), the board shall calculate the number of total points awarded to a school by totaling the number of points the board awards to the school

in accordance with Section [53A-1-1108](#).

(2) The maximum number of total points possible under Subsection (1) is:

(a) for an elementary school or a middle school, 150 points; or

(b) for a high school, 225 points.

Section 26. Section [53A-1-1110](#) is repealed and reenacted to read:

[53A-1-1110. Exclusion of English learner progress -- Calculation of total points awarded for a school with fewer than 10 English learners.](#)

(1) For a school that has fewer than 10 English learners, the board shall:

(a) exclude the use of English learner progress in determining the school's overall rating by:

(i) awarding no points to the school for English learner progress described in Subsection [53A-1-1108](#)(3)(a)(iv); and

(ii) excluding the points described in Subsection [53A-1-1108](#)(3)(c)(iv) from the school's maximum points possible; and

(b) calculate the number of total points awarded to the school by totaling the number of points the board awards to the school in accordance with Section [53A-1-1108](#) subject to the exclusion described in Subsection (1)(a).

(2) The maximum number of total points possible under Subsection (1) is:

(a) for an elementary school or a middle school, 137 points; or

(b) for a high school, 212 points.

Section 27. Section [53A-1-1111](#) is repealed and reenacted to read:

[53A-1-1111. State Board of Education duties -- Proficient level -- Student growth -- English learner adequate progress.](#)

(1) (a) For the purpose of determining whether a student scores at or above the proficient level on a statewide assessment, the board shall determine, through a process that evaluates student performance based on specific criteria, the minimum level that demonstrates proficiency for each statewide assessment.

(b) If the board adjusts the minimum level that demonstrates proficiency described in Subsection (1)(a), the board shall report the adjustment and the reason for the adjustment to the Education Interim Committee no later than 30 days after the day on which the board makes the adjustment.

(2) (a) For the purpose of determining whether a student's performance on a statewide assessment is equal to or exceeds the student's academic growth target, the board shall calculate, for each individual student, the amount of growth necessary to achieve or maintain proficiency by a future school year determined by the board.

(b) For the purpose of determining the amount of a student's growth on a statewide assessment compared to other students with similar prior assessment scores, the board shall calculate growth as a percentile for a student using appropriate statistical methods.

(3) For the purpose of determining whether an English learner achieves adequate progress on an English learner assessment established by the board, the board shall determine the minimum progress that demonstrates adequate progress.

Section 28. Section **53A-1-1112** is repealed and reenacted to read:

53A-1-1112. Reporting.

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

(a) the school's overall rating described in Subsection **53A-1-1105**(1);

(b) the school's performance on each indicator described in:

(i) Section **53A-1-1106**, for an elementary school or a middle school; or

(ii) Section **53A-1-1107**, for a high school;

(c) information comparing the school's performance on each indicator described in Subsection (1)(b) with:

(i) the average school performance; and

(ii) the school's performance in all previous years for which data is available;

(d) the percentage of students who participated in statewide assessments, disaggregated according to student proficiency;

(e) for an elementary school, the percentage of students who read on grade level in grades 1 through 3; and

(f) for a high school, performance on Advanced Placement exams.

(2) A school may include in the school's report card described in Subsection (1) up to two self-reported school quality indicators that:

(a) are approved by the board for inclusion; and

(b) may include process or input indicators.

954 (3) (a) The board shall develop an individualized student achievement report that
955 includes:

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

958 (ii) a comparison of the student's academic growth target and actual academic growth
959 as measured by a statewide assessment.

960 (b) The board shall, subject to the Family Educational Rights and Privacy Act, 20
961 U.S.C. Sec. 1232g, make the individualized student achievement report described in
962 Subsection (3)(a) available for a school district or charter school to access electronically.

963 (c) A school district or charter school shall distribute an individualized student
964 achievement report to the parent or guardian of the student to whom the report applies.

965 Section 29. Section **53A-1-1113.5** is enacted to read:

966 **53A-1-1113.5. Overall rating based on student performance -- Establishment of**
967 **performance thresholds and criteria -- Report during interim.**

968 (1) As used in this section, "statewide assessment" means one or more of the following,
969 as applicable:

970 (a) a standards assessment described in Section [53A-1-604](#);

971 (b) a high school assessment described in Section [53A-1-611.5](#);

972 (c) a college readiness assessment described in Section [53A-1-611](#); or

973 (d) an alternate assessment administered to a student with a disability.

