

PERSONALIZED COMPETENCY-BASED LEARNING

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dan N. Johnson

Senate Sponsor: Chris H. Wilson

LONG TITLE

General Description:

This bill amends provisions related to personalized, competency-based learning and related programs.

Highlighted Provisions:

This bill:

- defines terms and replaces "competency-based education" with "personalized, competency-based learning";
- renames the Competency-Based Education Grants Program to the Personalized Competency-Based Learning Grants Program;
- renames the Reimbursement Program for Early Graduation From Competency-Based Education to Reimbursement Program for Early Graduation From Personalized, Competency-Based Learning; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-1-203, as last amended by Laws of Utah 2020, Chapters 365 and 388

53E-4-303, as last amended by Laws of Utah 2019, Chapters 186 and 202

53F-2-511, as last amended by Laws of Utah 2020, Chapter 408

30 **53F-5-501**, as last amended by Laws of Utah 2019, Chapter 186

31 **53F-5-502**, as last amended by Laws of Utah 2020, Chapter 408

32 **53F-5-507**, as last amended by Laws of Utah 2019, Chapter 267

33 **53G-7-215**, as last amended by Laws of Utah 2019, Chapter 293

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

36 Section 1. Section **53E-1-203** is amended to read:

37 **53E-1-203. State Superintendent's Annual Report.**

38 (1) The state board shall prepare and submit to the governor, the Education Interim
39 Committee, and the Public Education Appropriations Subcommittee, by January 15 of each
40 year, an annual written report known as the State Superintendent's Annual Report that includes:

41 (a) the operations, activities, programs, and services of the state board;

42 (b) subject to Subsection (4)(b), all reports listed in Subsection (4)(a); and

43 (c) data on the general condition of the schools with recommendations considered
44 desirable for specific programs, including:

45 (i) a complete statement of fund balances;

46 (ii) a complete statement of revenues by fund and source;

47 (iii) a complete statement of adjusted expenditures by fund, the status of bonded
48 indebtedness, the cost of new school plants, and school levies;

49 (iv) a complete statement of state funds allocated to each school district and charter
50 school by source, including supplemental appropriations, and a complete statement of
51 expenditures by each school district and charter school, including supplemental appropriations,
52 by function and object as outlined in the United States Department of Education publication
53 "Financial Accounting for Local and State School Systems";

54 (v) a statement that includes data on:

55 (A) fall enrollments;

56 (B) average membership;

57 (C) high school graduates;

(D) licensed and classified employees, including data reported by school districts on educator ratings described in Section 53G-11-511;

(E) pupil-teacher ratios;

(F) average class sizes;

(G) average salaries;

(H) applicable private school data; and

(I) data from statewide assessments described in Section 53E-4-301 for each school and school district;

(vi) statistical information regarding incidents of delinquent activity in the schools or at school-related activities; and

(vii) other statistical and financial information about the school system that the state superintendent considers pertinent.

(2) (a) For the purposes of Subsection (1)(c)(v):

(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 report 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) identify a website where pupil-teacher ratios for each school in the state may be accessed.

(3) For each operation, activity, program, or service provided by the state board, the annual report shall include:

(a) a description of the operation, activity, program, or service;

(b) data and metrics:

(i) selected and used by the state board to measure progress, performance, effectiveness, and scope of the operation, activity, program, or service, including summary data; and

(ii) that are consistent and comparable for each state operation, activity, program, or service;

(c) budget data, including the amount and source of funding, expenses, and allocation of full-time employees for the operation, activity, program, or service;

(d) historical data from previous years for comparison with data reported under Subsections (3)(b) and (c);

(e) goals, challenges, and achievements related to the operation, activity, program, or service;

(f) relevant federal and state statutory references and requirements;

(g) contact information of officials knowledgeable and responsible for each operation, activity, program, or service; and

(h) other information determined by the state board that:

(i) may be needed, useful, or of historical significance; or

(ii) promotes accountability and transparency for each operation, activity, program, or service with the public and elected officials.

