

SCHOOL INFORMATION SYSTEMS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires the State Board of Education to implement an end-to-end system for collecting and reporting public education information.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the State Board of Education (state board) to have in place by December 2022 a state information management system;
- ▶ requires a local education agency (LEA) data system to be fully compatible with the state information management system;
- ▶ requires the state board to implement in phases for full implementation by December 2028 an end-to-end state information management system;
- ▶ establishes requirements for the state information management system and the end-to-end state information management system;
- ▶ prohibits an LEA from using an LEA data system upon implementation of the end-to-end state information management system;
- ▶ requires the state board to establish data and reporting standards; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates for fiscal year 2020:



28 ▶ to the State Board of Education - State Administrative Office, as a One-time
29 appropriation:

- 30 • from the Education Fund, One-time, \$80,000,000.

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **53E-3-501**, as renumbered and amended by Laws of Utah 2018, Chapter 1

36 **53G-4-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3

37 **53G-5-404**, as last amended by Laws of Utah 2018, Chapter 256 and renumbered and
38 amended by Laws of Utah 2018, Chapter 3

39 ENACTS:

40 **53E-3-518**, Utah Code Annotated 1953



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

43 Section 1. Section **53E-3-501** is amended to read:

44 **53E-3-501. State Board of Education to establish miscellaneous minimum**
45 **standards for public schools.**

46 (1) The State Board of Education shall establish rules and minimum standards for the
47 public schools that are consistent with this public education code, including rules and
48 minimum standards governing the following:

49 (a) (i) the qualification and certification of educators and ancillary personnel who
50 provide direct student services;

51 (ii) required school administrative and supervisory services; and

52 (iii) the evaluation of instructional personnel;

53 (b) (i) access to programs;

54 (ii) attendance;

55 (iii) competency levels;

56 (iv) graduation requirements; and

57 (v) discipline and control;

58 (c) (i) school accreditation;

- 59 (ii) the academic year;
- 60 (iii) alternative and pilot programs;
- 61 (iv) curriculum and instruction requirements;
- 62 (v) school libraries; and
- 63 (vi) services to:
 - 64 (A) persons with a disability as defined by and covered under:
 - 65 (I) the Americans with Disabilities Act of 1990, 42 U.S.C. 12102;
 - 66 (II) the Rehabilitation Act of 1973, 29 U.S.C. 705(20)(A); and
 - 67 (III) the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3); and
 - 68 (B) other special groups;
- 69 (d) (i) state reimbursed bus routes;
- 70 (ii) bus safety and operational requirements; and
- 71 (iii) other transportation needs; ~~and~~
- 72 (e) (i) school productivity and cost effectiveness measures;
- 73 (ii) federal programs;
- 74 (iii) school budget formats; and
- 75 (iv) financial, statistical, and student accounting requirements[-]; and
- 76 (f) data collection and reporting by LEAs.
- 77 (2) The State Board of Education shall determine if:
 - 78 (a) the minimum standards have been met; and
 - 79 (b) required reports are properly submitted.
- 80 (3) The State Board of Education may apply for, receive, administer, and distribute to
- 81 eligible applicants funds made available through programs of the federal government.
- 82 (4) (a) A technical college listed in Section 53B-2a-105 shall provide
- 83 competency-based career and technical education courses that fulfill high school graduation
- 84 requirements, as requested and authorized by the State Board of Education.
- 85 (b) A school district may grant a high school diploma to a student participating in a
- 86 course described in Subsection (4)(a) that is provided by a technical college listed in Section
- 87 53B-2a-105.
- 88 Section 2. Section 53E-3-518 is enacted to read:
- 89 **53E-3-518. State school information management system -- Local education**

90 **agency requirements -- Contract.**

91 (1) As used in this section:

92 (a) "End-to-end state information management system" means a state information
93 management system that an LEA uses to collect LEA information or submit LEA information
94 to the state board without use of an LEA data system.

95 (b) "LEA data system" or "LEA's data system" means a data system that:

96 (i) is developed, selected, or relied upon by an LEA; and

97 (ii) the LEA uses to collect LEA information or submit LEA information to the state
98 board.

99 (c) "LEA information" means:

100 (i) student information;

101 (ii) educator information;

102 (iii) financial information; or

103 (iv) other information an LEA collects or creates that is requested by the state board.

104 (d) "State information management system" means an information system developed,
105 selected, or relied upon by the state board to collect and report LEA information submitted by
106 an LEA.

107 (e) "User" means an individual who has authorized access to the state information
108 management system and end-to-end state information management system.