974 (2) (a) The board shall calculate a school's grade for the 2016-2017 school year in
975 accordance with Part 11, School Grading Act.

976 (b) For the 2017-2018 school year, the board:

977 (i) shall evaluate a school based on the school's performance level on the indicators
978 described in Subsection (7); and

979 (ii) is not required to assign a school an overall rating.

980 (c) The board shall assign a school an overall rating for the 2018-2019 school year or a
981 school year thereafter in accordance with Subsection (3).

982 (3) The board shall assign a school an overall rating, as determined by the board, based
983 on the school's performance level on the indicators described in Subsection (7).

984 (4) (a) The board shall engage in a criteria setting process to establish:

985 (i) performance thresholds for the overall ratings described in Subsection (3); and
986 (ii) a system for assigning a school an overall rating based on evaluating the school's
987 performance against specific criteria.

988 (b) In establishing the performance thresholds described in Subsection (4)(a), the board
989 shall solicit and consider input from:

990 (i) legislators;

991 (ii) the governor;

992 (iii) representatives from local school boards;

993 (iv) other representatives from school districts, including superintendents;

994 (v) representatives from charter school governing boards;

995 (vi) other representatives from charter schools;

996 (vii) teachers; and

997 (viii) parents.

998 (5) On or before the Education Interim Committee's September 2017 interim meeting,
999 the board shall report to the Education Interim Committee:

1000 (a) the performance thresholds and criteria described in Subsection (4), including
1001 rationale and documentation of the procedures used to develop the performance thresholds and
1002 criteria; and

1003 (b) a sample report card for a school, including a sample display of:

1004 (i) the school's overall rating described in Subsection (3);

1005 (ii) the school's performance on each indicator described in Subsection (7);

1006 (iii) information comparing the school's performance on each indicator described in
1007 Subsection (7) with:

1008 (A) the average school performance; and

1009 (B) the school's performance in all previous years for which data is available;

1010 (iv) the percentage of students who participated in statewide assessments,
1011 disaggregated according to student proficiency;

1012 (v) for an elementary school, the percentage of students who read on grade level in
1013 grades 1 through 3;

1014 (vi) for a high school, performance on Advanced Placement exams; and

1015 (vii) up to two school-reported school quality indicators that may include process or

input indicators.

(6) On or before October 31, 2017, the Education Interim Committee shall make recommendations related to the board's report described in Subsection (5) to the Legislative Management Committee.

(7) A school's overall rating described in Subsection (3) shall be based on the school's performance on the following indicators:

(a) for a school:

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

(ii) academic growth as measured by progress from year to year on a statewide assessment of English language arts, mathematics, and science; and

(iii) equitable educational opportunity as measured by:

(A) academic growth of the lowest performing 25% of students as measured by progress of the lowest performing 25% of students on a statewide assessment of English language arts, mathematics, and science; and

(B) English learner progress as measured by performance on an English learner assessment established by the board; and

(b) for a high school, in addition to the indicators described in Subsection (7)(a), postsecondary readiness as measured by:

(i) the school's graduation rate;

(ii) student performance on a college readiness assessment described in Section 53A-1-611; and

(iii) student achievement in advanced course work.

Section 30. 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

1047 Boards.

1048 (4) "Educator" means the same as that term is defined in Section [53A-6-103](#).

1049 (5) "Final remedial year" means the second school year following the initial remedial
1050 year.

1051 (6) "Initial remedial year" means the school year a district school or charter school is
1052 designated as a low performing school under Section [53A-1-1203](#).

1053 (7) "Low performing school" means a district school or charter school that has been
1054 designated as a low performing school by the board [~~because the school is: (a) in the lowest~~
1055 ~~performing 3% of schools statewide according to the percentage of possible points earned~~
1056 ~~under the school grading system; and (b) a low performing school according to other~~
1057 ~~outcome-based measures as may be defined in rules made by the board in accordance with Title~~
1058 ~~63G, Chapter 3, Utah Administrative Rulemaking Act.] in accordance with Section
1059 [53A-1-1203](#).~~

1060 (8) "Rating" means the overall rating assigned to a school under the school
1061 accountability system.

