

STUDENT-CENTERED LEARNING PILOT PROGRAM

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill creates the Student-Centered Learning Pilot Program.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ specifies eligibility requirements for participating in the pilot program and additional factors that may be considered;
- ▶ requires the State Board of Education to select a consultant, through a request for proposals process, to provide consulting services to the board on the pilot program and to assist school districts and charter schools in designing and implementing educational models that meet the requirements of the Student-Centered Learning Pilot Program;
- ▶ requires the State Board of Education to establish an advisory committee that may make suggestions and recommendations regarding the selection of pilot schools;
- ▶ addresses the enrollment of students at a pilot school;
- ▶ provides that a student enrolled at a pilot school may not count as more than one pupil in average daily membership (ADM) unless the student intends to complete high school graduation requirements, and exit high school early, in accordance with the student's education/occupation plan (SEOP); and
- ▶ requires the State Board of Education and pilot schools to make an annual report to



28 the Education Interim Committee.

29 **Money Appropriated in this Bill:**

30 This bill appropriates in fiscal year 2015:

- 31 ▶ to the State Board of Education as an ongoing appropriation:
- 32 • from the Education Fund, \$275,000.

33 **Other Special Clauses:**

34 This bill provides an effective date.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **53A-1-409**, as last amended by Laws of Utah 2013, Chapter 398

38 **53A-1a-508**, as last amended by Laws of Utah 2011, Chapter 349

39 ENACTS:

40 **53A-15-1401**, Utah Code Annotated 1953

41 **53A-15-1402**, Utah Code Annotated 1953

42 **53A-15-1403**, Utah Code Annotated 1953

43 **53A-15-1404**, Utah Code Annotated 1953

44 **53A-15-1405**, Utah Code Annotated 1953

45 **53A-15-1406**, Utah Code Annotated 1953

46 **53A-15-1407**, Utah Code Annotated 1953

47 **53A-15-1408**, Utah Code Annotated 1953

48 **53A-15-1409**, Utah Code Annotated 1953

49 **53A-15-1410**, Utah Code Annotated 1953

50 **53A-15-1411**, Utah Code Annotated 1953

51

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

53 Section 1. Section **53A-1-409** is amended to read:

54 **53A-1-409. Competency-based education -- Recommendations -- Coordination.**

55 (1) As used in this section:

- 56 (a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or
- 57 ability that has been organized into a hierarchical arrangement leading to higher levels of
- 58 knowledge, skill, or ability.

59 (b) "Competency-based education" means an education approach that ~~[requires a~~
60 ~~student to acquire a competency]~~:

61 (i) allows a student to advance and earn credit upon mastery of a competency; and

62 (ii) includes a classroom structure and operation that ~~[aid and facilitate the acquisition~~
63 ~~of specified competencies on an individual basis wherein a student is allowed to master and~~
64 ~~demonstrate competencies as fast as the student is able]~~ provides a student timely,
65 differentiated support based on the student's individual learning needs.

66 (c) "Gain score" means the measured difference of a student's score at the beginning
67 and end of a time period that may be aggregated at the class, grade, school, and school district
68 levels.

69 (2) The State Board of Education shall:

70 (a) provide expertise to and consult with local school boards, school districts, and
71 charter schools relating to competency-based education and progress-based assessments;

72 (b) before the beginning of the 2014 General Session of the Legislature, make
73 recommendations to the Public Education Appropriations Subcommittee, including the amount
74 and allocation of public education money, based upon both new public education money and
75 the reallocation of money required to develop and implement:

76 (i) competency-based education and progress-based assessments;

77 (ii) (A) a weighted competency unit that distributes public education money based on
78 student achievement resulting from competency-based program objectives, strategies, and
79 standards; and

80 (B) a course-level funding formula that distributes funds to school districts and charter
81 schools that establish competency-based education;

82 (iii) a plan to assist students, teachers, schools, and districts that need remediation
83 based upon Subsections (2)(b)(i) and (ii);

84 (iv) the reallocation of teaching resources from noncore electives into grades 1-3, 7-12
85 math, and 7-12 English; and

86 (v) a teacher development program focused on achieving progress in core academics,
87 including instruction in explicit, systematic, and intensive phonics for teachers in grades
88 kindergarten through 3;

89 (c) assist school districts and charter schools to develop and implement:

90 (i) competency-based education; and
91 (ii) the use of gain scores; and
92 (d) develop and use monetary and nonmonetary incentives, tools, and rewards to
93 encourage school districts and charter schools to accomplish the items described under this
94 section.

