

**STUDENT ASSESSMENT AND SCHOOL
ACCOUNTABILITY AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

This bill amends and enacts provisions related to assessments and accountability in the public education system.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ repeals outdated references to the Utah Performance Assessment System for Students or "U-PASS";
- ▶ amends provisions related to the administration of statewide assessments;
- ▶ enacts provisions related to a high school assessment;
- ▶ repeals and reenacts provisions related to:
 - State Board of Education duties related to assessments; and
 - standards assessments;
- ▶ amends other provisions related to assessments;
- ▶ establishes a school accountability system;
- ▶ enacts provisions related to the school accountability system, including provisions related to:
 - the indicators and calculation of points used to determine a school's rating under the school accountability system;
 - required rulemaking by the board; and
 - required reports;

- ▶ repeals and reenacts, for technical purposes, provisions related to youth suicide prevention training; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:**AMENDS:**

- 53A-1-301**, as last amended by Laws of Utah 2016, Chapter 348
- 53A-1-402.6**, as last amended by Laws of Utah 2015, Chapter 415
- 53A-1-413**, as last amended by Laws of Utah 2016, Chapter 144
- 53A-1-601**, as last amended by Laws of Utah 2000, Chapter 219
- 53A-1-602**, as last amended by Laws of Utah 2015, Chapters 222 and 415
- 53A-1-603.5**, as enacted by Laws of Utah 2006, Chapter 147
- 53A-1-605**, as last amended by Laws of Utah 2015, Chapter 222
- 53A-1-607**, as last amended by Laws of Utah 2009, Chapter 299
- 53A-1-608**, as enacted by Laws of Utah 1990, Chapter 267
- 53A-1-610**, as enacted by Laws of Utah 1990, Chapter 267
- 53A-1-611**, as last amended by Laws of Utah 2016, Chapter 203
- 53A-1-613**, as enacted by Laws of Utah 2013, Chapter 161
- 53A-1-708**, as last amended by Laws of Utah 2016, Chapters 144 and 221
- 53A-1-1202**, as last amended by Laws of Utah 2016, Chapter 241
- 53A-1-1203**, as last amended by Laws of Utah 2016, Chapter 241
- 53A-1-1206**, as last amended by Laws of Utah 2016, Chapter 241
- 53A-1-1207**, as last amended by Laws of Utah 2016, Chapter 241
- 53A-1-1209**, as last amended by Laws of Utah 2016, Chapter 331

58 **53A-1a-106**, as last amended by Laws of Utah 2012, Chapter 315

59 **53A-1a-504**, as last amended by Laws of Utah 2016, Chapter 213

60 **53A-1a-510**, as last amended by Laws of Utah 2015, Chapter 449

61 **53A-17a-166**, as enacted by Laws of Utah 2011, Chapter 359

62 **53A-25b-304**, as last amended by Laws of Utah 2012, Chapter 291

63 ENACTS:

64 **53A-1-611.5**, Utah Code Annotated 1953

65 **53A-1-1113.5**, Utah Code Annotated 1953

66 **53A-15-1303**, Utah Code Annotated 1953

67 REPEALS AND REENACTS:

68 **53A-1-603**, as last amended by Laws of Utah 2016, Chapters 203 and 221

69 **53A-1-604**, as last amended by Laws of Utah 2013, Chapter 161

70 **53A-1-1101**, as enacted by Laws of Utah 2011, Chapter 417

71 **53A-1-1102**, as last amended by Laws of Utah 2015, Chapter 452

72 **53A-1-1103**, as last amended by Laws of Utah 2015, Chapter 415

73 **53A-1-1104**, as last amended by Laws of Utah 2015, Chapters 258 and 452

74 **53A-1-1105**, as last amended by Laws of Utah 2013, Chapter 478 and last amended by

75 Coordination Clause, Laws of Utah 2013, Chapter 478

76 **53A-1-1106**, as last amended by Laws of Utah 2013, Chapter 478

77 **53A-1-1107**, as last amended by Laws of Utah 2014, Chapter 403

78 **53A-1-1108**, as last amended by Laws of Utah 2014, Chapter 403

79 **53A-1-1109**, as enacted by Laws of Utah 2011, Chapter 417

80 **53A-1-1110**, as last amended by Laws of Utah 2016, Chapter 349

81 **53A-1-1111**, as enacted by Laws of Utah 2011, Chapter 417

82 **53A-1-1112**, as last amended by Laws of Utah 2013, Chapter 478

83 REPEALS:

84 **53A-1-1104.5**, as enacted by Laws of Utah 2014, Chapter 403

85 **53A-1-1107.5**, as last amended by Laws of Utah 2015, Chapter 452

86 **53A-1-1113**, as enacted by Laws of Utah 2011, Chapter 417
87 **53A-3-601**, as last amended by Laws of Utah 2000, Chapter 219
88 **53A-3-602.5**, as last amended by Laws of Utah 2015, Chapter 415
89 **53A-3-603**, as last amended by Laws of Utah 2016, Chapter 144

90 **Utah Code Sections Affected by Revisor Instructions:**

91 **53A-1-413**, as last amended by Laws of Utah 2016, Chapter 144

92

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

94 Section 1. Section **53A-1-301** is amended to read:

95 **53A-1-301. Appointment -- Qualifications -- Duties.**

96 (1) (a) The State Board of Education shall appoint a superintendent of public
97 instruction, hereinafter called the state superintendent, who is the executive officer of the
98 [~~board~~] State Board of Education and serves at the pleasure of the [~~board~~] State Board of
99 Education.

100 (b) The [~~board~~] State Board of Education shall appoint the state superintendent on the
101 basis of outstanding professional qualifications.

102 (c) The state superintendent shall administer all programs assigned to the State Board
103 of Education in accordance with the policies and the standards established by the [~~board~~] State
104 Board of Education.

105 (2) The State Board of Education shall, with the [~~appointed~~] state superintendent,
106 develop a statewide education strategy focusing on core academics, including the development
107 of:

108 (a) core standards for Utah public schools and graduation requirements;

109 (b) a process to select model instructional materials that best correlate [~~to~~] with the
110 core standards for Utah public schools and graduation requirements that are supported by
111 generally accepted scientific standards of evidence;

112 (c) professional development programs for teachers, superintendents, and principals;

113 (d) model remediation programs;

(e) a model method for creating individual student learning targets, and a method of measuring an individual student's performance toward those targets;

(f) progress-based assessments for ongoing performance evaluations of school districts and schools;

(g) incentives to achieve the desired outcome of individual student progress in core academics~~[, and which]~~ that do not create disincentives for setting high goals for the students;

(h) an annual report card for school and school district performance, measuring learning and reporting progress-based assessments;

(i) a systematic method to encourage innovation in schools and school districts as ~~[they strive]~~ each strives to achieve improvement in ~~[their]~~ performance; and

(j) a method for identifying and sharing best demonstrated practices across school districts and schools.

(3) The state superintendent shall perform duties assigned by the ~~[board]~~ State Board of Education, including ~~[the following]~~:

(a) investigating all matters pertaining to the public schools;

(b) adopting and keeping an official seal to authenticate the state superintendent's official acts;

(c) holding and conducting meetings, seminars, and conferences on educational topics;

(d) presenting to the governor and the Legislature each December a report of the public school system for the preceding year ~~[to include]~~ that includes:

(i) data on the general condition of the schools with recommendations considered desirable for specific programs;

(ii) a complete statement of fund balances;

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

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

(v) a complete statement of state funds allocated to each school district and charter school by source, including supplemental appropriations, and a complete statement of

expenditures by each school district and charter school, including supplemental appropriations, by function and object as outlined in the United States Department of Education publication "Financial Accounting for Local and State School Systems";

(vi) a complete statement, by school district and charter school, of the amount of and percentage increase or decrease in expenditures from the previous year attributed to:

(A) wage increases, with expenditure data for base salary adjustments identified separately from step and lane expenditures;

(B) medical and dental premium cost adjustments; and

(C) adjustments in the number of teachers and other staff;

(vii) a statement that includes data on:

(A) fall enrollments;

(B) average membership;

(C) high school graduates;

(D) licensed and classified employees, including data reported by school districts on educator ratings pursuant to Section 53A-8a-410;

(E) pupil-teacher ratios;

(F) average class sizes [~~calculated in accordance with State Board of Education rules adopted under Subsection 53A-3-602.5(4)~~];

(G) average salaries;

(H) applicable private school data; and

(I) data from [~~standardized norm-referenced tests in grades 5, 8, and 11 on~~] statewide assessments described in Section 53A-1-602 for each school and school district;

(viii) statistical information regarding incidents of delinquent activity in the schools or at school-related activities with separate categories for:

(A) alcohol and drug abuse;

(B) weapon possession;

(C) assaults; and

(D) arson;

- 170 (ix) information about:
- 171 (A) the development and implementation of the strategy of focusing on core
- 172 academics;
- 173 (B) the development and implementation of competency-based education and
- 174 progress-based assessments; and
- 175 (C) the results being achieved under Subsections (3)(d)(ix)(A) and (B), as measured by
- 176 individual progress-based assessments and a comparison of Utah students' progress with the
- 177 progress of students in other states using standardized norm-referenced tests as benchmarks;
- 178 and
- 179 (x) other statistical and financial information about the school system [~~which~~] that the
- 180 state superintendent considers pertinent;
- 181 (e) collecting and organizing education data into an automated decision support system
- 182 to facilitate school district and school improvement planning, accountability reporting,
- 183 performance recognition, and the evaluation of educational policy and program effectiveness to
- 184 include:
- 185 (i) data that are:
- 186 (A) comparable across schools and school districts;
- 187 (B) appropriate for use in longitudinal studies; and
- 188 (C) comprehensive with regard to the data elements required under applicable state or
- 189 federal law or [~~state board~~] State Board of Education rule;
- 190 (ii) features that enable users, most particularly school administrators, teachers, and
- 191 parents, to:
- 192 (A) retrieve school and school district level data electronically;
- 193 (B) interpret the data visually; and
- 194 (C) draw conclusions that are statistically valid; and
- 195 (iii) procedures for the collection and management of education data that:
- 196 (A) require the state superintendent [~~of public instruction~~] to:
- 197 (I) collaborate with school districts in designing and implementing uniform data

standards and definitions;

(II) undertake or sponsor research to implement improved methods for analyzing education data;

(III) provide for data security to prevent unauthorized access to or contamination of the data; and

(IV) protect the confidentiality of data under state and federal privacy laws; and

(B) require all school districts and schools to comply with the data collection and management procedures established under Subsection (3)(e);

(f) administering and implementing federal educational programs in accordance with Title 53A, Chapter 1, Part 9, Implementing Federal or National Education Programs Act; and

(g) with the approval of the ~~[board]~~ State Board of Education, preparing and submitting to the governor a budget for the ~~[board]~~ State Board of Education to be included in the budget that the governor submits to the Legislature.