1062 (9) "School accountability system" means the school accountability system established
1063 in Part 11, School Accountability System.

1064 [~~(8) "School grade" or "grade" means the letter grade assigned to a school under the~~
1065 ~~school grading system.]~~

1066 [~~(9) "School grading system" means the system established under Part 11, School~~
1067 ~~Grading Act, of assigning letter grades to schools.]~~

1068 [~~(10) "Statewide assessment" means a test of student achievement in basic academic~~
1069 ~~subjects, including a test administered in a computer adaptive format that is administered~~
1070 ~~statewide under Part 6, Achievement Tests.]~~

1071 Section 31. Section **53A-1-1203** is amended to read:

1072 **53A-1-1203. State Board of Education to designate low performing schools.**

1073 [On] (1) Except as provided in Subsection (2), on or before September 1, the board
1074 shall annually designate a school as a low performing school if the school is:

1075 [(1)] (a) in the lowest performing 3% of schools statewide according to the percentage
1076 of possible points earned under the school [~~grading~~] accountability system; and

1077 [(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 the board is not required to assign an overall rating in accordance with Section 53A-1-1105.

Section 32. 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 each year, 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

1109 board shall identify experts that:

1110 (a) have a credible track record of improving student academic achievement in public
1111 schools with various demographic characteristics, as measured by statewide assessments
1112 described in Section 53A-1-602;

1113 (b) have experience designing, implementing, and evaluating data-driven instructional
1114 systems in public schools;

1115 (c) have experience coaching public school administrators and teachers on designing
1116 data-driven school improvement plans;

1117 (d) have experience working with the various education entities that govern public
1118 schools;

1119 (e) have experience delivering high-quality professional development in instructional
1120 effectiveness to public school administrators and teachers;

1121 (f) are willing to be compensated for professional services based on performance as
1122 described in Subsection (3); and

1123 (g) are willing to partner with any low performing school in the state, regardless of
1124 location.

1125 (3) (a) When awarding a contract to an independent school turnaround expert selected
1126 by a local school board under Subsection 53A-1-1204(2) or by a charter school governing
1127 board under Subsection 53A-1-1205(4)(b), the board shall ensure that a contract between the
1128 board and the independent school turnaround expert specifies that the board will:

1129 (i) pay an independent school turnaround expert no more than 50% of the expert's
1130 professional fees at the beginning of the independent school turnaround expert's work for the
1131 low performing school; and

1132 (ii) pay the remainder of the independent school turnaround expert's professional fees
1133 upon completion of the independent school turnaround expert's work for the low performing
1134 school if:

1135 (A) the independent school turnaround expert fulfills the terms of the contract; and

1136 (B) the low performing school's [grade] rating improves by at least one [letter grade]
1137 rating, as determined by the board under Subsection (3)(b).

1138 (b) The board shall determine whether a low performing school's [grade] rating has
1139 improved under Subsection (3)(a)(ii) by comparing the school's [letter grade] rating for the

1140 school year prior to the initial remedial year to the school's ~~[letter grade]~~ rating:
1141 (i) for the final remedial year; or
1142 (ii) for the last school year of the extension period if, as described in Section
1143 53A-1-1207:
1144 (A) a school is granted an extension; and
1145 (B) the board extends the contract of the school's independent school turnaround
1146 expert.
1147 (c) In negotiating a contract with an independent school turnaround expert, the board
1148 shall offer:
1149 (i) differentiated amounts of funding based on student enrollment; and
1150 (ii) a higher amount of funding for schools that are in the lowest performing 1% of
1151 schools statewide according to the percentage of possible points earned under the school
1152 ~~[grading]~~ accountability system.
1153 (4) The board shall:
1154 (a) review a school turnaround plan submitted for approval under Subsection
1155 53A-1-1204(5)(b) or under Subsection 53A-1-1205(7)(b) within 30 days of submission;
1156 (b) approve a school turnaround plan that:
1157 (i) is timely;
1158 (ii) is well-developed; and
1159 (iii) meets the criteria described in Subsection 53A-1-1204(3); and
1160 (c) subject to legislative appropriations, provide funding to a low performing school for
1161 interventions identified in an approved school turnaround plan if the local school board or
1162 charter school governing board provides matching funds or an in-kind contribution of goods or
1163 services in an amount equal to the funding the low performing school would receive from the
1164 board.
1165 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1166 the board shall make rules to establish an appeals process for:
1167 (i) a low performing district school that is not granted approval from the district
1168 school's local school board under Subsection 53A-1-1204(5)(b);
1169 (ii) a low performing charter school that is not granted approval from the charter
1170 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 33. 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]~~ accountability system by at least:

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

(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]~~ accountability 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) 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) 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

(ii) is not granted an extension under Subsection (2); or

(b) (i) is granted an extension under Subsection (2); and

(ii) 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 last school year of the extension period.

(4) The board shall ensure that the rules established under Subsection (3) include a

1233 mechanism for:

1234 (a) restructuring a district school that may include:

1235 (i) contract management;

1236 (ii) conversion to a charter school; or

1237 (iii) state takeover; and

1238 (b) restructuring a charter school that may include:

1239 (i) termination of a school's charter;

1240 (ii) closure of a charter school; or

1241 (iii) transferring operation and control of the charter school to:

1242 (A) a high performing charter school; or

1243 (B) the school district in which the charter school is located.

1244 Section 34. Section **53A-1-1208** is amended to read:

1245 **53A-1-1208. School Recognition and Reward Program.**

1246 (1) As used in this section, "eligible school" means a low performing school that:

1247 (a) improves the school's [grade] rating by at least one [letter-grade] rating, as

1248 determined by comparing the school's [letter-grade] rating for the school year prior to the initial

1249 remedial year to the school's [letter-grade] rating for the final remedial year; or

1250 (b) (i) has been granted an extension under Subsection **53A-1-1207(2)**; and

1251 (ii) improves the school's [grade] rating by at least one [letter-grade] rating, as

1252 determined by comparing the school's [letter-grade] rating for the school year prior to the initial

1253 remedial year to the school's [letter-grade] rating for the last school year of the extension

1254 period.

1255 (2) The School Recognition and Reward Program is created to provide incentives to

1256 schools and educators to improve the school [grade] rating of a low performing school.

1257 (3) Subject to appropriations by the Legislature, upon the release of school [grades]

1258 ratings by the board, the board shall distribute a reward equal to:

1259 (a) for an eligible school that improves the eligible school's [grade one letter-grade]

1260 rating by one rating:

1261 (i) \$100 per tested student; and

1262 (ii) \$1,000 per educator;

1263 (b) for an eligible school that improves the eligible school's [grade two letter-grades]

1264 rating by two ratings:

1265 (i) \$200 per tested student; and

1266 (ii) \$2,000 per educator;

1267 (c) for an eligible school that improves the eligible school's [~~grade three letter grades~~]

1268 rating by three ratings:

1269 (i) \$300 per tested student; and

1270 (ii) \$3,000 per educator; and

1271 (d) for an eligible school that improves the eligible school's [~~grade four letter grades~~]

1272 rating by four ratings:

1273 (i) \$500 per tested student; and

1274 (ii) \$5,000 per educator.

1275 (4) The principal of an eligible school that receives a reward under Subsection (3), in
1276 consultation with the educators at the eligible school, may determine how to use the money in
1277 the best interest of the school, including providing bonuses to educators.

1278 (5) If the number of qualifying eligible schools exceeds available funds, the board may
1279 reduce the amounts specified in Subsection (3).

1280 Section 35. Section **53A-1-1209** is amended to read:

1281 **53A-1-1209. School Leadership Development Program.**

1282 (1) As used in this section, "school leader" means a school principal or assistant
1283 principal.

1284 (2) There is created the School Leadership Development Program to increase the
1285 number of highly effective school leaders capable of:

1286 (a) initiating, achieving, and sustaining school improvement efforts; and

1287 (b) forming and sustaining community partnerships as described in Section [53A-4-303](#).