109 (2) On or before December 31, 2022, the state board shall:

110 (a) have in place a state information management system;

111 (b) ensure that the state information management system:

112 (i) interfaces with an LEA's data system that meets the requirements described in
113 Subsection (3);

114 (ii) serves as the mechanism for the state board to collect and report on all LEA
115 information that LEAs submit to the state board;

116 (iii) includes a web-based user interface through which a user may:

117 (A) enter data;

118 (B) view data; and

119 (C) generate customizable reports;

120 (iv) includes a data warehouse and other hardware or software necessary to store or

121 process LEA information;
122 (v) provides for data privacy, including by complying with Title 53E, Chapter 9,
123 Student Privacy and Data Protection;
124 (vi) restricts user access based on each user's role; and
125 (vii) meets requirements related to a student achievement backpack described in
126 Section 53E-3-511; and
127 (c) establish the restrictions on user access described in Subsection (2)(b)(vi).
128 (3) (a) On or before December 31, 2022, an LEA shall ensure that all of the LEA's data
129 systems:
130 (i) meet the data standards established by the state board in accordance with Section
131 53E-3-501; and
132 (ii) are fully compatible with the state information management system.
133 (b) An LEA shall ensure that an LEA data system purchased or developed on or after
134 May 14, 2019, will be compatible with the state information management system when the
135 state information management system is fully operational.
136 (4) (a) The state board shall have in place an end-to-end state information management
137 system:
138 (i) for financial information no later than December 31, 2024;
139 (ii) for student information no later than December 31, 2026; and
140 (iii) for educator information no later than December 31, 2028.
141 (b) An LEA shall stop use of the LEA's data system and use the end-to-end state
142 information management system:
143 (i) for collection and submission of financial information, on or before December 31,
144 2024, contingent on the implementation of the end-to-end state information management
145 system by the state board;
146 (ii) for collection and submission of student information, on or before December 31,
147 2026, contingent on the implementation of the end-to-end state information management
148 system by the state board; and
149 (iii) for collection and submission of educator information, on or before December 31,
150 2028, contingent on the implementation of the end-to-end state information management
151 system by the state board.

152 (5) (a) The state board may contract with a provider for the state information
153 management system and the end-to-end state information management system.

154 (b) The state board is exempt from the requirements of Title 63G, Chapter 6a, Utah
155 Procurement Code, if the state board enters into a contract with a provider who, at the time of
156 entering the contract, has the highest number of contracts with state LEAs for similar
157 information systems.

158 Section 3. Section **53G-4-402** is amended to read:

159 **53G-4-402. Powers and duties generally.**

160 (1) A local school board shall:

161 (a) implement the core standards for Utah public schools using instructional materials
162 that best correlate to the core standards for Utah public schools and graduation requirements;

163 (b) administer tests, required by the State Board of Education, which measure the
164 progress of each student, and coordinate with the state superintendent and State Board of
165 Education to assess results and create plans to improve the student's progress, which shall be
166 submitted to the State Board of Education for approval;

167 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
168 students that need remediation and determine the type and amount of federal, state, and local
169 resources to implement remediation;

170 (d) develop early warning systems for students or classes failing to make progress;

171 (e) work with the State Board of Education to establish a library of documented best
172 practices, consistent with state and federal regulations, for use by the local districts; [~~and~~]

173 (f) implement training programs for school administrators, including basic
174 management training, best practices in instructional methods, budget training, staff
175 management, managing for learning results and continuous improvement, and how to help
176 every child achieve optimal learning in basic academic subjects[-]; and

177 (g) ensure that the local school board meets the data collection and reporting standards
178 described in Section [53E-3-501](#).

179 (2) Local school boards shall spend minimum school program funds for programs and
180 activities for which the State Board of Education has established minimum standards or rules
181 under Section [53E-3-501](#).

182 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,

183 and equipment and construct, erect, and furnish school buildings.

184 (b) School sites or buildings may only be conveyed or sold on board resolution
185 affirmed by at least two-thirds of the members.

186 (4) (a) A board may participate in the joint construction or operation of a school
187 attended by children residing within the district and children residing in other districts either
188 within or outside the state.

189 (b) Any agreement for the joint operation or construction of a school shall:

190 (i) be signed by the president of the board of each participating district;

191 (ii) include a mutually agreed upon pro rata cost; and

192 (iii) be filed with the State Board of Education.

193 (5) A board may establish, locate, and maintain elementary, secondary, and applied
194 technology schools.

195 (6) Except as provided in Section [53E-3-905](#), a board may enroll children in school
196 who are at least five years of age before September 2 of the year in which admission is sought.