(4) (a) Except as provided in Subsection (4)(b), the annual report shall also include:

(i) the report described in Section 53E-3-507 by the state board on career and technical education needs and program access;

(ii) through October 1, 2022, the report described in Section 53E-3-515 by the state

board on the Hospitality and Tourism Management Career and Technical Education Pilot Program;

(iii) beginning on July 1, 2023, the report described in Section 53E-3-516 by the state board on certain incidents that occur on school grounds;

(iv) the report described in Section 53E-4-202 by the state board on the development and implementation of the core standards for Utah public schools;

(v) the report described in Section 53E-5-310 by the state board on school turnaround and leadership development;

(vi) the report described in Section 53E-10-308 by the state board and Utah Board of Higher Education on student participation in the concurrent enrollment program;

(vii) the report described in Section 53F-2-503 by the state board on early literacy;

(viii) the report described in Section 53F-5-506 by the state board on information related to personalized, competency-based [~~education~~] learning;

(ix) the report described in Section 53G-9-802 by the state board on dropout prevention and recovery services; and

(x) the report described in Section 53G-10-204 by the state board on methods used, and the results being achieved, to instruct and prepare students to become informed and responsible citizens.

(b) The Education Interim Committee or the Public Education Appropriations Subcommittee may request a report described in Subsection (4)(a) to be reported separately from the State Superintendent's Annual Report.

(5) The annual report shall be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature.

(6) The state board shall:

(a) submit the annual report in accordance with Section 68-3-14; and

(b) make the annual report, and previous annual reports, accessible to the public by placing a link to the reports on the state board's website.

(7) (a) Upon request of the Education Interim Committee or Public Education

Appropriations Subcommittee, the state board shall present the State Superintendent's Annual Report to either committee.

(b) After submitting the State Superintendent's Annual Report in accordance with this section, the state board may supplement the report at a later time with updated data, information, or other materials as necessary or upon request by the governor, the Education Interim Committee, or the Public Education Appropriations Subcommittee.

Section 2. Section **53E-4-303** is amended to read:

53E-4-303. 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 state 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 personalized, competency-based [education-as] learning, as that term is defined in Section 53F-5-501.

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

grade levels described in Subsection (2).

(4) (a) Except as provided in Subsection (4)(b), a student's score on the standards assessment adopted under Subsection (2) may not be considered in determining:

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

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

(b) A teacher may use a student's score on the standards assessment adopted under Subsection (2) to improve the student's academic grade for or demonstrate the student's competency within a relevant course.

(5) (a) The state 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 state 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 state 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 state 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 3. Section **53F-2-511** is amended to read:

53F-2-511. Reimbursement Program for Early Graduation From Personalized, Competency-Based Learning.

(1) As used in this section:

(a) "Cohort" means a group of students, defined by the year in which the group enters

198 grade 9.

199 (b) "Eligible LEA" means an LEA that has demonstrated to the state board that the
200 LEA or, for a school district, a school within the LEA, provides and facilitates personalized,
201 competency-based [~~education~~] learning that:

202 (i) is based on the [~~core~~] principles described in Section [~~53F-5-502~~] 53F-5-501; and

203 (ii) meets other criteria established by the state board in rule made in accordance with
204 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

205 (c) "Eligible student" means an individual who:

206 (i) attended an eligible LEA and graduated by completing graduation requirements, as
207 described in Section 53E-4-204, earlier than that individual's cohort completed graduation
208 requirements because of the individual's participation in the eligible LEA's personalized,
209 competency-based [~~education~~] learning;

210 (ii) no longer attends the eligible LEA; and

211 (iii) is not included in the LEA's average daily membership under this chapter.

212 (d) "Partial pupil" means if an eligible student attends less than a full year of
213 membership, the number of days the student was in membership compared to a full
214 membership year.

215 (e) "Program" means the Reimbursement Program for Early Graduation From
216 Personalized, Competency-Based [~~Education~~] Learning established in this section.

217 (2) (a) There is established the Reimbursement Program for Early Graduation From
218 Personalized, Competency-Based [~~Education~~] Learning.

219 (b) Subject to future budget constraints, the Legislature may annually appropriate
220 money to the Reimbursement Program for Early Graduation From Personalized,
221 Competency-Based [~~Education~~] Learning.

222 (3) An LEA may apply to the state board to receive a reimbursement, as described in
223 Subsection (5), for an eligible student.