1288 (3) The board shall identify one or more providers, through a request for proposals
1289 process, to develop or provide leadership development training for school leaders that:

1290 (a) may provide in-depth training in proven strategies to turn around low performing
1291 schools;

1292 (b) may emphasize hands-on and job-embedded learning;

1293 (c) aligns with the state's leadership standards established by board rule;

1294 (d) reflects the needs of a school district or charter school where a school leader serves;

1295 (e) may include training on using student achievement data to drive decisions;
1296 (f) may develop skills in implementing and evaluating evidence-based instructional
1297 practices;
1298 (g) may develop skills in leading collaborative school improvement structures,
1299 including professional learning communities; and
1300 (h) includes instruction on forming and sustaining community partnerships as
1301 described in Section 53A-4-303.

1302 (4) Subject to legislative appropriations, the State Board of Education shall provide
1303 incentive pay to a school leader who:
1304 (a) completes leadership development training under this section; and
1305 (b) agrees to work, for at least five years, in a school that received ~~[an "F" grade or "D"~~
1306 ~~grade]~~ a below-average rating under the school ~~[grading]~~ accountability system in the school
1307 year previous to the first year the school leader:
1308 (i) completes leadership development training; and
1309 (ii) begins to work, or continues to work, in a school described in this Subsection
1310 (4)(b).

1311 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1312 board shall make rules specifying:
1313 (a) eligibility criteria for a school leader to participate in the School Leadership
1314 Development Program;
1315 (b) application procedures for the School Leadership Development Program;
1316 (c) criteria for selecting school leaders from the application pool; and
1317 (d) procedures for awarding incentive pay under Subsection (4).

1318 Section 36. Section 53A-1a-106 is amended to read:
1319 **53A-1a-106. School district and individual school powers -- Student**
1320 **education/occupation plan (SEOP) definition.**
1321 (1) In order to acquire and develop the characteristics listed in Section 53A-1a-104,
1322 each school district and each public school within its respective district shall implement a
1323 comprehensive system of accountability in which students advance through public schools by
1324 demonstrating competency in ~~[required skills and mastery of required knowledge]~~ the core
1325 standards for Utah public schools through the use of diverse assessment instruments such as

1326 authentic [~~and criterion-referenced tests~~] assessments, projects, and portfolios.

1327 (2) (a) Each school district and public school shall:

1328 (i) develop and implement programs integrating technology into the curriculum,
1329 instruction, and student assessment;

1330 (ii) provide for teacher and parent involvement in policymaking at the school site;

1331 (iii) implement a public school choice program to give parents, students, and teachers
1332 greater flexibility in designing and choosing among programs with different focuses through
1333 schools within the same district and other districts, subject to space availability, demographics,
1334 and legal and performance criteria;

1335 (iv) establish strategic planning at both the district and school level and site-based
1336 decision making programs at the school level;

1337 (v) provide opportunities for each student to acquire and develop academic and
1338 occupational knowledge, skills, and abilities;

1339 (vi) participate in ongoing research and development projects primarily at the school
1340 level aimed at improving the quality of education within the system; and

1341 (vii) involve business and industry in the education process through the establishment
1342 of partnerships with the business community at the district and school level.

1343 (b) (i) As used in this title, "student education/occupation plan" or "SEOP" means a
1344 plan developed by a student and the student's parent or guardian, in consultation with school
1345 counselors, teachers, and administrators that:

1346 (A) is initiated at the beginning of grade 7;

1347 (B) identifies a student's skills and objectives;

1348 (C) maps out a strategy to guide a student's course selection; and

1349 (D) links a student to post-secondary options, including higher education and careers.

1350 (ii) Each local school board, in consultation with school personnel, parents, and school
1351 community councils or similar entities shall establish policies to provide for the effective
1352 implementation of a personalized student education plan (SEP) or student
1353 education/occupation plan (SEOP) for each student at the school site.

1354 (iii) The policies shall include guidelines and expectations for:

1355 (A) recognizing the student's accomplishments, strengths, and progress [~~towards~~]
1356 toward meeting student achievement standards as defined in [U-PASS] the core standards for

1357 Utah public schools;

1358 (B) planning, monitoring, and managing education and career development; and

1359 (C) involving students, parents, and school personnel in preparing and implementing
1360 SEPs and SEOPs.