(4) The state superintendent shall distribute funds deposited in the Autism Awareness Restricted Account created in Section [53A-1-304](#) in accordance with the requirements of Section [53A-1-304](#).

(5) Upon leaving office, the state superintendent shall deliver to the state superintendent's successor all books, records, documents, maps, reports, papers, and other articles pertaining to the state superintendent's office.

(6) (a) For the ~~[purpose]~~ purposes of Subsection (3)(d)(vii):

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

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

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

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

(b) The printed copy of the report required by Subsection (3)(d) shall:

(i) include the pupil-teacher ratio for:

(A) each school district;

(B) the charter schools aggregated; and

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

(ii) ~~[indicate the Internet]~~ identify a website where pupil-teacher ratios for each school in the state may be accessed.

Section 2. Section **53A-1-402.6** is amended to read:

53A-1-402.6. Core standards for Utah public schools.

(1) (a) In establishing minimum standards related to curriculum and instruction requirements under Section **53A-1-402**, the State Board of Education shall, in consultation with local school boards, school superintendents, teachers, employers, and parents implement core standards for Utah public schools that will enable students to, among other objectives:

(i) communicate effectively, both verbally and through written communication;

(ii) apply mathematics; and

(iii) access, analyze, and apply information.

(b) Except as provided in this title, the State Board of Education may recommend but may not require a local school board or charter school governing board to use:

(i) a particular curriculum or instructional material; or

(ii) a model curriculum or instructional material.

(2) The ~~[board]~~ State Board of Education shall, in establishing the core standards for Utah public schools:

(a) identify the basic knowledge, skills, and competencies each student is expected to acquire or master as the student advances through the public education system; and

(b) align with each other the core standards for Utah public schools and ~~[tests administered under the Utah Performance Assessment System for Students (U-PASS) with~~

~~each other.]~~ the assessments described in Section [53A-1-604](#).

(3) The basic knowledge, skills, and competencies identified pursuant to Subsection (2)(a) shall increase in depth and complexity from year to year and focus on consistent and continual progress within and between grade levels and courses in the basic academic areas of:

(a) English, including explicit phonics, spelling, grammar, reading, writing, vocabulary, speech, and listening; and

(b) mathematics, including basic computational skills.

(4) Before adopting core standards for Utah public schools, the State Board of Education shall:

(a) publicize draft core standards for Utah public schools on the State Board of Education's website and the Utah Public Notice website created under Section [63F-1-701](#);

(b) invite public comment on the draft core standards for Utah public schools for a period of not less than 90 days; and

(c) conduct three public hearings that are held in different regions of the state on the draft core standards for Utah public schools.

(5) Local school boards shall design their school programs, that are supported by generally accepted scientific standards of evidence, to focus on the core standards for Utah public schools with the expectation that each program will enhance or help achieve mastery of the core standards for Utah public schools.

(6) Except as provided in Section [53A-13-101](#), each school may select instructional materials and methods of teaching, that are supported by generally accepted scientific standards of evidence, that [it] the school considers most appropriate to meet the core standards for Utah public schools.

(7) The state may exit any agreement, contract, memorandum of understanding, or consortium that cedes control of the core standards for Utah public schools to any other entity, including a federal agency or consortium, for any reason, including:

(a) the cost of developing or implementing the core standards for Utah public schools;

(b) the proposed core standards for Utah public schools are inconsistent with

community values; or

(c) the agreement, contract, memorandum of understanding, or consortium:

(i) was entered into in violation of Part 9, Implementing Federal or National Education Programs Act, or Title 63J, Chapter 5, Federal Funds Procedures Act;

(ii) conflicts with Utah law;

(iii) requires Utah student data to be included in a national or multi-state database;

(iv) requires records of teacher performance to be included in a national or multi-state database; or

(v) imposes curriculum, assessment, or data tracking requirements on home school or private school students.

(8) The State Board of Education shall annually report to the Education Interim Committee on the development and implementation of the core standards for Utah public schools, including the time line established for the review of the core standards for Utah public schools by a standards review committee and the recommendations of a standards review committee established under Section [53A-1-402.8](#).

Section 3. Section **53A-1-413** is amended to read:

53A-1-413. Student Achievement Backpack -- Utah Student Record Store.

(1) As used in this section:

(a) "Authorized LEA user" means a teacher or other person who is:

(i) employed by an LEA that provides instruction to a student; and

(ii) authorized to access data in a Student Achievement Backpack through the Utah Student Record Store.

(b) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and the Blind.

(c) "Statewide assessment" means the same as that term is defined in Section [53A-1-602](#).

~~(c)~~ (d) "Student Achievement Backpack" means, for a student from kindergarten through grade 12, a complete learner profile that:

- (i) is in electronic format;
- (ii) follows the student from grade to grade and school to school; and
- (iii) is accessible by the student's parent or guardian or an authorized LEA user.

~~[(d) "U-PASS" means the Utah Performance Assessment System for Students established in Part 6, Achievement Tests.]~~

(e) "Utah Student Record Store" means a repository of student data collected from LEAs as part of the state's longitudinal data system that is:

- (i) managed by the State Board of Education;
- (ii) cloud-based; and
- (iii) accessible via a web browser to authorized LEA users.

(2) (a) The State Board of Education shall use the State Board of Education's robust, comprehensive data collection system, which collects longitudinal student transcript data from LEAs and the unique student identifiers as described in Section 53A-1-603.5, to allow the following to access a student's Student Achievement Backpack:

- (i) the student's parent or guardian; and
- (ii) each LEA that provides instruction to the student.

(b) The State Board of Education shall ensure that a Student Achievement Backpack:

- (i) provides a uniform, transparent reporting mechanism for individual student progress;
- (ii) provides a complete learner history for postsecondary planning;
- (iii) provides a teacher with visibility into a student's complete learner profile to better inform instruction and personalize education;
- (iv) assists a teacher or administrator in diagnosing a student's learning needs through the use of data already collected by the State Board of Education;
- (v) facilitates a student's parent or guardian taking an active role in the student's education by simplifying access to the student's complete learner profile; and
- (vi) serves as additional disaster mitigation for LEAs by using a cloud-based data storage and collection system.

(3) Using existing information collected and stored in the State Board of Education's data warehouse, the State Board of Education shall create the Utah Student Record Store where an authorized LEA user may:

(a) access data in a Student Achievement Backpack relevant to the user's LEA or school; or

(b) request student records to be transferred from one LEA to another.

(4) The State Board of Education shall implement security measures to ensure that:

(a) student data stored or transmitted to or from the Utah Student Record Store is secure and confidential pursuant to the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and

(b) an authorized LEA user may only access student data that is relevant to the user's LEA or school.

(5) A student's parent or guardian may request the student's Student Achievement Backpack from the LEA or the school in which the student is enrolled.

(6) ~~[No later than June 30, 2014, an]~~ An authorized LEA user ~~[shall be able to]~~ may access student data in a Student Achievement Backpack, which shall include the following data, or request that the data be transferred from one LEA to another:

(a) student demographics;

(b) course grades;

(c) course history; and

(d) results ~~[for an]~~ of a statewide assessment ~~[administered under U-PASS]~~.

(7) ~~[No later than June 30, 2015, an]~~ An authorized LEA user ~~[shall be able to]~~ may access student data in a Student Achievement Backpack, which shall include the data listed in Subsections (6)(a) through (d) and the following data, or request that the data be transferred from one LEA to another:

(a) section attendance;

(b) the name of a student's teacher for classes or courses the student takes;

(c) teacher qualifications for a student's teacher, including years of experience, degree,

license, and endorsement;

(d) results of ~~[formative, interim, and summative computer adaptive assessments administered pursuant to Section 53A-1-603]~~ statewide assessments;

~~[(e) detailed data demonstrating a student's mastery of the core standards for Utah public schools and objectives as measured by computer adaptive assessments administered pursuant to Section 53A-1-603;]~~

~~[(f)]~~ (e) a student's writing sample that is written for ~~[an online]~~ a writing assessment administered pursuant to Section ~~[53A-1-603]~~ 53A-1-604;

~~[(g)]~~ (f) student growth scores ~~[for U-PASS tests]~~ on a statewide assessment, as applicable;

~~[(h)]~~ (g) a school's grade assigned pursuant to Part 11, School Grading Act;

~~[(i)]~~ (h) results of benchmark assessments of reading administered pursuant to Section 53A-1-606.6; and

~~[(j)]~~ (i) a student's reading level at the end of grade 3.