95 (3) A funding formula described in Subsection (2)(b)(ii)(B) shall:

96 (a) base the funding for a competency-based course on a proportionate amount of the
97 weighted pupil unit;

98 (b) partially distribute funds based on initial enrollment;

99 (c) distribute remaining funds based on a student's successful completion of a course
100 through demonstrated competency and subject mastery; and

101 (d) not be dependent on the amount of time a student is instructed in the course or the
102 age of the student.

103 (4) A local school board or a charter school governing board may establish a
104 competency-based education program.

105 (5) A local school board or charter school governing board that establishes a
106 competency-based education program shall:

107 (a) establish assessments to accurately measure competency;

108 (b) provide the assessments to an enrolled student at no cost to the student;

109 (c) award credit to a student who demonstrates competency and subject mastery;

110 (d) submit the competency-based curriculum standards to the State Board of Education
111 for review; and

112 (e) publish the competency-based curriculum standards on its website or by other
113 electronic means readily accessible to the public.

114 (6) A local school board or charter school governing board may:

115 (a) on a random lottery-based basis, limit enrollment to courses that have been
116 designated as competency-based courses;

117 (b) waive or adapt traditional attendance requirements;

118 (c) adjust class sizes to maximize the value of course instructors or course mentors;

119 (d) enroll students from any geographic location within the state; and

120 (e) provide proctored online competency-based assessments.

121 Section 2. Section 53A-1a-508 is amended to read:

122 **53A-1a-508. Content of a charter -- Modification of charter.**

123 (1) The major issues involving the operation of a charter school shall be considered in
124 advance by the applicant for a charter school and written into the school's charter.

125 (2) The governing body of the charter school and the chartering entity shall sign the
126 charter.

127 (3) The charter shall include:

128 (a) the age or grade levels to be served by the school;

129 (b) the projected maximum number of students to be enrolled in the school and the
130 projected enrollment in each of the first three years of operations;

131 (c) the governance structure of the school;

132 (d) the financial plan for the school and the provisions which will be made for auditing
133 the school under Subsection 53A-1a-507(4);

134 (e) the mission and education goals of the school, the curriculum offered, and the
135 methods of assessing whether students are meeting educational goals, to include at a minimum
136 participation in the Utah Performance Assessment System for Students under Chapter 1, Part 6,
137 Achievement Tests;

138 (f) admission and dismissal procedures, including suspension procedures;

139 (g) procedures to review complaints of parents regarding the operation of the school;

140 (h) the opportunity for parental involvement at the school;

141 (i) how the school will provide adequate liability and other appropriate insurance for
142 the school, its governing body, and its employees;

143 (j) the proposed school calendar, including the length of the school day and school
144 year;

145 (k) whether any agreements have been entered into or plans developed with school
146 districts regarding participation of charter school students in extracurricular activities within
147 the school districts;

148 (l) the district within which the school will be located and the address of the school's
149 physical facility, if known at the time the charter is signed;

150 (m) the qualifications to be required of the teachers, including the requirement of a
151 criminal background check;

152 (n) in the case of an existing public school converting to charter status, alternative
153 arrangements for current students who choose not to attend the charter school and for current
154 teachers who choose not to teach at the school after its conversion to charter status;

155 (o) the school's intention to create a library;

156 (p) a description of school administrative and supervisory services;

157 (q) fiscal procedures that are consistent with generally accepted financial management
158 standards to be used by the school;

159 (r) the school's policies and procedures regarding:

160 (i) employee evaluation; and

161 (ii) employment of relatives; and

162 (s) an acknowledgment that neither the chartering entity nor the state, including an
163 agency of the state, is liable for the debts or financial obligations of the charter school or
164 persons or entities who operate the charter school.

165 (4) [A] (a) Except as provided in Subsection (4)(b), a charter may be modified by
166 mutual agreement of the chartering entity and the governing body of the school.

167 (b) (i) Subject to Subsection (4)(c), at the request of the governing body of a charter
168 school that is selected to participate in the Student-Centered Learning Pilot Program created in
169 Section 53A-15-1403, the chartering entity shall attach an addendum to the school's charter
170 indicating the charter is modified to be consistent with the requirements of the
171 Student-Centered Learning Pilot Program and describing those modifications.

172 (ii) A chartering entity shall make the modifications described in Subsection (4)(b)(i)
173 without requiring the charter school to participate in a charter amendment process.

174 (c) (i) If an increase in a charter school's enrollment capacity is required to participate
175 in the Student-Centered Learning Pilot Program, the charter school shall submit a request for
176 an increase in enrollment capacity to the State Board of Education.

