

**Representative V. Lowry Snow** proposes the following substitute bill:

**SCHOOL ASSESSMENT AND ACCOUNTABILITY**

**AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kathleen A. Riebe**

House Sponsor: V. Lowry Snow

**LONG TITLE**

**General Description:**

This bill makes amendments to provisions related to public school assessment and accountability.

**Highlighted Provisions:**

This bill:

- ▶ provides that, for the 2020-2021 school year, the State Board of Education (state board) is not required to:
  - identify schools not achieving state established acceptable levels of student performance for the 2020-2021 school year;
  - assign to each school an overall rating using an A through F letter grading scale;
  - publish a report card for each school on the state board's website; or
  - determine school performance success and student academic achievement under the Teacher and Student Success Program;
- ▶ for the 2020-21, 2021-22, and 2022-23 school years, makes changes to the permitted uses for school turnaround funds appropriated in prior years;
- ▶ removes the exception for assigning an overall rating to a school when the state board establishes a new baseline to determine student growth due to a transition to a



26 new assessment; and  
27       ▶ makes technical and conforming changes.

28 **Money Appropriated in this Bill:**

29       None

30 **Other Special Clauses:**

31       None

32 **Utah Code Sections Affected:**

33 AMENDS:

34       **53E-4-311**, as last amended by Laws of Utah 2019, Chapter 186

35       **53E-5-204**, as last amended by Laws of Utah 2020, Chapter 266

36       **53E-5-211**, as last amended by Laws of Utah 2019, Chapter 186

37       **53E-5-305**, as last amended by Laws of Utah 2020, Chapter 408

38       **53G-7-1306**, as last amended by Laws of Utah 2020, Chapter 408



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

41       Section 1. Section **53E-4-311** is amended to read:

42       **53E-4-311. Analysis of results -- Staff professional development.**

43       (1) The state board, through the state superintendent, shall develop an online data  
44 reporting tool to analyze the results of statewide assessments.

45       (2) The online data reporting tool shall include components designed to:

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

48       (b) identify schools not achieving state-established acceptable levels of student  
49 performance in order to assist those schools in improving student performance levels; and

50       (c) provide:

51       (i) for statistical reporting of statewide assessment results at state, school district,  
52 school, and grade or course levels; and

53       (ii) actual levels of performance on statewide assessments.

54       (3) A local school board or charter school governing board shall provide for:

55       (a) evaluation of the statewide assessment results and use of the evaluations in setting  
56 goals and establishing programs; and

57 (b) a professional development program that provides teachers, principals, and other  
58 professional staff with the training required to successfully establish and maintain statewide  
59 assessments.

60 (4) The state board is not required to identify schools not achieving state-established  
61 acceptable levels of student performance as described in Subsection (2)(b) for the 2020-2021  
62 school year.

63 Section 2. Section **53E-5-204** is amended to read:

64 **53E-5-204. Rating schools.**

65 (1) Except as provided in Subsection (3), and in accordance with this part, the state  
66 board shall annually assign to each school an overall rating using an A through F letter grading  
67 scale where, based on the school's performance level on the indicators described in Subsection  
68 (2):

- 69 (a) an A grade represents an exemplary school;  
70 (b) a B grade represents a commendable school;  
71 (c) a C grade represents a typical school;  
72 (d) a D grade represents a developing school; and  
73 (e) an F grade represents a critical needs school.

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

- 76 (a) Section **53E-5-205**, for an elementary school or a middle school; or  
77 (b) Section **53E-5-206**, for a high school.

78 ~~[(3)(a) For a school year in which the state board determines it is necessary to~~  
79 ~~establish, due to a transition to a new assessment, a new baseline to determine student growth~~  
80 ~~described in Section **53E-5-210**, the state board is not required to assign an overall rating~~  
81 ~~described in Subsection (1) to a school to which the new baseline applies.]~~

82 ~~[(b)]~~ (3) For the 2017-2018, 2018-2019, ~~[and] 2019-2020, and 2020-2021~~ school years,  
83 the state board:

84 ~~[(i)]~~ (a) shall evaluate a school based on the school's performance level on the  
85 indicators described in Subsection (2) and in accordance with this part; and

86 ~~[(ii)]~~ (b) is not required to assign a school an overall rating described in Subsection (1).

87 Section 3. Section **53E-5-211** is amended to read:

88 **53E-5-211. Reporting.**

89 (1) ~~[The]~~ Except as provided in Subsection (2), the state board shall annually publish  
90 on the state board's website a report card that includes for each school:

- 91 (a) the school's overall rating described in Subsection 53E-5-204(1);
- 92 (b) the school's performance on each indicator described in:
  - 93 (i) Section 53E-5-205, for an elementary school or a middle school; or
  - 94 (ii) Section 53E-5-206, for a high school;
- 95 (c) information comparing the school's performance on each indicator described in

96 Subsection (1)(b) with:

- 97 (i) the average school performance; and
- 98 (ii) the school's performance in all previous years for which data is available;
- 99 (d) the percentage of students who participated in statewide assessments;
- 100 (e) for an elementary school, the percentage of students who read on grade level in  
101 grades 1 through 3; and
- 102 (f) for a high school, performance on Advanced Placement exams.

103 (2) The state board shall collect, but is not required to publish the information  
104 described in Subsection (1) related to the 2020-2021 school year.

105 ~~[(2)]~~ (3) A school may include in the school's report card described in Subsection (1)  
106 up to two self-reported school quality indicators that:

- 107 (a) are approved by the state board for inclusion; and
- 108 (b) may include process or input indicators.