(8) No later than June 30, 2017, the State Board of Education shall ensure that data collected in the Utah Student Record Store for a Student Achievement Backpack ~~[shall be]~~ is integrated into each LEA's student information system and ~~[shall be]~~ is made available to a student's parent or guardian and an authorized LEA user in an easily accessible viewing format.

Section 4. Section **53A-1-601** is amended to read:

53A-1-601. Legislative intent.

(1) ~~[It is the intent of the Legislature in]~~ In enacting this part, ~~the Legislature intends~~ to determine the effectiveness of school districts and schools in assisting students to master the fundamental educational skills ~~[towards]~~ toward which instruction is directed.

(2) ~~[(a) The Utah Performance Assessment System for Students enacted under this part shall provide]~~ The board shall ensure that a statewide assessment provides the public, the Legislature, the ~~[State Board of Education]~~ board, school districts, public schools, and school teachers with:

(a) evaluative information regarding the various levels of proficiency achieved by

students, so that they may have an additional tool to plan, measure, and evaluate the effectiveness of programs in the public schools[:]; and

(b) ~~[The]~~ information ~~[may also be used]~~ to recognize excellence and to identify the need for additional resources or to reallocate educational resources in a manner to ~~[assure]~~ ensure educational opportunities for all students and to improve existing programs.

Section 5. Section **53A-1-602** is amended to read:

53A-1-602. Definitions.

As used in this part:

~~[(1) "Basic academic subject" means a subject that requires mastery of specific functions, as defined under rules made by the State Board of Education, to include reading, language arts, mathematics, science in grades 4 through 12, and effectiveness of written expression.]~~

(1) "Board" means the State Board of Education.

~~(2) "Core standards for Utah public schools" means the standards [developed and adopted by the State Board of Education that define the knowledge and skills students should have in kindergarten through grade 12 to enable students to be prepared for college or workforce training.] established by the board as described in Section [53A-1-402.6](#).~~

(3) "Individualized education program" or "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

~~[(4) "Utah Performance Assessment System for Students" or "U-PASS" means:]~~

~~[(a) as determined by the State Board of Education, criterion-referenced achievement testing or online computer adaptive testing of students in grades 3 through 12 in basic academic subjects;]~~

~~[(b) an online writing assessment in grades 5 and 8;]~~

(4) "Statewide assessment" means one or more of the following, as applicable:

(a) a standards assessment described in Section [53A-1-604](#);

(b) a high school assessment described in Section [53A-1-611.5](#);

(c) a college readiness [assessments as detailed] assessment described in Section 53A-1-611; [and] or

(d) [testing] an assessment of students in grade 3 to measure reading grade level described in Section 53A-1-606.6.

Section 6. Section **53A-1-603** is repealed and reenacted to read:

53A-1-603. Statewide assessments -- Duties of State Board of Education.

(1) The board shall:

(a) require the state superintendent of public instruction to:

(i) submit and recommend statewide assessments to the board for adoption by the board; and

(ii) distribute the statewide assessments adopted by the board to a school district or charter school;

(b) provide for the state to participate in the National Assessment of Educational Progress state-by-state comparison testing program; and

(c) require a school district or charter school to administer statewide assessments.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules for the administration of statewide assessments.

(3) The board shall ensure that statewide assessments are administered in compliance with the requirements of Part 14, Student Data Protection Act, and Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act.

Section 7. Section **53A-1-603.5** is amended to read:

53A-1-603.5. Unique student identifier -- Coordination of higher education and public education information technology systems.

(1) As used in this section, "unique student identifier" means an alphanumeric code assigned to each public education student for identification purposes, which:

(a) is not assigned to any former or current student; and

(b) does not incorporate personal information, including a birth date or Social Security number.

(2) The ~~[State Board of Education]~~ board, through the superintendent of public instruction, shall assign each public education student a unique student identifier, which shall be used to track individual student performance on achievement tests administered under this part.

(3) The ~~[State Board of Education]~~ board and the State Board of Regents shall coordinate public education and higher education information technology systems to allow individual student academic achievement to be tracked through both education systems in accordance with this section and Section [53B-1-109](#).

(4) The ~~[State Board of Education]~~ board and the State Board of Regents shall coordinate access to the unique student identifier of a public education student who later attends an institution within the state system of higher education.

Section 8. Section [53A-1-604](#) is repealed and reenacted to read:

53A-1-604. Utah standards assessments -- Administration -- Review committee.

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

(2) The board shall:

(a) adopt a standards assessment that:

(i) measures a student's proficiency in:

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

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

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

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

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

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

(i) a criterion referenced assessment;

(ii) administered online;

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

479 (iv) adaptable to competency-based education as defined in Section [53A-15-1802](#).

480 (3) A school district or charter school shall annually administer the standards
481 assessment adopted by the board under Subsection (2) to all students in the subjects and grade
482 levels described in Subsection (2).

483 (4) A student's score on the standards assessment adopted under Subsection (2) may
484 not be considered in determining:

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

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

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

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

491 (i) five members appointed by the chair of the board;

492 (ii) five members appointed by the speaker of the House of Representatives or the
493 speaker's designee; and

494 (iii) five members appointed by the president of the Senate or the president's designee.

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

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

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

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

502 Section 9. Section **53A-1-605** is amended to read:

503 **53A-1-605. Analysis of results -- Staff professional development.**

504 (1) The [~~State Board of Education~~] board, through the state superintendent of public
505 instruction, shall develop [~~a plan~~] an online data reporting tool to analyze the results of [~~the~~

U-PASS scores for all grade levels and courses required under Section ~~53A-1-603~~.] statewide assessments.

(2) The ~~[plan]~~ online data reporting tool shall include components designed to:

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

(b) identify schools not achieving state-established acceptable levels of student performance in order to assist those schools in ~~[raising their]~~ improving student performance levels~~[- (3) The plan shall include provisions]; and~~

(c) provide:

(i) for statistical reporting of ~~[criterion-referenced or online computer adaptive test]~~ statewide assessment results at state, school district, school, and grade or course levels~~[-]; and~~ ~~[shall include]~~

(ii) actual levels of performance on ~~[tests]~~ statewide assessments.

~~[(4) Each]~~ (3) A local school board ~~[and]~~ or charter school governing board shall provide for:

(a) evaluation of the ~~[U-PASS test]~~ statewide assessment results and use of the evaluations in setting goals and establishing programs; and

(b) a professional development program that provides teachers, principals, and other professional staff with the training required to successfully establish and maintain ~~[U-PASS]~~ statewide assessments.

Section 10. Section **53A-1-607** is amended to read:

53A-1-607. Scoring -- Reports of results.

(1) ~~[Each]~~ For a statewide assessment that requires the use of a student answer sheet, a local school board ~~[and]~~ or charter school governing board shall submit all answer sheets ~~[for the achievement tests administered under U-PASS]~~ on a per-school and per-class basis to the state superintendent of public instruction for scoring unless the ~~[test]~~ assessment requires scoring by a national testing service.

(2) The district, school, and class results of the ~~[U-PASS testing program]~~ statewide

assessments, but not the score or relative position of individual students, shall be reported to each local school board or charter school governing board annually at a regularly scheduled meeting.

(3) ~~[Each local board and]~~ A local school board or charter school governing board;

(a) shall make copies of the report available to the general public upon request~~[-(4) The board]; and~~

(b) may charge a fee for ~~[the copying costs]~~ the cost of copying the report.

~~[(5) The State Board of Education]~~

(4) (a) The board shall annually provide to school districts and charter schools a comprehensive report for each of ~~[their]~~ the school district's and charter school's students showing the student's ~~[U-PASS test]~~ statewide assessment results for each year that the student took a ~~[U-PASS test. School districts and charter schools]~~ statewide assessment.

(b) A school district or charter school shall give a copy of the comprehensive report to the student's parents and make the report available to school staff, as appropriate.

Section 11. Section **53A-1-608** is amended to read:

53A-1-608. Preparation for tests.

(1) School district employees may not ~~[carry on]~~ conduct any specific instruction or preparation of students ~~[which]~~ that would be a breach of testing ethics, such as the teaching of specific test questions.

(2) School district employees who administer the test shall follow the standardization procedures in the ~~[publisher's]~~ test administration manual for an assessment and any additional specific instructions developed by the ~~[State Board of Education]~~ board.

(3) The ~~[State Board of Education]~~ board may revoke the certification of an individual who violates this section.

Section 12. Section **53A-1-610** is amended to read:

53A-1-610. Grade level specification change.

(1) ~~[The State Board of Education may replace the grade]~~ The board may change a grade level specification for the administration of specific ~~[tests]~~ assessments under this part

[with a specification of age or time elapsed since the student entered school if the replacement] to a different grade level specification or a competency-based specification if the specification is more consistent with patterns of school organization.

(2) ~~[The]~~ (a) If the board changes a grade level specification described in Subsection (1), the board shall submit a report to the Legislature explaining the reasons for ~~[replacing]~~ changing the grade level specification.

(b) The board shall submit the report at least six months ~~[prior to]~~ before the anticipated change.

Section 13. Section **53A-1-611** is amended to read:

53A-1-611. College readiness assessments.

(1) The Legislature recognizes the need for the ~~[State Board of Education]~~ board to develop and implement standards and assessment processes to ensure that student progress is measured and that school boards and school personnel are accountable.