177 (ii) The State Board of Education may approve an increase in enrollment capacity for
178 the charter school subject to the availability of sufficient funds appropriated under Section
179 53A-1a-513.

180 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
181 State Board of Education shall make rules that establish the procedures and deadlines for
182 approved charter schools to apply and qualify for expansion, including the establishment of

183 satellite campuses.

184 Section 3. Section **53A-15-1401** is enacted to read:

185 **Part 14. Student-Centered Learning Pilot Program**

186 **53A-15-1401. Title.**

187 This part is known as the "Student-Centered Learning Pilot Program."

188 Section 4. Section **53A-15-1402** is enacted to read:

189 **53A-15-1402. Definitions.**

190 As used in this part:

191 (1) "Blended learning" means a formal education program in which a student learns:

192 (a) at least in part through online delivery of content and instruction with some element
193 of student control over time, place, path, or pace; and

194 (b) at least in part at a supervised brick-and-mortar location away from home.

195 (2) "Board" means the State Board of Education.

196 (3) "Competency-based education" is as defined in Section [53A-1-409](#).

197 (4) "Data-driven instruction" means instruction in which quantifiable data is:

198 (a) obtained by frequently assessing a student's attainment of observable and
199 measurable goals set to determine whether the student is making academic progress, staying the
200 same, or regressing academically; and

201 (b) used to guide the instructor in determining:

202 (i) the student's next step after mastering a concept; or

203 (ii) necessary interventions or modifications to instructional methods to provide the
204 student with a better understanding of academic concepts.

205 (5) "Extended school year schedule" means a school calendar and schedule that operate
206 beyond a traditional school calendar and provide year-round instruction.

207 (6) "Extended work schedule" means a work schedule that includes additional hours of
208 instruction time beyond a traditional school calendar to accommodate year-round instruction.

209 (7) "Pilot program" means the Student-Centered Learning Pilot Program.

210 (8) "Pilot school" means a school that participates in the Student-Centered Learning
211 Pilot Program.

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

213 Section 5. Section **53A-15-1403** is enacted to read:

214 **53A-15-1403. Student-Centered Learning Pilot Program established.**

215 (1) The Student-Centered Learning Pilot Program is created to develop and implement
216 educational models that:

217 (a) deliver instruction through blended learning;

218 (b) use an extended school year schedule;

219 (c) use data-driven instruction; and

220 (d) use competency-based education.

221 (2) The State Board of Education shall:

222 (a) select schools to participate in the pilot program based on a competitive application
223 process;

224 (b) make the application forms and procedures available to school districts and charter
225 schools on or before September 1, 2014;

226 (c) select up to 10 pilot schools and award grants as provided in Section [53A-1-1404](#)
227 on or before December 31, 2014; and

228 (d) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
229 Rulemaking Act, and this part, establishing procedures and requirements for submitting
230 applications to participate in the pilot program and for selecting applicants.

231 Section 6. Section **53A-15-1404** is enacted to read:

232 **53A-15-1404. Consulting and technical services.**

233 (1) (a) The board shall select a consultant through a request for proposals process to
234 provide consulting services on the pilot program to the board and to assist school districts and
235 charter schools in designing and implementing educational models that meet the requirements
236 of Section [53A-15-1405](#).

237 (b) The board shall select a consultant as specified in Subsection (1)(a) no later than
238 June 30, 2014.

239 (2) A consultant selected under Subsection (1) shall:

240 (a) offer a comprehensive suite of design and implementation services related to
241 personalized learning that will allow a pilot school to customize its system for the delivery of
242 online education and select the applications that best meet the needs of the school; and

243 (b) have significant experience in:

244 (i) implementing different types of blended learning models in elementary and

245 secondary schools; and
246 (ii) assessing school and school district readiness to implement blended learning.
247 (3) Of the \$275,000 appropriated to the State Board of Education in fiscal year 2015
248 for the Student-Centered Learning Pilot Program, the board may use up to \$75,000 to contract
249 with the consultant to:
250 (a) conduct statewide training to introduce the pilot program and assist applicants in
251 drafting an application;
252 (b) consult on the development of the pilot program application and application
253 process;
254 (c) develop criteria and guidelines for scoring and selecting applications; and
255 (d) consult on the selection of applications based on key success factors in blended
256 learning implementations.
257 (4) The board shall use the remaining money appropriated for the pilot program after
258 the contract expenses described in Subsection (3) to make grants, by January 2015, to school
259 districts and charter schools selected to participate in the pilot program.
260 (5) A school district or charter school awarded a grant shall use the grant money to
261 contract with the consultant selected by the board under Subsection (1) to:
262 (a) design and implement blended learning at a pilot school, including:
263 (i) designing the instructional model;
264 (ii) selecting digital content;
265 (iii) cocreating a plan for hardware and facility readiness;
266 (iv) providing professional development; and
267 (v) developing professional learning communities;
268 (b) provide support to a pilot school through the first year of operation, including:
269 (i) ongoing professional development;
270 (ii) access to online professional learning communities and resources;
271 (iii) technical assistance; and
272 (iv) assistance in modifying and improving a pilot school's educational model; and
273 (c) develop a community of practice among pilot schools for sharing practices,
274 collaborating, problem solving, refining, and enhancing student-centered learning models.
275 Section 7. Section **53A-15-1405** is enacted to read:

276 53A-15-1405. Eligibility requirements to participate in the Student-Centered
277 Learning Pilot Program -- Additional considerations.

278 (1) To be eligible to participate in the pilot program, a pilot school shall:

279 (a) deliver instruction through blended learning;

280 (b) provide instruction to students through an extended school year schedule;

281 (c) use data-driven instruction;

282 (d) use competency-based education;

283 (e) integrate blended learning, data-driven instruction, and competency-based

284 education to make individualized or personalized instruction core to the instructional model;

285 (f) develop and implement a professional development plan that addresses the

286 individual professional development needs of each teacher and includes training in:

287 (i) delivering instruction within a blended learning model;

288 (ii) using data-driven instruction;

289 (iii) delivering differentiated instruction; and

290 (iv) using online content and digital tools;

291 (g) develop and implement a plan for assisting parents in engaging in their students'

292 education, which plan complies with the following:

293 (i) the technology tools employed by the school shall be utilized to create transparency

294 and collaboration in the education process and enable parents to be partners in their students'

295 education in real time; and

296 (ii) parents shall have access through technology to real-time student data and

297 instructional content in order to monitor and stay informed about their students' progress as

298 they assist their students with learning;

299 (h) be a new school, a whole school conversion, or operate as a separate program

300 within an existing school;

301 (i) begin operating as a pilot school no later than the 2016-17 school year; and

302 (j) share with other school districts and leaders across the state the school's experience

303 in implementing the pilot program, the impacts of the program, and any policy considerations.

304 (2) In selecting applicants to participate in the pilot program, the State Board of

305 Education shall give additional consideration to an applicant that:

306 (a) utilizes blended learning and an extended school year to increase student

307 enrollment, generating additional money to increase teacher compensation, thereby allowing
308 teachers to be compensated for a full 12 months of instruction;

309 (b) requires students to take a course of study leading to an associate's degree or a
310 technical skills certification upon high school graduation;

311 (c) has a STEM focused mission and curriculum;

312 (d) encourages students to utilize BYOD "bring your own device" as part of the
313 school's technology device policy;

314 (e) proposes to establish the pilot program throughout a complete kindergarten through
315 grade 12 feeder system;

316 (f) provides an expanded benefits package to employees that includes paid vacation
317 and holidays;

318 (g) is a Title I school; or

319 (h) establishes sustainable, scalable programs that can be replicated.

320 Section 8. Section **53A-15-1406** is enacted to read:

321 **53A-15-1406. Selection of pilot program participants -- Advisory committee.**

322 (1) The State Board of Education shall establish an advisory committee to review
323 applications to participate in the pilot program.

324 (2) The advisory committee may offer suggestions and recommendations to the State
325 Board of Education on the selection of applicants.

326 (3) The advisory committee shall include representatives of stakeholders, including the
327 following legislators who shall serve as nonvoting members:

328 (a) the chair of the House Education Standing Committee;

329 (b) the chair of the Senate Education Standing Committee;

330 (c) the Senate chair of the Public Education Appropriations Subcommittee; and

331 (d) the House chair of the Public Education Appropriations Subcommittee.

332 Section 9. Section **53A-15-1407** is enacted to read:

333 **53A-15-1407. Implementation funding.**

334 (1) In the 2015 General Session, the board shall submit recommendations to the
335 Legislature for funding the implementation of the pilot program in the selected pilot schools,
336 including the cost of:

337 (a) a consultant selected by the board, who:

- 338 (i) in the first year of operations, assists pilot schools in the final design and
- 339 implementation of the pilot program; and
- 340 (ii) in the second and third years of operations, provides continuing professional
- 341 development and technical support to pilot schools and assists pilot schools in the modification
- 342 and improvement of each school's educational model and in refreshing each school's digital
- 343 content;
- 344 (b) equipment for the delivery of instruction;
- 345 (c) digital content; and
- 346 (d) assessments.
- 347 (2) Subject to legislative appropriations, the board may make grants to school districts
- 348 and charter schools participating in the pilot program for up to three years, with the amount of a
- 349 grant decreasing each year.