1361 (iv) A parent may request conferences with school personnel in addition to SEP or
1362 SEOP conferences established by local school board policy.

1363 (v) Time spent during the school day to implement SEPs and SEOPs is considered part
1364 of the school term referred to in Subsection 53A-17a-103(4).

1365 (3) A school district or public school may submit proposals to modify or waive rules or
1366 policies of a supervisory authority within the public education system in order to acquire or
1367 develop the characteristics listed in Section 53A-1a-104.

1368 (4) (a) Each school district and public school shall make an annual report to its patrons
1369 on its activities under this section.

1370 (b) The reporting process shall involve participation from teachers, parents, and the
1371 community at large in determining how well the district or school is performing.

1372 Section 37. Section 53A-1a-504 is amended to read:

1373 **53A-1a-504. Charter school application -- Applicants -- Contents.**

1374 (1) (a) An application to establish a charter school may be submitted by:

1375 (i) an individual;

1376 (ii) a group of individuals; or

1377 (iii) a nonprofit legal entity organized under Utah law.

1378 (b) An authorized charter school may apply under this chapter for a charter from
1379 another charter school authorizer.

1380 (2) A charter school application shall include:

1381 (a) the purpose and mission of the school;

1382 (b) except for a charter school authorized by a local school board, a statement that,
1383 after entering into a charter agreement, the charter school will be organized and managed under
1384 Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act;

1385 (c) a description of the governance structure of the school, including:

1386 (i) a list of the governing board members that describes the qualifications of each
1387 member; and

1388 (ii) an assurance that the applicant shall, within 30 days of authorization, provide the
 1389 authorizer with the results of a background check for each member;

1390 (d) a description of the target population of the school that includes:

1391 (i) the projected maximum number of students the school proposes to enroll;

1392 (ii) the projected school enrollment for each of the first three years of school operation;

1393 and

1394 (iii) the ages or grade levels the school proposes to serve;

1395 (e) academic goals;

1396 (f) qualifications and policies for school employees, including policies that:

1397 (i) comply with the criminal background check requirements described in Section
 1398 [53A-1a-512.5](#);

1399 (ii) require employee evaluations; and

1400 (iii) address employment of relatives within the charter school;

1401 (g) a description of how the charter school will provide, as required by state and federal
 1402 law, special education and related services;

1403 (h) for a public school converting to charter status, arrangements for:

1404 (i) students who choose not to continue attending the charter school; and

1405 (ii) teachers who choose not to continue teaching at the charter school;

1406 (i) a statement that describes the charter school's plan for establishing the charter
 1407 school's facilities, including:

1408 (i) whether the charter school intends to lease or purchase the charter school's facilities;

1409 and

1410 (ii) financing arrangements;

1411 (j) a market analysis of the community the school plans to serve;

1412 (k) a capital facility plan;

1413 (l) a business plan;

1414 (m) other major issues involving the establishment and operation of the charter school;

1415 and

1416 (n) the signatures of the governing board members of the charter school.

1417 (3) A charter school authorizer may require a charter school application to include:

1418 (a) the charter school's proposed:

- 1419 (i) curriculum;
- 1420 (ii) instructional program; or
- 1421 (iii) delivery methods;
- 1422 (b) a method for assessing whether students are reaching academic goals, including, at
- 1423 a minimum, ~~[participation in the Utah Performance Assessment System for Students under~~
- 1424 ~~Chapter 1, Part 6, Achievement Tests]~~ administering the statewide assessments described in
- 1425 Section [53A-1-602](#);
- 1426 (c) a proposed calendar;
- 1427 (d) sample policies;
- 1428 (e) a description of opportunities for parental involvement;
- 1429 (f) a description of the school's administrative, supervisory, or other proposed services
- 1430 that may be obtained through service providers; or
- 1431 (g) other information that demonstrates an applicant's ability to establish and operate a
- 1432 charter school.