~~[(2) In addition to its responsibilities under Sections 53A-1-603 through 53A-1-605, the State Board of Education shall:]~~

~~[(a) adopt college readiness assessments for secondary students; and]~~

~~[(b) require a school district or charter school to administer the college readiness assessments adopted by the State Board of Education:]~~

~~[(3) A college readiness assessment adopted by the State Board of Education:]~~

~~[(a) shall include the college admissions test that includes an assessment of language arts, mathematics, and science that is]~~

(2) The board shall adopt a college readiness assessment for secondary students that:

(a) is the college readiness assessment most commonly submitted to local universities; and

(b) may include:

(i) the Armed Services Vocational Aptitude Battery; ~~[and]~~ or

(ii) a battery of assessments that are predictive of success in higher education.

~~[(4)]~~ (3) (a) Except as provided in Subsection ~~[(4)(b), the State Board of Education]~~

~~shall require~~ (3)(b), a school district or charter school ~~[to]~~ shall annually administer [a test] the college readiness assessment adopted under Subsection ~~[(3)(a)]~~ (2) to all students in grade 11.

(b) A student with an IEP may take an appropriate college readiness assessment other than ~~[a test] the assessment~~ adopted by the ~~[State Board of Education]~~ board under Subsection ~~[(3)(a)]~~ (2), as determined by the student's IEP.

Section 14. Section **53A-1-611.5** is enacted to read:

53A-1-611.5. High school assessments.

(1) The board shall adopt a high school assessment that:

(a) is predictive of a student's college readiness as measured by the college readiness assessment described in Section [53A-1-611](#); and

(b) provides a growth score for a student from grade 9 to 10.

(2) A school district or charter school shall annually administer the high school assessment adopted by the board under Subsection (1) to all students in grades 9 and 10.

Section 15. Section **53A-1-613** is amended to read:

53A-1-613. Online test preparation program.

(1) The ~~[State Board of Education]~~ board shall contract with a provider, selected through a request for proposals process, to provide an online ~~[program to prepare students to take the college admissions test that includes an assessment of language arts, mathematics, and science]~~ college readiness diagnostic tool that is aligned with the college readiness assessment that is most commonly submitted to local universities.

(2) An online test preparation program described in Subsection (1):

(a) (i) shall allow a student to independently access online materials and learn at the student's own pace; and

(ii) may be used to provide classroom and teacher-assisted instruction;

(b) shall provide online study materials, diagnostic exams, drills, and practice tests in an approach that is engaging to high school students;

(c) shall enable electronic reporting of student progress to administrators, teachers, parents, and other facilitators;

(d) shall record a student's progress in an online dashboard that provides diagnostic assessment of the content areas tested and identifies mastery of corresponding skill sets; and

(e) shall provide training and professional development to personnel in school districts and charter schools on how to utilize the online test preparation program and provide teacher-assisted instruction to students.

~~[(3) To be eligible to administer a college admissions test provided by the State Board of Education from funds appropriated for college readiness assessments, a school district or charter school shall:]~~

~~[(a) promote the use of the online test preparation program; and]~~

~~[(b) inform parents and students of the availability of, and how to access and use, the online test preparation program. (4) The State Board of Education,]~~

(3) The board, school districts, and charter schools shall make the online test preparation program available to a student:

(a) beginning in the 2013-14 school year; and

(b) for at least one full year~~[, except a student in grade 11 in the 2013-14 school year shall have access to the online test preparation program as soon as the program can be made operational].~~

Section 16. Section **53A-1-708** is amended to read:

53A-1-708. Grants for online delivery of statewide assessments.

(1) As used in this section:

(a) "Adaptive tests" means tests administered during the school year using an online adaptive test system.

(b) "Core standards for Utah public schools" means the standards ~~[developed and adopted by the State Board of Education that define the knowledge and skills students should have in kindergarten through grade 12 to enable students to be prepared for college or workforce training.]~~ established by the State Board of Education as described in Section [53A-1-402.6](#).

(c) "Statewide assessment" means the same as that term is defined in Section

[53A-1-602.](#)

~~[(c)]~~ (d) "Summative tests" means tests administered near the end of a course to assess overall achievement of course goals.

~~[(d)]~~ (e) "Uniform online summative test system" means a single system for the online delivery of summative tests required ~~[under U-PASS]~~ as statewide assessments that:

- (i) is coordinated by the State Board of Education;
- (ii) ensures the reliability and security of ~~[U-PASS tests]~~ statewide assessments; and
- (iii) is selected through collaboration between the State Board of Education and school district representatives with expertise in technology, assessment, and administration.

~~[(e) "U-PASS" means the Utah Performance Assessment System for Students.]~~

(2) The State Board of Education may award grants to school districts and charter schools to implement ~~[one or both of the following]~~:

(a) a uniform online summative test system to enable ~~[parents of students and]~~ school staff and parents of students to review ~~[U-PASS test]~~ statewide assessment scores by the end of the school year; or

(b) an online adaptive test system to enable parents of students and school staff to measure and monitor a student's academic progress during a school year.

(3) (a) Grant money may be used to pay for any of the following, provided it is directly related to implementing a uniform online summative test system, an online adaptive test system, or both:

- (i) computer equipment and peripherals, including electronic data capture devices designed for electronic test administration and scoring;
- (ii) software;
- (iii) networking equipment;
- (iv) upgrades of existing equipment or software;
- (v) upgrades of existing physical plant facilities;
- (vi) personnel to provide technical support or coordination and management; and
- (vii) teacher professional development.

(b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the online delivery of summative tests or adaptive tests required ~~[under U-PASS]~~ as statewide assessments, may be used for other purposes.

(4) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:

(a) establishing procedures for applying for and awarding grants;

(b) specifying how grant money ~~[shall be]~~ is allocated among school districts and charter schools;

(c) requiring reporting of grant money expenditures and evidence showing that the grant money has been used to implement a uniform online summative test system, an online adaptive test system, or both;

(d) establishing technology standards for an online adaptive testing system;

(e) requiring a school district or charter school that receives a grant under this section to implement, in compliance with ~~[Chapter 1,]~~ Part 14, Student Data Protection Act, and Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act, an online adaptive test system by the 2014-15 school year that:

(i) meets the technology standards established under Subsection (4)(d); and

(ii) is aligned with the core standards for Utah public schools;

(f) requiring a school district or charter school to provide matching funds to implement a uniform online summative test system, an online adaptive test system, or both in an amount that is greater than or equal to the amount of a grant received under this section; and

(g) ensuring that student identifiable data is not released to any person, except as provided by ~~[Chapter 1,]~~ Part 14, Student Data Protection Act, Section 53A-13-301, and rules of the State Board of Education adopted under that section.

(5) If a school district or charter school uses grant money for purposes other than those stated in Subsection (3), the school district or charter school is liable for reimbursing the State Board of Education in the amount of the grant money improperly used.

(6) A school district or charter school may not use federal funds to provide the

matching funds required to receive a grant under this section.

(7) A school district may not impose a tax rate above the certified tax rate for the purpose of generating revenue to provide matching funds for a grant under this section.

Section 17. Section **53A-1-1101** is repealed and reenacted to read:

Part 11. School Accountability System

53A-1-1101. Title.

This part is known as "School Accountability System."

Section 18. Section **53A-1-1102** is repealed and reenacted to read:

53A-1-1102. Definitions.

As used in this part:

(1) "Board" means the State Board of Education.

(2) "Individualized education program" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

(3) "Lowest performing 25% of students" means the proportion of a school's students who scored in the lowest 25% of students in the school on a statewide assessment based on the prior school year's scores.

(4) "Statewide assessment" means one or more of the following, as applicable:

(a) a standards assessment described in Section **53A-1-604**;

(b) a high school assessment described in Section **53A-1-611.5**;

(c) a college readiness assessment described in Section **53A-1-611**; or

(d) an alternate assessment administered to a student with a disability.

Section 19. Section **53A-1-1103** is repealed and reenacted to read:

53A-1-1103. Statewide school accountability system -- State Board of Education rulemaking.

(1) There is established a statewide school accountability system.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to implement the school accountability system in accordance with this

part.

Section 20. Section **53A-1-1104** is repealed and reenacted to read:

53A-1-1104. Schools included in school accountability system -- Other indicators and point distribution for a school that serves a special student population.

(1) Except as provided in Subsection (2), the board shall include all public schools in the state in the school accountability system established under this part.

(2) The board shall exempt from the school accountability system:

(a) a school in which the number of students tested on a statewide assessment is lower than the minimum sample size necessary, based on acceptable professional practice for statistical reliability, or when release of the information would violate 20 U.S.C. Sec. 1232h, the prevention of the unlawful release of personally identifiable student data;

(b) a school in the school's first year of operations if the school's local school board or charter school governing board requests the exemption; or

(c) a high school in the school's second year of operations if the school's local school board or charter school governing board requests the exemption.

(3) Notwithstanding the provisions of this part, the board may use, to appropriately assess the educational impact of a school that serves a special student population:

(a) other indicators in addition to the indicators described in Section **53A-1-1106** or **53A-1-1107**; or

(b) different point distribution than the point distribution described in Section **53A-1-1108**.

Section 21. Section **53A-1-1105** is repealed and reenacted to read:

53A-1-1105. Rating schools.

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

(a) an A grade represents an exemplary school;

(b) a B grade represents a commendable school;

(c) a C grade represents a typical school;

(d) a D grade represents a developing school; and

(e) an F grade represents a critical needs school.

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

(a) Section 53A-1-1106, for an elementary school or a middle school; or

(b) Section 53A-1-1107, for a high school.

(3) (a) For a school year in which the board determines it is necessary to establish, due to a transition to a new assessment, a new baseline to determine student growth described in Section 53A-1-1111, the board is not required to assign an overall rating described in Subsection (1) to a school to which the new baseline applies.