197 (7) A board may establish and support school libraries.

198 (8) A board may collect damages for the loss, injury, or destruction of school property.

199 (9) A board may authorize guidance and counseling services for children and their
200 parents or guardians before, during, or following enrollment of the children in schools.

201 (10) (a) A board shall administer and implement federal educational programs in
202 accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National Education
203 Programs.

204 (b) Federal funds are not considered funds within the school district budget under
205 Chapter 7, Part 3, Budgets.

206 (11) (a) A board may organize school safety patrols and adopt rules under which the
207 patrols promote student safety.

208 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
209 parental consent for the appointment.

210 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
211 of a highway intended for vehicular traffic use.

212 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
213 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting

214 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

215 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
216 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
217 devises, or bequests that are made for educational purposes.

218 (b) These contributions are not subject to appropriation by the Legislature.

219 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
220 citations for violations of Subsection 76-10-105(2).

221 (b) A person may not be appointed to serve as a compliance officer without the
222 person's consent.

223 (c) A teacher or student may not be appointed as a compliance officer.

224 (14) A board shall adopt bylaws and rules for the board's own procedures.

225 (15) (a) A board shall make and enforce rules necessary for the control and
226 management of the district schools.

227 (b) Board rules and policies shall be in writing, filed, and referenced for public access.

228 (16) A board may hold school on legal holidays other than Sundays.

229 (17) (a) A board shall establish for each school year a school traffic safety committee to
230 implement this Subsection (17).

231 (b) The committee shall be composed of one representative of:

232 (i) the schools within the district;

233 (ii) the Parent Teachers' Association of the schools within the district;

234 (iii) the municipality or county;

235 (iv) state or local law enforcement; and

236 (v) state or local traffic safety engineering.

237 (c) The committee shall:

238 (i) receive suggestions from school community councils, parents, teachers, and others
239 and recommend school traffic safety improvements, boundary changes to enhance safety, and
240 school traffic safety program measures;

241 (ii) review and submit annually to the Department of Transportation and affected
242 municipalities and counties a child access routing plan for each elementary, middle, and junior
243 high school within the district;

244 (iii) consult the Utah Safety Council and the Division of Family Health Services and

245 provide training to all school children in kindergarten through grade six, within the district, on
246 school crossing safety and use; and

247 (iv) help ensure the district's compliance with rules made by the Department of
248 Transportation under Section [41-6a-303](#).

249 (d) The committee may establish subcommittees as needed to assist in accomplishing
250 its duties under Subsection (17)(c).

251 (18) (a) A school board shall adopt and implement a comprehensive emergency
252 response plan to prevent and combat violence in the school board's public schools, on school
253 grounds, on its school vehicles, and in connection with school-related activities or events.

254 (b) The plan shall:

255 (i) include prevention, intervention, and response components;

256 (ii) be consistent with the student conduct and discipline policies required for school
257 districts under Chapter 11, Part 2, Miscellaneous Requirements;

258 (iii) require ~~[inservice training]~~ professional development for all district and school
259 building staff on what their roles are in the emergency response plan;

260 (iv) provide for coordination with local law enforcement and other public safety
261 representatives in preventing, intervening, and responding to violence in the areas and activities
262 referred to in Subsection (18)(a); and

263 (v) include procedures to notify a student, to the extent practicable, who is off campus
264 at the time of a school violence emergency because the student is:

265 (A) participating in a school-related activity; or

266 (B) excused from school for a period of time during the regular school day to
267 participate in religious instruction at the request of the student's parent or guardian.

268 (c) The State Board of Education, through the state superintendent of public
269 instruction, shall develop comprehensive emergency response plan models that local school
270 boards may use, where appropriate, to comply with Subsection (18)(a).

271 (d) A local school board shall, by July 1 of each year, certify to the State Board of
272 Education that its plan has been practiced at the school level and presented to and reviewed by
273 its teachers, administrators, students, and their parents and local law enforcement and public
274 safety representatives.

275 (19) (a) A local school board may adopt an emergency response plan for the treatment

276 of sports-related injuries that occur during school sports practices and events.

277 (b) The plan may be implemented by each secondary school in the district that has a
278 sports program for students.

279 (c) The plan may:

280 (i) include emergency personnel, emergency communication, and emergency
281 equipment components;

282 (ii) require [~~inservice training~~] professional development on the emergency response
283 plan for school personnel who are involved in sports programs in the district's secondary
284 schools; and

285 (iii) provide for coordination with individuals and agency representatives who:

286 (A) are not employees of the school district; and

287 (B) would be involved in providing emergency services to students injured while
288 participating in sports events.