109 ~~[(3)]~~ (4) (a) The state board shall develop an individualized student achievement report  
110 that includes:

- 111 (i) information on the student's level of proficiency as measured by a statewide  
112 assessment; and
- 113 (ii) a comparison of the student's academic growth target and actual academic growth  
114 as measured by a statewide assessment.

115 (b) The state board shall, subject to the Family Educational Rights and Privacy Act, 20  
116 U.S.C. Sec. 1232g, make the individualized student achievement report described in  
117 Subsection ~~[(3)]~~ (4)(a) available for a school district or charter school to access electronically.

118 (c) A school district or charter school shall distribute an individualized student

119 achievement report to the parent of the student to whom the report applies.

120 Section 4. Section **53E-5-305** is amended to read:

121 **53E-5-305. State board to identify independent school turnaround experts --**

122 **Review and approval of school turnaround plans -- Appeals process.**

123 (1) The state board shall identify two or more approved independent school turnaround  
124 experts, through a standard procurement process, that a low performing school may contract  
125 with to:

126 (a) respond to the needs assessment conducted under Section **53E-5-302**; and

127 (b) provide the services described in Section **53E-5-303** or **53E-5-304**, as applicable.

128 (2) In identifying independent school turnaround experts under Subsection (1), the state  
129 board shall identify experts that:

130 (a) have a credible track record of improving student academic achievement in public  
131 schools with various demographic characteristics, as measured by statewide assessments  
132 described in Section **53E-4-301**;

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

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

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

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

141 (f) are willing to partner with any low performing school in the state, regardless of  
142 location.

143 (3) (a) The state board shall:

144 (i) review a proposal submitted for approval under Section **53E-5-303** or **53E-5-304** no  
145 later than 30 days after the day on which the proposal is submitted;

146 (ii) review a school turnaround plan submitted for approval under Subsection  
147 **53E-5-303(7)(b)** or under Subsection **53E-5-304(9)(b)** within 30 days of submission; and

148 (iii) approve a school turnaround plan that:

149 (A) is timely;

150 (B) is well-developed; and

151 (C) meets the criteria described in Subsection 53E-5-303(5).

152 (b) The state board may not approve a school turnaround plan that is not aligned with  
153 the needs assessment conducted under Section 53E-5-302.

154 (4) (a) Subject to legislative appropriations, when a school turnaround plan is approved  
155 by the state board, the state board shall distribute funds to each LEA governing board with a  
156 low performing school to carry out the provisions of Sections 53E-5-303 and 53E-5-304.

157 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
158 state board shall make rules establishing a distribution method and allowable uses of the funds  
159 described in Subsection (4)(a).

160 (5) The state board shall:

161 (a) monitor and assess progress toward the goals, benchmarks and timetable in each  
162 school turnaround plan; and

163 (b) act as a liaison between a local school board, low performing school, and  
164 turnaround expert.

165 (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
166 the state board shall make rules to establish an appeals process for:

167 (i) a low performing district school that is not granted approval from the district  
168 school's local school board under Subsection 53E-5-303(7)(b);

169 (ii) a low performing charter school that is not granted approval from the charter  
170 school's charter school governing board under Subsection 53E-5-304(9)(b); and

171 (iii) a local school board or charter school governing board that is not granted approval  
172 from the state board under Subsection (3)(a) or (b).

173 (b) The state board shall ensure that rules made under Subsection (6)(a) require an  
174 appeals process described in:

175 (i) Subsections (6)(a)(i) and (ii) to be resolved on or before July 1 of the initial  
176 remedial year; and

177 (ii) Subsection (6)(a)(iii) to be resolved on or before August 15 of the initial remedial  
178 year.

179 (7) ~~The~~ Except as provided in Subsection (8), the state board may use up to 4% of the  
180 funds appropriated by the Legislature to carry out the provisions of this part for administration

181 if the amount for administration is approved by the state board in an open meeting.

182 (8) For the 2020-21, 2021-22, and 2022-23 school years, if the state board approves the  
183 use in an open meeting, the state board may use funds the Legislature appropriated in prior  
184 years to carry out the provisions of this part:

185 (a) for administration;

186 (b) up to \$1 million to contract with a provider, through a request for proposals  
187 process, to pilot complementary approaches to school improvement that draw on community  
188 resources and engagement; and

189 (c) to analyze the effectiveness of supports provided:

190 (i) under this part; and

191 (ii) by other school improvement programs.

192 Section 5. Section **53G-7-1306** is amended to read:

193 **53G-7-1306. School improvement oversight -- Performance standards.**

194 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
195 state board shall make rules that:

196 (a) using a criteria-setting process, determine a threshold of points under the statewide  
197 school accountability system that designates a school as succeeding in school performance and  
198 student academic achievement; and

199 (b) determine performance standards for a school described in Section [53E-5-203](#).

200 (2) (a) ~~For~~ Except as provided in Subsection (3), for each year following the year in  
201 which a school received approval for a success plan, an LEA governing board shall determine  
202 if the school:

203 (i) meets or exceeds the threshold of points described in Subsection (1);

204 (ii) has demonstrated at least a 1% increase in the school's total points received under  
205 the statewide school accountability system compared to the previous school year; or

206 (iii) qualifies for and satisfies the performance standards described in Subsection

207 (1)(b).

208 (b) If the LEA governing board determines that a school does not satisfy Subsection  
209 (2)(a)(i), (ii), or (iii), the LEA governing board shall:

210 (i) work with the school's principal to modify the school's success plan to address the  
211 school's performance; and

212 (ii) oversee and adjust the school's allocation expenditures until the LEA governing  
213 board determines the school satisfies Subsection (2)(a)(i), (ii), or (iii).

214 (3) An LEA is not required to make the determination described in Subsection (2)(a)  
215 during the 2021-2022 school year.