(b) For the 2017-2018 school year, the board:

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

(ii) is not required to assign a school an overall rating described in Subsection (1).

Section 22. Section 53A-1-1106 is repealed and reenacted to read:

53A-1-1106. Indicators for elementary and middle schools.

For an elementary school or a middle school, the board shall assign the school's overall rating, in accordance with Section 53A-1-1108, based on the school's performance on the following indicators:

(1) academic achievement as measured by performance on a statewide assessment of English language arts, mathematics, and science;

(2) academic growth as measured by progress from year to year on a statewide assessment of English language arts, mathematics, and science; and

(3) equitable educational opportunity as measured by:

(a) academic growth of the lowest performing 25% of students as measured by progress of the lowest performing 25% of students on a statewide assessment of English language arts, mathematics, and science; and

(b) except as provided in Section 53A-1-1110, English learner progress as measured by performance on an English learner assessment established by the board.

Section 23. Section 53A-1-1107 is repealed and reenacted to read:

53A-1-1107. Indicators for high schools.

For a high school, in accordance with Section 53A-1-1108, the board shall assign the school's overall rating based on the school's performance on the following indicators:

(1) academic achievement as measured by performance on a statewide assessment of English language arts, mathematics, and science;

(2) academic growth as measured by progress from year to year on a statewide assessment of English language arts, mathematics, and science;

(3) equitable educational opportunity as measured by:

(a) academic growth of the lowest performing 25% of students as measured by progress of the lowest performing 25% of students on a statewide assessment of English language arts, mathematics, and science; and

(b) except as provided in Section 53A-1-1110, English learner progress as measured by performance on an English learner assessment established by the board; and

(4) postsecondary readiness as measured by:

(a) the school's graduation rate, as described in Section 53A-1-1108;

(b) student performance, as described in Section 53A-1-1108, on a college readiness assessment described in Section 53A-1-611; and

(c) student achievement in advanced course work, as described in Section 53A-1-1108.

Section 24. Section 53A-1-1108 is repealed and reenacted to read:

53A-1-1108. Calculation of points.

(1) (a) The board shall award to a school points for academic achievement described in Subsection 53A-1-1106(1) or 53A-1-1107(1) as follows:

(i) the board shall award a school points proportional to the percentage of the school's students who, out of all the school's students who take a statewide assessment of English language arts, score at or above the proficient level on the assessment;

(ii) the board shall award a school points proportional to the percentage of the school's students who, out of all the school's students who take a statewide assessment of mathematics, score at or above the proficient level on the assessment; and

(iii) the board shall award a school points proportional to the percentage of the school's students who, out of all the school's students who take a statewide assessment of science, score at or above the proficient level on the assessment.

(b) (i) The maximum number of total points possible for academic achievement described in Subsection (1)(a) is 56 points.

(ii) The maximum number of points possible for a component listed in Subsection (1)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (1)(b)(i).

(2) (a) Subject to Subsection (2)(b), the board shall award to a school points for academic growth described in Subsection 53A-1-1106(2) or 53A-1-1107(2) as follows:

(i) the board shall award a school points for growth of the school's students on a statewide assessment of English language arts;

(ii) the board shall award a school points for growth of the school's students on a statewide assessment of mathematics; and

(iii) the board shall award a school points for growth of the school's students on a statewide assessment of science.

(b) The board shall determine points for growth awarded under Subsection (2)(a) by indexing the points based on:

(i) whether a student's performance on a statewide assessment is equal to or exceeds the student's academic growth target; and

(ii) the amount of a student's growth on a statewide assessment compared to other students with similar prior assessment scores.

(c) (i) The maximum number of total points possible for academic growth described in Subsection (2)(a) is 56 points.

(ii) The maximum number of points possible for a component listed in Subsection (2)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (2)(c)(i).

(3) (a) Subject to Subsection (3)(b), the board shall award to a school points for equitable educational opportunity described in Subsection [53A-1-1106](#)(3) or [53A-1-1107](#)(3) as follows:

(i) the board shall award a school points for growth of the school's lowest performing 25% of students on a statewide assessment of English language arts;

(ii) the board shall award a school points for growth of the school's lowest performing 25% of students on a statewide assessment of mathematics;

(iii) the board shall award a school points for growth of the school's lowest performing 25% of students on a statewide assessment of science; and

(iv) except as provided in Section [53A-1-1110](#), the board shall award to a school points proportional to the percentage of English learners who achieve adequate progress as determined by the board on an English learner assessment established by the board.

(b) The board shall determine points for academic growth awarded under Subsection (3)(a)(i), (ii), or (iii) by indexing the points based on the amount of a student's growth on a statewide assessment compared to other students with similar prior assessment scores.

(c) (i) The maximum number of total points possible for equitable educational opportunity described in Subsection (3)(a) is 38 points.

(ii) The maximum number of points possible for the components listed in Subsection (3)(a)(i), (ii), and (iii), combined, is 25 points.

(iii) The maximum number of points possible for a component listed in Subsection (3)(a)(i), (ii), or (iii) is one-third of the number of the combined points described in Subsection (3)(c)(ii).

(iv) The maximum number of points possible for the component listed in Subsection (3)(a)(iv) is 13 points.

(4) (a) The board shall award to a high school points for postsecondary readiness described in Subsection [53A-1-1107](#)(4) as follows:

(i) the board shall award to a high school points proportional to the percentage of the school's students who, out of all the school's students who take a college readiness assessment

described in Section [53A-1-611](#), receive a composite score of at least 18 on the assessment;

(ii) the board shall award to a high school points proportional to the percentage of the school's students who achieve at least one of the following:

(A) a C grade or better in an Advanced Placement course;

(B) a C grade or better in a concurrent enrollment course;

(C) a C grade or better in an International Baccalaureate course; or

(D) completion of a career and technical education pathway, as defined by the board;

and

(iii) in accordance with Subsection (4)(c), the board shall award to a high school points proportional to the percentage of the school's students who graduate from the school.

(b) (i) The maximum number of total points possible for postsecondary readiness described in Subsection (4)(a) is 75 points.

(ii) The maximum number of points possible for a component listed in Subsection (4)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (4)(b)(i).

(c) (i) In calculating the percentage of students who graduate described in Subsection (4)(a)(iii), except as provided in Subsection (4)(c)(ii), the board shall award to a high school points proportional to the percentage of the school's students who graduate from the school within four years.

(ii) The board may award up to 10% of the points allocated for high school graduation described in Subsection (4)(b)(ii) to a school for students who graduate from the school within five years.

Section 25. Section [53A-1-1109](#) is repealed and reenacted to read:

53A-1-1109. Calculation of total points awarded -- Maximum number of total points possible.

(1) Except as provided in Section [53A-1-1110](#), the board shall calculate the number of total points awarded to a school by totaling the number of points the board awards to the school in accordance with Section [53A-1-1108](#).

(2) The maximum number of total points possible under Subsection (1) is:

(a) for an elementary school or a middle school, 150 points; or

(b) for a high school, 225 points.

Section 26. Section **53A-1-1110** is repealed and reenacted to read:

53A-1-1110. Exclusion of English learner progress -- Calculation of total points awarded for a school with fewer than 10 English learners.

(1) For a school that has fewer than 10 English learners, the board shall:

(a) exclude the use of English learner progress in determining the school's overall rating by:

(i) awarding no points to the school for English learner progress described in Subsection **53A-1-1108**(3)(a)(iv); and

(ii) excluding the points described in Subsection **53A-1-1108**(3)(c)(iv) from the school's maximum points possible; and

(b) calculate the number of total points awarded to the school by totaling the number of points the board awards to the school in accordance with Section **53A-1-1108** subject to the exclusion described in Subsection (1)(a).

(2) The maximum number of total points possible under Subsection (1) is:

(a) for an elementary school or a middle school, 137 points; or

(b) for a high school, 212 points.

Section 27. Section **53A-1-1111** is repealed and reenacted to read:

53A-1-1111. State Board of Education duties -- Proficient level -- Student growth -- English learner adequate progress.

(1) (a) For the purpose of determining whether a student scores at or above the proficient level on a statewide assessment, the board shall determine, through a process that evaluates student performance based on specific criteria, the minimum level that demonstrates proficiency for each statewide assessment.

(b) If the board adjusts the minimum level that demonstrates proficiency described in Subsection (1)(a), the board shall report the adjustment and the reason for the adjustment to the Education Interim Committee no later than 30 days after the day on which the board makes the

adjustment.

(2) (a) For the purpose of determining whether a student's performance on a statewide assessment is equal to or exceeds the student's academic growth target, the board shall calculate, for each individual student, the amount of growth necessary to achieve or maintain proficiency by a future school year determined by the board.

(b) For the purpose of determining the amount of a student's growth on a statewide assessment compared to other students with similar prior assessment scores, the board shall calculate growth as a percentile for a student using appropriate statistical methods.

(3) For the purpose of determining whether an English learner achieves adequate progress on an English learner assessment established by the board, the board shall determine the minimum progress that demonstrates adequate progress.

Section 28. Section 53A-1-1112 is repealed and reenacted to read:

53A-1-1112. Reporting.

(1) The board shall annually publish on the board's website a report card that includes for each school:

(a) the school's overall rating described in Subsection 53A-1-1105(1);

(b) the school's performance on each indicator described in:

(i) Section 53A-1-1106, for an elementary school or a middle school; or

(ii) Section 53A-1-1107, for a high school;

(c) information comparing the school's performance on each indicator described in

Subsection (1)(b) with:

(i) the average school performance; and

(ii) the school's performance in all previous years for which data is available;

(d) the percentage of students who participated in statewide assessments;

(e) for an elementary school, the percentage of students who read on grade level in grades 1 through 3; and

(f) for a high school, performance on Advanced Placement exams.