289 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
290 review the plan each year and make revisions when required to improve or enhance the plan.

291 (e) The State Board of Education, through the state superintendent of public
292 instruction, shall provide local school boards with an emergency plan response model that local
293 boards may use to comply with the requirements of this Subsection (19).

294 (20) A board shall do all other things necessary for the maintenance, prosperity, and
295 success of the schools and the promotion of education.

296 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

297 (i) hold a public hearing, as defined in Section [10-9a-103](#); and

298 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

299 (b) The notice of a public hearing required under Subsection (21)(a) shall:

300 (i) indicate the:

301 (A) school or schools under consideration for closure or boundary change; and

302 (B) date, time, and location of the public hearing; and

303 (ii) at least 10 days before the public hearing, be:

304 (A) published:

305 (I) in a newspaper of general circulation in the area; and

306 (II) on the Utah Public Notice Website created in Section [63F-1-701](#); and

307 (B) posted in at least three public locations within the municipality or on the district's
308 official website.

309 (22) A board may implement a facility energy efficiency program established under
310 Title 11, Chapter 44, Performance Efficiency Act.

311 (23) A board may establish or partner with a certified youth court program, in
312 accordance with Section [78A-6-1203](#), or establish or partner with a comparable restorative
313 justice program, in coordination with schools in that district. A school may refer a student to
314 youth court or a comparable restorative justice program in accordance with Section [53G-8-211](#).

315 Section 4. Section [53G-5-404](#) is amended to read:

316 **53G-5-404. Requirements for charter schools.**

317 (1) A charter school shall be nonsectarian in its programs, admission policies,
318 employment practices, and operations.

319 (2) A charter school may not charge tuition or fees, except those fees normally charged
320 by other public schools.

321 (3) A charter school shall meet all applicable federal, state, and local health, safety, and
322 civil rights requirements.

323 (4) (a) A charter school shall:

324 (i) make the same annual reports required of other public schools under this public
325 education code, including an annual financial audit report[-]; and

326 (ii) ensure that the charter school meets the data and reporting standards described in
327 Section [53E-3-501](#).

328 (b) A charter school shall file [its] the charter school's annual financial audit report
329 with the Office of the State Auditor within six months of the end of the fiscal year.

330 (5) (a) A charter school shall be accountable to the charter school's authorizer for
331 performance as provided in the school's charter.

332 (b) To measure the performance of a charter school, an authorizer may use data
333 contained in:

334 (i) the charter school's annual financial audit report;

335 (ii) a report submitted by the charter school as required by statute; or

336 (iii) a report submitted by the charter school as required by its charter.

337 (c) A charter school authorizer may not impose performance standards, except as

338 permitted by statute, that limit, infringe, or prohibit a charter school's ability to successfully
339 accomplish the purposes of charter schools as provided in Section 53G-5-104 or as otherwise
340 provided in law.

341 (6) A charter school may not advocate unlawful behavior.

342 (7) Except as provided in Section 53G-5-305, a charter school shall be organized and
343 managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, after its
344 authorization.

345 (8) A charter school shall provide adequate liability and other appropriate insurance.

346 (9) Beginning on July 1, 2014, a charter school shall submit any lease, lease-purchase
347 agreement, or other contract or agreement relating to the charter school's facilities or financing
348 of the charter school's facilities to the school's authorizer and an attorney for review and advice
349 prior to the charter school entering into the lease, agreement, or contract.

350 (10) A charter school may not employ an educator whose license has been suspended
351 or revoked by the State Board of Education under Section 53E-6-604.

352 (11) (a) Each charter school shall register and maintain the charter school's registration
353 as a limited purpose entity, in accordance with Section 67-1a-15.

354 (b) A charter school that fails to comply with Subsection (11)(a) or Section 67-1a-15 is
355 subject to enforcement by the state auditor, in accordance with Section 67-3-1.

356 Section 5. **Appropriation.**

357 The following sums of money are appropriated for the fiscal year beginning July 1,
358 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
359 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
360 Act, the Legislature appropriates the following sums of money from the funds or accounts
361 indicated for the use and support of the government of the state of Utah.

362 ITEM 1

363 To State Board of Education - State Administrative Office

364 From Education Fund, One-time \$80,000,000

365 Schedule of Programs:

366 Information Technology \$80,000,000

367 The Legislature intends that the State Board of Education use the appropriation
368 provided under this item for the state information management system described in Section

369 [53E-3-518.](#)