

1                   **PERSONALIZED COMPETENCY-BASED LEARNING**

2                                   2021 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Dan N. Johnson**

5                           Senate Sponsor: Chris H. Wilson

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7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12           This bill:

13           ▶ defines terms and replaces "competency-based education" with "personalized,  
14 competency-based learning";

15           ▶ renames the Competency-Based Education Grants Program to the Personalized  
16 Competency-Based Learning Grants Program;

17           ▶ renames the Reimbursement Program for Early Graduation From  
18 Competency-Based Education to Reimbursement Program for Early Graduation  
19 From Personalized, Competency-Based Learning; and

20           ▶ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**

26 **AMENDS:**

27           **53E-1-203**, as last amended by Laws of Utah 2020, Chapters 365 and 388

28           **53E-4-303**, as last amended by Laws of Utah 2019, Chapters 186 and 202

29           **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

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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;

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

60 (E) pupil-teacher ratios;

61 (F) average class sizes;

62 (G) average salaries;

63 (H) applicable private school data; and

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

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

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

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

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

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

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

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

81 (b) The report shall:

82 (i) include the pupil-teacher ratio for:

83 (A) each school district;

84 (B) the charter schools aggregated; and

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

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

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

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

91 (b) data and metrics:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

137 (6) The state board shall:

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

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

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

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

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

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

149 **53E-4-303. Utah standards assessments -- Administration -- Review committee.**

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

153 (2) The state board shall:

154 (a) adopt a standards assessment that:

155 (i) measures a student's proficiency in:

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

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

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

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

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

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

163 (i) a criterion referenced assessment;

164 (ii) administered online;

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

166 (iv) adaptable to personalized, competency-based [education-as] learning, as that term  
167 is defined in Section 53F-5-501.

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

170 grade levels described in Subsection (2).

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

- 173 (i) the student's academic grade for a course; or
- 174 (ii) whether the student may advance to the next grade level.

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

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

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

- 182 (i) five members appointed by the chair of the state board;
- 183 (ii) five members appointed by the speaker of the House of Representatives or the  
184 speaker's designee; and
- 185 (iii) five members appointed by the president of the Senate or the president's designee.

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

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

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

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

193 Section 3. Section **53F-2-511** is amended to read:

194 **53F-2-511. Reimbursement Program for Early Graduation From Personalized,**  
195 **Competency-Based Learning.**

196 (1) As used in this section:

197 (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.

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

257 ~~[(3)]~~ (2) "Extended learning" means learning opportunities outside of a traditional  
258 school structure, including:

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

263 ~~[(4)]~~ (3) "Grant program" means the Personalized, Competency-Based [Education]  
264 Learning Grants Program created in this part.

265 ~~[(5)]~~ (4) "Institution of higher education" means an institution listed in Section  
266 [53B-1-102](#).

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

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

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

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

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

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

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

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

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

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

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

285 **53F-5-502. Personalized Competency-Based Learning Grants Program -- State**  
286 **board duties -- Review committee -- Technical assistance training.**

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

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

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

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

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

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

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

301 (a) personalized learning;

302 (b) blended learning;

303 (c) extended learning;

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

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

308 (3) The state board shall:

309 (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:

- 338 (i) instructions on completing a grant application, including grant application
- 339 requirements;
- 340 (ii) information on the scoring metrics used to review a grant application; and
- 341 (iii) information on personalized, competency-based [~~education~~] learning.
- 342 (6) The state board may use up to 5% of an appropriation provided to fund this part for
- 343 administration of the grant program.

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

345 **53F-5-507. Cooperation of institutions of higher education -- Transferring**  
346 **students not to be penalized.**

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

352 (b) cooperate with an LEA:

- 353 (i) as applicable, to facilitate the advancement of a student who attends a personalized,
- 354 competency-based [~~education~~] learning program; and
- 355 (ii) as requested, in the development of an LEA plan or program under this part.

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

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

364 **53G-7-215. Personalized, competency-based learning -- Recommendations --**  
365 **Coordination.**

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

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

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

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

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

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