(2) A school may include in the school's report card described in Subsection (1) up to

two self-reported school quality indicators that:

(a) are approved by the board for inclusion; and

(b) may include process or input indicators.

(3) (a) The board shall develop an individualized student achievement report that includes:

(i) information on the student's level of proficiency as measured by a statewide assessment; and

(ii) a comparison of the student's academic growth target and actual academic growth as measured by a statewide assessment.

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

(c) A school district or charter school shall distribute an individualized student achievement report to the parent or guardian of the student to whom the report applies.

Section 29. Section **53A-1-1113.5** is enacted to read:

53A-1-1113.5. Overall rating based on student performance -- Establishment of performance thresholds and criteria -- Report during interim.

(1) As used in this section, "statewide assessment" means one or more of the following, as applicable:

(a) a standards assessment described in Section [53A-1-604](#);

(b) a high school assessment described in Section [53A-1-611.5](#);

(c) a college readiness assessment described in Section [53A-1-611](#); or

(d) an alternate assessment administered to a student with a disability.

(2) (a) The board shall calculate a school's grade for the 2016-2017 school year in accordance with Part 11, School Grading Act.

(b) For the 2017-2018 school year, the board:

(i) shall evaluate a school based on the school's performance level on the indicators described in Subsection (7); and

982 (ii) is not required to assign a school an overall rating.

983 (c) The board shall assign a school an overall rating for the 2018-2019 school year or a
984 school year thereafter in accordance with Subsection (3).

985 (3) The board shall assign a school an overall rating using an A through F letter
986 grading scale where, based on the school's performance level on the indicators described in
987 Subsection (7):

988 (a) an A grade represents an exemplary school;

989 (b) a B grade represents a commendable school;

990 (c) a C grade represents a typical school;

991 (d) a D grade represents a developing school; and

992 (e) an F grade represents a critical needs school.

993 (4) (a) The board shall engage in a criteria setting process to establish:

994 (i) performance thresholds for the overall ratings described in Subsection (3); and

995 (ii) a system for assigning a school an overall rating based on evaluating the school's
996 performance against specific criteria.

997 (b) In establishing the performance thresholds described in Subsection (4)(a), the board
998 shall solicit and consider input from:

999 (i) legislators;

1000 (ii) the governor;

1001 (iii) representatives from local school boards;

1002 (iv) other representatives from school districts, including superintendents;

1003 (v) representatives from charter school governing boards;

1004 (vi) other representatives from charter schools;

1005 (vii) teachers; and

1006 (viii) parents.

1007 (5) On or before the Education Interim Committee's September 2017 interim meeting,
1008 the board shall report to the Education Interim Committee:

1009 (a) the performance thresholds and criteria described in Subsection (4), including

1010 rationale and documentation of the procedures used to develop the performance thresholds and
1011 criteria; and

1012 (b) a sample report card for a school, including a sample display of:

1013 (i) the school's overall rating described in Subsection (3);

1014 (ii) the school's performance on each indicator described in Subsection (7);

1015 (iii) information comparing the school's performance on each indicator described in

1016 Subsection (7) with:

1017 (A) the average school performance; and

1018 (B) the school's performance in all previous years for which data is available;

1019 (iv) the percentage of students who participated in statewide assessments;

1020 (v) for an elementary school, the percentage of students who read on grade level in
1021 grades 1 through 3;

1022 (vi) for a high school, performance on Advanced Placement exams; and

1023 (vii) up to two school-reported school quality indicators that may include process or
1024 input indicators.

1025 (6) On or before October 31, 2017, the Education Interim Committee shall make
1026 recommendations related to the board's report described in Subsection (5) to the Legislative
1027 Management Committee.

1028 (7) A school's overall rating described in Subsection (3) shall be based on the school's
1029 performance on the following indicators:

1030 (a) for a school:

1031 (i) academic achievement as measured by performance on a statewide assessment of
1032 English language arts, mathematics, and science;

1033 (ii) academic growth as measured by progress from year to year on a statewide
1034 assessment of English language arts, mathematics, and science; and

1035 (iii) equitable educational opportunity as measured by:

1036 (A) academic growth of the lowest performing 25% of students as measured by
1037 progress of the lowest performing 25% of students on a statewide assessment of English

1038 language arts, mathematics, and science; and

1039 (B) English learner progress as measured by performance on an English learner
1040 assessment established by the board; and

1041 (b) for a high school, in addition to the indicators described in Subsection (7)(a),
1042 postsecondary readiness as measured by:

1043 (i) the school's graduation rate;

1044 (ii) student performance on a college readiness assessment described in Section
1045 53A-1-611; and

1046 (iii) student achievement in advanced course work.

1047 Section 30. Section **53A-1-1202** is amended to read:

1048 **53A-1-1202. Definitions.**

1049 As used in this part:

1050 (1) "Board" means the State Board of Education.

1051 (2) "Charter school authorizer" means the same as that term is defined in Section
1052 53A-1a-501.3.

1053 (3) "District school" means a public school under the control of a local school board
1054 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
1055 Boards.

1056 (4) "Educator" means the same as that term is defined in Section 53A-6-103.

1057 (5) "Final remedial year" means the second school year following the initial remedial
1058 year.

1059 (6) "Initial remedial year" means the school year a district school or charter school is
1060 designated as a low performing school under Section 53A-1-1203.

1061 (7) "Low performing school" means a district school or charter school that has been
1062 designated as a low performing school by the board [~~because the school is: (a) in the lowest~~
1063 ~~performing 3% of schools statewide according to the percentage of possible points earned~~
1064 ~~under the school grading system; and (b) a low performing school according to other~~
1065 ~~outcome-based measures as may be defined in rules made by the board in accordance with Title~~

63G, Chapter 3, Utah Administrative Rulemaking Act.] in accordance with Section 53A-1-1203.

(8) "School accountability system" means the school accountability system established in Part 11, School Accountability System.

~~[(8)]~~ (9) "School grade" or "grade" means the letter grade assigned to a school as the school's overall rating under the school ~~[grading]~~ accountability system.

~~[(9) "School grading system" means the system established under Part 11, School Grading Act, of assigning letter grades to schools.]~~

~~[(10) "Statewide assessment" means a test of student achievement in basic academic subjects, including a test administered in a computer adaptive format that is administered statewide under Part 6, Achievement Tests.]~~

Section 31. Section **53A-1-1203** is amended to read:

53A-1-1203. State Board of Education to designate low performing schools.

~~[On]~~ (1) Except as provided in Subsection (2), on or before September 1, the board shall annually designate a school as a low performing school if the school is:

~~[(1)]~~ (a) in the lowest performing 3% of schools statewide according to the percentage of possible points earned under the school ~~[grading]~~ accountability system; and

~~[(2)]~~ (b) a low performing school according to other outcome-based measures as may be defined in rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) The board is not required to designate as a low performing school a school for which the board is not required to assign an overall rating in accordance with Section 53A-1-1105.

Section 32. Section **53A-1-1206** is amended to read:

53A-1-1206. State Board of Education to identify independent school turnaround experts -- Review and approval of school turnaround plans -- Appeals process.

(1) On or before August 30 each year, the board shall identify at least two ~~[or more]~~ approved independent school turnaround experts, through a request for proposals process, that

1094 a low performing school may select from to partner with to:

1095 (a) collect and analyze data on the low performing school's student achievement,
1096 personnel, culture, curriculum, assessments, instructional practices, governance, leadership,
1097 finances, and policies;

1098 (b) recommend changes [~~to the low performing school's culture, curriculum,~~
1099 ~~assessments, instructional practices, governance, finances, policies, or other areas~~] based on
1100 data collected under Subsection (1)(a);

1101 (c) develop and implement, in partnership with the school turnaround committee, a
1102 school turnaround plan that meets the criteria described in Subsection [53A-1-1204\(3\)](#);

1103 (d) monitor the effectiveness of a school turnaround plan through reliable means of
1104 evaluation, including on-site visits, observations, surveys, analysis of student achievement data,
1105 and interviews;

1106 (e) provide ongoing implementation support and project management for a school
1107 turnaround plan;

1108 (f) provide high-quality professional development personalized for school staff that is
1109 designed to build the:

1110 (i) leadership capacity of the school principal; and

1111 (ii) instructional capacity of school staff; and

1112 (g) leverage support from community partners to coordinate an efficient delivery of
1113 supports to students both inside and outside the classroom.

1114 (2) In identifying independent school turnaround experts under Subsection (1), the
1115 board shall identify experts that:

1116 (a) have a credible track record of improving student academic achievement in public
1117 schools with various demographic characteristics, as measured by statewide assessments
1118 described in Section [53A-1-602](#);

1119 (b) have experience designing, implementing, and evaluating data-driven instructional
1120 systems in public schools;

1121 (c) have experience coaching public school administrators and teachers on designing

1122 data-driven school improvement plans;

1123 (d) have experience working with the various education entities that govern public
1124 schools;

1125 (e) have experience delivering high-quality professional development in instructional
1126 effectiveness to public school administrators and teachers;

1127 (f) are willing to be compensated for professional services based on performance as
1128 described in Subsection (3); and

1129 (g) are willing to partner with any low performing school in the state, regardless of
1130 location.