1433 Section 38. Section **53A-1a-510** is amended to read:

1434 **53A-1a-510. Termination of a charter.**

- 1435 (1) Subject to the requirements of Subsection (3), a charter school authorizer may
- 1436 terminate a school's charter for any of the following reasons:
- 1437 (a) failure of the charter school to meet the requirements stated in the charter;
- 1438 (b) failure to meet generally accepted standards of fiscal management;
- 1439 (c) subject to Subsection (8), failure to make adequate yearly progress under the No
- 1440 Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.;
- 1441 (d) (i) designation as a low performing school under Chapter 1, ~~[Part 11, School~~
- 1442 ~~Grading Act]~~ Part 12, School Turnaround and Leadership Development Act; and
- 1443 (ii) failure to improve the school's ~~[grade]~~ rating under the conditions described in
- 1444 Chapter 1, Part 12, School Turnaround and Leadership Development Act;
- 1445 (e) violation of requirements under this part or another law; or
- 1446 (f) other good cause shown.
- 1447 (2) (a) The authorizer shall notify the following of the proposed termination in writing,
- 1448 state the grounds for the termination, and stipulate that the governing board may request an
- 1449 informal hearing before the authorizer:

1450 (i) the governing board of the charter school; and
1451 (ii) if the charter school is a qualifying charter school with outstanding bonds issued in
1452 accordance with Chapter 20b, Part 2, Charter School Credit Enhancement Program, the Utah
1453 Charter School Finance Authority.

1454 (b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in
1455 accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after
1456 receiving a written request under Subsection (2)(a).

1457 (c) If the authorizer, by majority vote, approves a motion to terminate a charter school,
1458 the governing board of the charter school may appeal the decision to the State Board of
1459 Education.

1460 (d) (i) The State Board of Education shall hear an appeal of a termination made
1461 pursuant to Subsection (2)(c).

1462 (ii) The State Board of Education's action is final action subject to judicial review.

1463 (e) (i) If the authorizer proposes to terminate the charter of a qualifying charter school
1464 with outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit
1465 Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b)
1466 120 days or more after notifying the following of the proposed termination:

1467 (A) the governing board of the qualifying charter school; and
1468 (B) the Utah Charter School Finance Authority.

1469 (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School
1470 Finance Authority shall meet with the authorizer to determine whether the deficiency may be
1471 remedied in lieu of termination of the qualifying charter school's charter.

1472 (3) An authorizer may not terminate the charter of a qualifying charter school with
1473 outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit
1474 Enhancement Program, without mutual agreement of the Utah Charter School Finance
1475 Authority and the authorizer.

1476 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1477 the State Board of Education shall make rules that require a charter school to report any threats
1478 to the health, safety, or welfare of its students to the State Charter School Board in a timely
1479 manner.

1480 (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 39. Section **53A-15-1303** is enacted to read:

53A-15-1303. Youth suicide prevention training for employees.

(1) A school district or charter school shall require a licensed employee to complete two hours of professional development training on youth suicide prevention within the employee's license cycle described in Section [53A-6-104](#).

(2) The board shall:

(a) develop or adopt sample materials to be used by a school district or charter school for professional development training on youth suicide prevention; and

(b) in rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, incorporate the training described in Subsection (1) into professional development training described in Section [53A-6-104](#).

Section 40. 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

1543 LEA shall allow a student to earn course credit [~~towards~~] toward high school graduation
1544 without completing a course in school by:

- 1545 (a) testing out of the course; or
- 1546 (b) demonstrating competency in course standards.

1547 (8) An LEA shall reasonably accommodate a parent's or guardian's request to meet
1548 with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a
1549 regularly scheduled parent teacher conference.

1550 (9) (a) At the request of a student's parent or guardian, an LEA shall excuse a student
1551 from taking an assessment that:

- 1552 (i) is federally mandated;
- 1553 (ii) is mandated by the state under this title; or
- 1554 (iii) requires the use of:

- 1555 (A) a state assessment system; or
- 1556 (B) software that is provided or paid for by the state.

1557 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1558 State Board of Education shall make rules:

- 1559 (i) to establish a statewide procedure for excusing a student under Subsection (9)(a)
1560 that:

- 1561 (A) does not place an undue burden on a parent or guardian; and
- 1562 (B) may be completed online; and

- 1563 (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or
1564 an LEA's employees through school [~~grading~~] accountability or employee evaluations due to a
1565 student not taking a test under Subsection (9)(a).