224 (4) The state board shall approve a reimbursement to an LEA after the LEA
225 demonstrates:

- 226 (a) that the LEA is an eligible LEA; and
- 227 (b) that the individual for whom the eligible LEA requests reimbursement is an eligible
- 228 student.
- 229 (5) (a) For each eligible student, the state board shall only reimburse an eligible LEA:
- 230 (i) if the eligible student attended the eligible LEA for less than a full school year
- 231 before the eligible student's cohort graduated, up to the value of one weighted pupil unit pro
- 232 rated based on the difference between:
- 233 (A) the number of days of partial pupil in average daily membership earned by the
- 234 eligible LEA while the eligible student was still in attendance; and
- 235 (B) a full pupil in average daily membership; and
- 236 (ii) the value of one weighted pupil unit for each full school year the eligible student
- 237 graduated ahead of the eligible student's cohort.
- 238 (b) The state board shall:
- 239 (i) use data from the prior year average daily membership to determine the number of
- 240 eligible students; and
- 241 (ii) reimburse the eligible LEA in the current school year.
- 242 (6) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
- 243 Rulemaking Act, adopt rules to administer the provisions of this section.

244 Section 4. Section **53F-5-501** is amended to read:

245 **Part 5. Personalized, Competency-Based Learning Grants Program**

246 **53F-5-501. Definitions.**

247 As used in this part:

- 248 (1) "Blended learning" means a formal education program in which a student learns:
- 249 (a) at least in part, through online learning with some element of student control over
- 250 time, place, path, and pace;
- 251 (b) at least in part, in a supervised brick-and-mortar location away from home; and
- 252 (c) in a program in which the modalities along each student's learning path within a
- 253 course or subject are connected to provide an integrated learning experience.

~~[(2) "Competency-Based education" means a system where a student advances to higher levels of learning when the student demonstrates competency of concepts and skills regardless of time, place, or pace.]~~

~~[(3)]~~ (2) "Extended learning" means learning opportunities outside of a traditional school structure, including:

- (a) online learning available anywhere, anytime;
- (b) career-based experiences, including internships and job shadowing;
- (c) community-based projects; and
- (d) off-site postsecondary learning.

~~[(4)]~~ (3) "Grant program" means the Personalized, Competency-Based [Education] Learning Grants Program created in this part.

~~[(5)]~~ (4) "Institution of higher education" means an institution listed in Section [53B-1-102](#).

(5) "Personalized, competency-based learning" means a system of learning in which the following principles influence the daily actions of the educational community:

(a) students are empowered daily to make important decisions about the students' learning experiences, how the students will create and apply knowledge, and how students will demonstrate the students' learning;

(b) assessment is a meaningful, positive, and empowering learning experience for students that yields timely, relevant, and actionable evidence;

(c) students receive timely, differentiated support based on the students' individual learning needs;

(d) students progress based on evidence of mastery rather than by hours of attendance;

(e) students learn actively using different pathways and varied pacing;

(f) strategies to ensure equity for all students are embedded in the culture, structure, and pedagogy of schools and education systems; and

(g) rigorous, common expectations for learning, including knowledge, skills, and dispositions, are explicit, transparent, measurable, and transferable.

(6) "Review committee" means the committee established under Section 53F-5-502.

(7) "STEM" means science, technology, engineering, and mathematics.

Section 5. Section 53F-5-502 is amended to read:

53F-5-502. Personalized Competency-Based Learning Grants Program -- State board duties -- Review committee -- Technical assistance training.

(1) There is created the Personalized Competency-Based [Education] Learning Grants Program consisting of the grants created in this part to improve educational outcomes in public schools ~~[by advancing student mastery of concepts and skills through the following core principles:]~~ through personalized, competency-based learning.

~~[(a) student advancement upon mastery of a concept or skill;]~~

~~[(b) competencies that include explicit, measurable, and transferable learning objectives that empower a student;]~~

~~[(c) assessment that is meaningful and provides a positive learning experience for a student;]~~

~~[(d) timely, differentiated support based on a student's individual learning needs; and]~~

~~[(e) learning outcomes that emphasize competencies that include application and creation of knowledge along with the development of important skills and dispositions.]~~

(2) The grant program shall incentivize an LEA to establish personalized, competency-based [education] learning within the LEA through the use of:

(a) personalized learning;

(b) blended learning;

(c) extended learning;

(d) educator professional learning in personalized, competency-based [education] learning; or

(e) any other method that emphasizes ~~[the core principles described in Subsection (1)]~~ personalized, competency-based learning.