1131 (3) (a) When awarding a contract to an independent school turnaround expert selected
1132 by a local school board under Subsection 53A-1-1204(2) or by a charter school governing
1133 board under Subsection 53A-1-1205(4)(b), the board shall ensure that a contract between the
1134 board and the independent school turnaround expert specifies that the board will:

1135 (i) pay an independent school turnaround expert no more than 50% of the expert's
1136 professional fees at the beginning of the independent school turnaround expert's work for the
1137 low performing school; and

1138 (ii) pay the remainder of the independent school turnaround expert's professional fees
1139 upon completion of the independent school turnaround expert's work for the low performing
1140 school if:

1141 (A) the independent school turnaround expert fulfills the terms of the contract; and

1142 (B) the low performing school's grade improves by at least one letter grade, as
1143 determined by the board under Subsection (3)(b).

1144 (b) The board shall determine whether a low performing school's grade has improved
1145 under Subsection (3)(a)(ii) by comparing the school's letter grade for the school year prior to
1146 the initial remedial year to the school's letter grade:

1147 (i) for the final remedial year; or

1148 (ii) for the last school year of the extension period if, as described in Section
1149 53A-1-1207:

- 1150 (A) a school is granted an extension; and
- 1151 (B) the board extends the contract of the school's independent school turnaround
- 1152 expert.
- 1153 (c) In negotiating a contract with an independent school turnaround expert, the board
- 1154 shall offer:
- 1155 (i) differentiated amounts of funding based on student enrollment; and
- 1156 (ii) a higher amount of funding for schools that are in the lowest performing 1% of
- 1157 schools statewide according to the percentage of possible points earned under the school
- 1158 ~~[grading]~~ accountability system.
- 1159 (4) The board shall:
- 1160 (a) review a school turnaround plan submitted for approval under Subsection
- 1161 53A-1-1204(5)(b) or under Subsection 53A-1-1205(7)(b) within 30 days of submission;
- 1162 (b) approve a school turnaround plan that:
- 1163 (i) is timely;
- 1164 (ii) is well-developed; and
- 1165 (iii) meets the criteria described in Subsection 53A-1-1204(3); and
- 1166 (c) subject to legislative appropriations, provide funding to a low performing school for
- 1167 interventions identified in an approved school turnaround plan if the local school board or
- 1168 charter school governing board provides matching funds or an in-kind contribution of goods or
- 1169 services in an amount equal to the funding the low performing school would receive from the
- 1170 board.
- 1171 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1172 the board shall make rules to establish an appeals process for:
- 1173 (i) a low performing district school that is not granted approval from the district
- 1174 school's local school board under Subsection 53A-1-1204(5)(b);
- 1175 (ii) a low performing charter school that is not granted approval from the charter
- 1176 school's charter school governing board under Subsection 53A-1-1205(7)(b); and
- 1177 (iii) a local school board or charter school governing board that is not granted approval

1178 from the board under Subsection (4)(b).

1179 (b) The board shall ensure that rules made under Subsection (5)(a) require an appeals
1180 process described in:

1181 (i) Subsections (5)(a)(i) and (ii) to be resolved on or before April 1 of the initial
1182 remedial year; and

1183 (ii) Subsection (5)(a)(iii) to be resolved on or before May 15 of the initial remedial
1184 year.

1185 (6) (a) Subject to Subsection (6)(b), the board shall balance the need to prioritize
1186 funding appropriated by the Legislature to carry out the provisions of this part to contract with
1187 highly qualified independent school turnaround experts with the need to fund:

1188 (i) interventions to facilitate the implementation of a school turnaround plan under
1189 Subsection (4)(c);

1190 (ii) the School Recognition and Reward Program created under Section 53A-1-1208;
1191 and

1192 (iii) the School Leadership Development Program created under Section 53A-1-1209.

1193 (b) The board may use up to 4% of the funds appropriated by the Legislature to carry
1194 out the provisions of this part for administration if the amount for administration is approved
1195 by the board in an open meeting.

1196 Section 33. Section 53A-1-1207 is amended to read:

1197 **53A-1-1207. Consequences for failing to improve the school grade of a low**
1198 **performing school.**

1199 (1) As used in this section, "high performing charter school" means a charter school
1200 that:

1201 (a) satisfies all requirements of state law and board rules;

1202 (b) meets or exceeds standards for student achievement established by the charter
1203 school's charter school authorizer; and

1204 (c) has received at least a [~~"B"~~] B grade under the school [~~grading~~] accountability
1205 system in the previous two school years.

(2) (a) A low performing school may petition the board for an extension to continue school improvement efforts for up to two years if the low performing school's grade does not improve by at least one letter grade, as determined by comparing the school's letter grade for the school year prior to the initial remedial year to the school's letter grade for the final remedial year.

(b) The board may only grant an extension under Subsection (2)(a) if the low performing school has increased the number of points awarded under the school ~~[grading]~~ accountability system by at least:

(i) 25% for ~~[a school that is not a high school; and]~~ an elementary school or a middle school; or

(ii) 10% for a high school.

(c) The board shall determine whether a low performing school has increased the number of points awarded under the school ~~[grading]~~ accountability system by the percentages described in Subsection (2)(b) by comparing the number of points awarded for the school year prior to the initial remedial year to the number of points awarded for the final remedial year.

(d) The board may extend the contract of an independent school turnaround expert of a low performing school that is granted an extension under this Subsection (2).

(e) A school that has been granted an extension under this Subsection (2) is eligible for:

(i) continued funding under Subsection [53A-1-1206\(4\)\(c\)](#); and

(ii) the School Recognition and Reward Program under Section [53A-1-1208](#).

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules establishing consequences for a low performing school that:

(a) (i) does not improve the school's grade by at least one letter grade, as determined by comparing the school's letter grade for the school year prior to the initial remedial year to the school's letter grade for the final remedial year; and

(ii) is not granted an extension under Subsection (2); or

(b) (i) is granted an extension under Subsection (2); and

(ii) does not improve the school's grade by at least one letter grade, as determined by comparing the school's letter grade for the school year prior to the initial remedial year to the school's letter grade for the last school year of the extension period.

(4) The board shall ensure that the rules established under Subsection (3) include a mechanism for:

(a) restructuring a district school that may include:

(i) contract management;

(ii) conversion to a charter school; or

(iii) state takeover; and

(b) restructuring a charter school that may include:

(i) termination of a school's charter;

(ii) closure of a charter school; or

(iii) transferring operation and control of the charter school to:

(A) a high performing charter school; or

(B) the school district in which the charter school is located.

Section 34. Section **53A-1-1209** is amended to read:

53A-1-1209. School Leadership Development Program.

(1) As used in this section, "school leader" means a school principal or assistant principal.

(2) There is created the School Leadership Development Program to increase the number of highly effective school leaders capable of:

(a) initiating, achieving, and sustaining school improvement efforts; and

(b) forming and sustaining community partnerships as described in Section [53A-4-303](#).

(3) The board shall identify one or more providers, through a request for proposals process, to develop or provide leadership development training for school leaders that:

(a) may provide in-depth training in proven strategies to turn around low performing schools;

(b) may emphasize hands-on and job-embedded learning;

(c) aligns with the state's leadership standards established by board rule;

(d) reflects the needs of a school district or charter school where a school leader serves;

(e) may include training on using student achievement data to drive decisions;

(f) may develop skills in implementing and evaluating evidence-based instructional practices;

(g) may develop skills in leading collaborative school improvement structures, including professional learning communities; and

(h) includes instruction on forming and sustaining community partnerships as described in Section [53A-4-303](#).

(4) Subject to legislative appropriations, the State Board of Education shall provide incentive pay to a school leader who:

(a) completes leadership development training under this section; and

(b) agrees to work, for at least five years, in a school that received an ["F"] F grade or ["D"] D grade under the school ~~[grading]~~ accountability system in the school year previous to the first year the school leader:

(i) completes leadership development training; and

(ii) begins to work, or continues to work, in a school described in this Subsection (4)(b).

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules specifying:

(a) eligibility criteria for a school leader to participate in the School Leadership Development Program;

(b) application procedures for the School Leadership Development Program;

(c) criteria for selecting school leaders from the application pool; and

(d) procedures for awarding incentive pay under Subsection (4).

Section 35. Section **53A-1a-106** is amended to read:

53A-1a-106. School district and individual school powers -- Student education/occupation plan (SEOP) definition.

(1) In order to acquire and develop the characteristics listed in Section 53A-1a-104, each school district and each public school within its respective district shall implement a comprehensive system of accountability in which students advance through public schools by demonstrating competency in ~~[required skills and mastery of required knowledge]~~ the core standards for Utah public schools through the use of diverse assessment instruments such as authentic ~~[and criterion-referenced tests]~~ assessments, projects, and portfolios.

(2) (a) Each school district and public school shall:

(i) develop and implement programs integrating technology into the curriculum, instruction, and student assessment;

(ii) provide for teacher and parent involvement in policymaking at the school site;

(iii) implement a public school choice program to give parents, students, and teachers greater flexibility in designing and choosing among programs with different focuses through schools within the same district and other districts, subject to space availability, demographics, and legal and performance criteria;

(iv) establish strategic planning at both the district and school level and site-based decision making programs at the school level;

(v) provide opportunities for each student to acquire and develop academic and occupational knowledge, skills, and abilities;

(vi) participate in ongoing research and development projects primarily at the school level aimed at improving the quality of education within the system; and

(vii) involve business and industry in the education process through the establishment of partnerships with the business community at the district and school level.

(b) (i) As used in this title, "student education/occupation plan" or "SEOP" means a plan developed by a student and the student's parent or guardian, in consultation with school counselors, teachers, and administrators that:

(A) is initiated at the beginning of grade 7;

(B) identifies a student's skills and objectives;

(C) maps out a strategy to guide a student's course selection; and

1318 (D) links a student to post-secondary options, including higher education and careers.