350 Section 10. Section **53A-15-1408** is enacted to read:

351 **53A-15-1408. Enrollment of students in a pilot school -- Selection of pilot school**

352 **teachers.**

353 (1) Section 53A-1a-506 shall govern the eligibility of students for enrollment at a

354 charter school that is a pilot school.

355 (2) (a) A local school board shall adopt rules governing the enrollment of students at a

356 pilot school.

357 (b) The rules adopted under Subsection (2)(a) shall include policies and procedures to

358 ensure that decisions regarding enrollment requests are administered fairly without prejudice to

359 any student or class of student, except as provided in Subsection (2)(c).

360 (c) Policies for enrolling students in a pilot school may include:

361 (i) giving priority to a student who:

362 (A) resides within the attendance boundaries of a pilot school; or

363 (B) resides within the school district in which the pilot school is located; or

364 (ii) limiting enrollment based on the capacity of a program, class, grade level, or the

365 pilot school.

366 (3) A school district shall solicit applications for teaching positions for a pilot school

367 and hire teachers from a list of interested and qualified applicants.

368 Section 11. Section **53A-15-1409** is enacted to read:

369 53A-15-1409. Student enrolled in a pilot school may not count as more than one
370 **ADM -- Exception.**

371 (1) The course credits of a pilot school student shall be included in the school district's
372 or charter school's calculation of average daily membership, except as provided in Subsection
373 (2).

374 (2) A student enrolled in a pilot school may not count as more than one pupil in
375 average daily membership (ADM), unless the student intends to complete high school
376 graduation requirements early, and exit high school early, in accordance with the student's
377 education/occupation plan (SEOP).

378 Section 12. Section **53A-15-1410** is enacted to read:

379 **53A-15-1410. Flexibility in complying with a school district or charter school**
380 **policy.**

381 A local school board or charter school governing board shall grant flexibility to a pilot
382 school in complying with a school district or charter school policy that prohibits the pilot
383 school from meeting the requirements of the pilot program.

384 Section 13. Section **53A-15-1411** is enacted to read:

385 **53A-15-1411. Report to Legislature.**

386 The State Board of Education and the pilot program grantees shall make an annual
387 report to the Legislature that:

388 (1) compares the academic performance of students participating in the pilot program
389 with students in other schools that have demographic characteristics that are similar to those of
390 the pilot program students; and

391 (2) describes the extent to which the pilot schools:

392 (a) use online content and digital tools as integral elements of instruction and learning;

393 (b) maximize engagement and achievement by addressing the needs of each student
394 through personalized instruction;

395 (c) advance students upon mastery of competencies;

396 (d) create a culture that supports individualized learning across students, teachers,
397 school district and charter school leadership, and parents;

398 (e) improve system structure and policy to allow for efficiencies in teacher practice,
399 scheduling, staffing, and use of space;

400 (f) allocate time, resources, and places in a way that provides maximum flexibility for a
401 student-centered learning environment;

402 (g) provide teachers the opportunity to receive a competitive compensation based on an
403 extended work schedule;

404 (h) establish sustainable, scalable programs that can be replicated;

405 (i) improve student learning outcomes;

406 (j) better prepare students for college and the workforce; and

407 (k) close achievement gaps.

408 **Section 14. Appropriation.**

409 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
410 the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following sums of money
411 are appropriated from resources not otherwise appropriated, or reduced from amounts
412 previously appropriated, out of the funds or accounts indicated. These sums of money are in
413 addition to any amounts previously appropriated for fiscal year 2015.

414 To State Board of Education - USOE Initiatives

415 From Education Fund \$275,000

416 Schedule of Programs:

417 USOE Initiatives - Contracts and Grants \$275,000

418 The Legislature intends that the appropriation provided in this section be used for the
419 Student-Centered Learning Pilot Program created in Title 53A, Chapter 15, Part 14,
420 Student-Centered Learning Pilot Program.

421 **Section 15. Effective date.**

422 (1) Except as provided in Subsection (2), this bill takes effect on May 13, 2014.

423 (2) Uncodified Section 14, Appropriation, takes effect on July 1, 2014.

Legislative Review Note
as of 1-29-14 3:02 PM

Office of Legislative Research and General Counsel