- 1566 (c) An LEA:

- 1567 (i) shall follow the procedures outlined in rules made by the State Board of Education
1568 under Subsection (9)(b) to excuse a student under Subsection (9)(a);
- 1569 (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition
1570 to the procedures outlined in rules made by the State Board of Education under Subsection
1571 (9)(b); and
- 1572 (iii) may not reward a student for taking an assessment described in Subsection (9)(a).

- 1573 (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 41. Section **53A-17a-166** is amended to read:

53A-17a-166. Enhancement for At-Risk Students Program.

(1) (a) Subject to the requirements of Subsection (1)(b), the State Board of Education shall distribute money appropriated for the Enhancement for At-Risk Students Program to school districts and charter schools according to a formula adopted by the State Board of Education, after consultation with school districts and charter schools.

(b) (i) The State Board of Education shall appropriate \$1,200,000 from the appropriation for Enhancement for At-Risk Students for a gang prevention and intervention program designed to help students at-risk for gang involvement stay in school.

(ii) Money for the gang prevention and intervention program shall be distributed to school districts and charter schools through a request for proposals process.

(2) In establishing a distribution formula under Subsection (1)(a), the State Board of Education shall use the following criteria:

(a) low performance on [~~U-PASS tests~~] statewide assessments described in Section [53A-1-602](#);

(b) poverty;

(c) mobility; and

(d) limited English proficiency.

(3) A school district or charter school shall use money distributed under this section to improve the academic achievement of students who are at risk of academic failure.

(4) The State Board of Education shall develop performance criteria to measure the effectiveness of the Enhancement for At-Risk Students Program and make an annual report to the Public Education Appropriations Subcommittee on the effectiveness of the program.

Section 42. Section **53A-25b-304** is amended to read:

53A-25b-304. Administration of statewide assessments.

The Utah Schools for the Deaf and the Blind shall annually administer, as applicable, the ~~[U-PASS tests specified]~~ statewide assessments described in Section **53A-1-602**, except a student may take an alternative test in accordance with the student's IEP.

Section 43. **Repealer.**

This bill repeals:

Section **53A-1-1104.5**, Two school grades assigned to a combination school.

Section **53A-1-1107.5**, Growth target established to determine whether a student demonstrates sufficient growth in a subject.

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

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

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

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

Section 44. **Effective date.**

(1) Except as provided in Subsections (2) and (3), this bill takes effect on July 1, 2017.

(2) The following sections take effect on November 1, 2017:

(a) Section **53A-1-1101**;

(b) Section **53A-1-1102**;

(c) Section **53A-1-1103**;

(d) Section **53A-1-1104**;

(e) Section **53A-1-1105**;

(f) Section **53A-1-1106**;

(g) Section **53A-1-1107**;

(h) Section **53A-1-1108**;

(i) Section **53A-1-1109**;

(j) Section **53A-1-1110**;

(k) Section **53A-1-1111**;

1636 (l) Section [53A-1-1112](#);
1637 (m) Section [53A-1-1202](#);
1638 (n) Section [53A-1-1203](#);
1639 (o) Section [53A-1-1206](#);
1640 (p) Section [53A-1-1207](#);
1641 (q) Section [53A-1-1208](#);
1642 (r) Section [53A-1-1209](#);
1643 (s) Section [53A-1a-510](#); and
1644 (t) Section [53A-15-1403](#).
1645 (3) The following sections are repealed on November 1, 2017:
1646 (a) Section [53A-1-1104.5](#);
1647 (b) Section [53A-1-1107.5](#);
1648 (c) Section [53A-1-1113](#);
1649 (d) Section [53A-1-1113.5](#);
1650 (e) Section [53A-3-601](#);
1651 (f) Section [53A-3-602.5](#); and
1652 (g) Section [53A-3-603](#).
1653 Section 45. **Revisor instructions.**
1654 The Legislature intends that, on November 1, 2017, the Office of Legislative Research
1655 and General Counsel, in preparing the Utah Code database for publication, change the language
1656 in Subsection [53A-1-413](#)(7)(g) from "a school's grade assigned pursuant to Part 11, School
1657 Grading Act" to "a school's overall rating assigned in accordance with Part 11, School
1658 Accountability System."