(3) The state board shall:

(a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

310 adopt rules:

311 (i) for the administration of the grant program and awarding of grants; and

312 (ii) to define outcome-based measures appropriate to the type of grant for an LEA that
313 is awarded a grant under this part to use to measure the performance of the LEA's plan or
314 program;

315 (b) establish a grant application process;

316 (c) in accordance with Subsection (4), establish a review committee to make
317 recommendations to the state board for:

318 (i) metrics to analyze the quality of a grant application; and

319 (ii) approval of a grant application; and

320 (d) with input from the review committee, adopt metrics to analyze the quality of a
321 grant application.

322 (4) (a) The review committee shall consist of STEM and blended learning experts,
323 current and former school administrators, current and former teachers, and at least one former
324 school district superintendent, in addition to other staff designated by the state board.

325 (b) The review committee shall:

326 (i) review a grant application submitted by an LEA;

327 (ii) make recommendations to the LEA to modify the application, if necessary; and

328 (iii) make recommendations to the state board regarding the final disposition of an
329 application.

330 (5) (a) The state board shall provide technical assistance training to assist an LEA with
331 a grant application under this part.

332 (b) An LEA may not apply for a grant under this part unless:

333 (i) a representative of the LEA attends the technical assistance training before the LEA
334 submits a grant application; and

335 (ii) the representative is a superintendent, principal, or a person in a leadership position
336 within the LEA.

337 (c) The technical assistance training shall include:

(i) instructions on completing a grant application, including grant application requirements;

(ii) information on the scoring metrics used to review a grant application; and

(iii) information on personalized, competency-based [~~education~~] learning.

(6) The state board may use up to 5% of an appropriation provided to fund this part for administration of the grant program.

Section 6. Section **53F-5-507** is amended to read:

53F-5-507. Cooperation of institutions of higher education -- Transferring students not to be penalized.

(1) An institution of higher education:

(a) shall, for purposes of admission, scholarships, and other financial aid consideration, recognize and accept on equal footing as a traditional high school diploma a high school diploma awarded to a student who successfully completes an educational program that uses, in whole or in part, personalized, competency-based [~~education~~] learning; and

(b) cooperate with an LEA:

(i) as applicable, to facilitate the advancement of a student who attends a personalized, competency-based [~~education~~] learning program; and

(ii) as requested, in the development of an LEA plan or program under this part.

(2) If a student attending an LEA that establishes personalized, competency-based [~~education~~] learning within the LEA transfers to another school within the LEA or to another LEA entirely that does not have a personalized, competency-based [~~education~~] learning program, the student may not be penalized by being required to repeat course work that the student has successfully completed, changing the student's grade, or receive any other penalty related to the student's previous attendance in the personalized, competency-based [~~education~~] learning program.

Section 7. Section **53G-7-215** is amended to read:

53G-7-215. Personalized, competency-based learning -- Recommendations -- Coordination.

(1) As used in this section, "personalized, competency-based [~~education~~] learning" means the same as that term is defined in Section 53F-5-501.

(2) A local school board or a charter school governing board may establish a personalized, competency-based [~~education~~] learning program.

(3) A local school board or charter school governing board that establishes a personalized, competency-based [~~education~~] learning program shall:

- (a) establish assessments to accurately measure competency;
- (b) provide the assessments to an enrolled student at no cost to the student;
- (c) award credit to a student who demonstrates competency and subject mastery;
- (d) submit the competency-based standards to the state board for review; and
- (e) publish the competency-based standards on its website or by other electronic means readily accessible to the public.

(4) A local school board or charter school governing board may:

- (a) on a random lottery-based basis, limit enrollment to courses that have been designated as competency-based courses;
- (b) waive or adapt traditional attendance requirements;
- (c) adjust class sizes to maximize the value of course instructors or course mentors;
- (d) enroll students from any geographic location within the state; and
- (e) provide proctored online competency-based assessments.