1319 (ii) Each local school board, in consultation with school personnel, parents, and school
1320 community councils or similar entities shall establish policies to provide for the effective
1321 implementation of a personalized student education plan (SEP) or student
1322 education/occupation plan (SEOP) for each student at the school site.

1323 (iii) The policies shall include guidelines and expectations for:

1324 (A) recognizing the student's accomplishments, strengths, and progress [~~towards~~]
1325 toward meeting student achievement standards as defined in [~~U-PASS~~] the core standards for
1326 Utah public schools;

1327 (B) planning, monitoring, and managing education and career development; and

1328 (C) involving students, parents, and school personnel in preparing and implementing
1329 SEPs and SEOPs.

1330 (iv) A parent may request conferences with school personnel in addition to SEP or
1331 SEOP conferences established by local school board policy.

1332 (v) Time spent during the school day to implement SEPs and SEOPs is considered part
1333 of the school term referred to in Subsection [53A-17a-103](#)(4).

1334 (3) A school district or public school may submit proposals to modify or waive rules or
1335 policies of a supervisory authority within the public education system in order to acquire or
1336 develop the characteristics listed in Section [53A-1a-104](#).

1337 (4) (a) Each school district and public school shall make an annual report to its patrons
1338 on its activities under this section.

1339 (b) The reporting process shall involve participation from teachers, parents, and the
1340 community at large in determining how well the district or school is performing.

1341 Section 36. Section **53A-1a-504** is amended to read:

1342 **53A-1a-504. Charter school application -- Applicants -- Contents.**

1343 (1) (a) An application to establish a charter school may be submitted by:

1344 (i) an individual;

1345 (ii) a group of individuals; or

- 1346 (iii) a nonprofit legal entity organized under Utah law.
- 1347 (b) An authorized charter school may apply under this chapter for a charter from
- 1348 another charter school authorizer.
- 1349 (2) A charter school application shall include:
- 1350 (a) the purpose and mission of the school;
- 1351 (b) except for a charter school authorized by a local school board, a statement that,
- 1352 after entering into a charter agreement, the charter school will be organized and managed under
- 1353 Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act;
- 1354 (c) a description of the governance structure of the school, including:
- 1355 (i) a list of the governing board members that describes the qualifications of each
- 1356 member; and
- 1357 (ii) an assurance that the applicant shall, within 30 days of authorization, provide the
- 1358 authorizer with the results of a background check for each member;
- 1359 (d) a description of the target population of the school that includes:
- 1360 (i) the projected maximum number of students the school proposes to enroll;
- 1361 (ii) the projected school enrollment for each of the first three years of school operation;
- 1362 and
- 1363 (iii) the ages or grade levels the school proposes to serve;
- 1364 (e) academic goals;
- 1365 (f) qualifications and policies for school employees, including policies that:
- 1366 (i) comply with the criminal background check requirements described in Section
- 1367 [53A-1a-512.5](#);
- 1368 (ii) require employee evaluations; and
- 1369 (iii) address employment of relatives within the charter school;
- 1370 (g) a description of how the charter school will provide, as required by state and federal
- 1371 law, special education and related services;
- 1372 (h) for a public school converting to charter status, arrangements for:
- 1373 (i) students who choose not to continue attending the charter school; and

1374 (ii) teachers who choose not to continue teaching at the charter school;
1375 (i) a statement that describes the charter school's plan for establishing the charter
1376 school's facilities, including:
1377 (i) whether the charter school intends to lease or purchase the charter school's facilities;
1378 and
1379 (ii) financing arrangements;
1380 (j) a market analysis of the community the school plans to serve;
1381 (k) a capital facility plan;
1382 (l) a business plan;
1383 (m) other major issues involving the establishment and operation of the charter school;
1384 and
1385 (n) the signatures of the governing board members of the charter school.
1386 (3) A charter school authorizer may require a charter school application to include:
1387 (a) the charter school's proposed:
1388 (i) curriculum;
1389 (ii) instructional program; or
1390 (iii) delivery methods;
1391 (b) a method for assessing whether students are reaching academic goals, including, at
1392 a minimum, ~~[participation in the Utah Performance Assessment System for Students under~~
1393 ~~Chapter 1, Part 6, Achievement Tests]~~ administering the statewide assessments described in
1394 Section 53A-1-602;
1395 (c) a proposed calendar;
1396 (d) sample policies;
1397 (e) a description of opportunities for parental involvement;
1398 (f) a description of the school's administrative, supervisory, or other proposed services
1399 that may be obtained through service providers; or
1400 (g) other information that demonstrates an applicant's ability to establish and operate a
1401 charter school.

1402 Section 37. Section **53A-1a-510** is amended to read:

1403 **53A-1a-510. Termination of a charter.**

1404 (1) Subject to the requirements of Subsection (3), a charter school authorizer may
1405 terminate a school's charter for any of the following reasons:

1406 (a) failure of the charter school to meet the requirements stated in the charter;

1407 (b) failure to meet generally accepted standards of fiscal management;

1408 (c) subject to Subsection (8), failure to make adequate yearly progress under the No
1409 Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.;

1410 (d) (i) designation as a low performing school under Chapter 1, [~~Part 11, School~~
1411 ~~Grading Act~~] Part 12, School Turnaround and Leadership Development Act; and

1412 (ii) failure to improve the school's grade under the conditions described in Chapter 1,
1413 Part 12, School Turnaround and Leadership Development Act;

1414 (e) violation of requirements under this part or another law; or

1415 (f) other good cause shown.

1416 (2) (a) The authorizer shall notify the following of the proposed termination in writing,
1417 state the grounds for the termination, and stipulate that the governing board may request an
1418 informal hearing before the authorizer:

1419 (i) the governing board of the charter school; and

1420 (ii) if the charter school is a qualifying charter school with outstanding bonds issued in
1421 accordance with Chapter 20b, Part 2, Charter School Credit Enhancement Program, the Utah
1422 Charter School Finance Authority.

1423 (b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in
1424 accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after
1425 receiving a written request under Subsection (2)(a).

1426 (c) If the authorizer, by majority vote, approves a motion to terminate a charter school,
1427 the governing board of the charter school may appeal the decision to the State Board of
1428 Education.

1429 (d) (i) The State Board of Education shall hear an appeal of a termination made

1430 pursuant to Subsection (2)(c).

1431 (ii) The State Board of Education's action is final action subject to judicial review.

1432 (e) (i) If the authorizer proposes to terminate the charter of a qualifying charter school
1433 with outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit
1434 Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b)
1435 120 days or more after notifying the following of the proposed termination:

1436 (A) the governing board of the qualifying charter school; and

1437 (B) the Utah Charter School Finance Authority.

1438 (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School
1439 Finance Authority shall meet with the authorizer to determine whether the deficiency may be
1440 remedied in lieu of termination of the qualifying charter school's charter.

1441 (3) An authorizer may not terminate the charter of a qualifying charter school with
1442 outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit
1443 Enhancement Program, without mutual agreement of the Utah Charter School Finance
1444 Authority and the authorizer.

1445 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1446 the State Board of Education shall make rules that require a charter school to report any threats
1447 to the health, safety, or welfare of its students to the State Charter School Board in a timely
1448 manner.

1449 (b) The rules under Subsection (4)(a) shall also require the charter school report to
1450 include what steps the charter school has taken to remedy the threat.

1451 (5) Subject to the requirements of Subsection (3), the authorizer may terminate a
1452 charter immediately if good cause has been shown or if the health, safety, or welfare of the
1453 students at the school is threatened.

1454 (6) If a charter is terminated during a school year, the following entities may apply to
1455 the charter school's authorizer to assume operation of the school:

1456 (a) the school district where the charter school is located;

1457 (b) the governing board of another charter school; or

1458 (c) a private management company.

1459 (7) (a) If a charter is terminated, a student who attended the school may apply to and
1460 shall be enrolled in another public school under the enrollment provisions of Chapter 2, Part 2,
1461 District of Residency, subject to space availability.

1462 (b) Normal application deadlines shall be disregarded under Subsection (7)(a).

1463 (8) Subject to the requirements of Subsection (3), an authorizer may terminate a charter
1464 pursuant to Subsection (1)(c) under the same circumstances that local educational agencies are
1465 required to implement alternative governance arrangements under 20 U.S.C. Sec. 6316.

1466 Section 38. Section **53A-15-1303** is enacted to read:

1467 **53A-15-1303. Youth suicide prevention training for employees.**

1468 (1) A school district or charter school shall require a licensed employee to complete
1469 two hours of professional development training on youth suicide prevention within the
1470 employee's license cycle described in Section [53A-6-104](#).

1471 (2) The board shall:

1472 (a) develop or adopt sample materials to be used by a school district or charter school
1473 for professional development training on youth suicide prevention; and

1474 (b) in rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1475 Rulemaking Act, incorporate the training described in Subsection (1) into professional
1476 development training described in Section [53A-6-104](#).

1477 Section 39. Section **53A-17a-166** is amended to read:

1478 **53A-17a-166. Enhancement for At-Risk Students Program.**

1479 (1) (a) Subject to the requirements of Subsection (1)(b), the State Board of Education
1480 shall distribute money appropriated for the Enhancement for At-Risk Students Program to
1481 school districts and charter schools according to a formula adopted by the State Board of
1482 Education, after consultation with school districts and charter schools.

1483 (b) (i) The State Board of Education shall appropriate \$1,200,000 from the
1484 appropriation for Enhancement for At-Risk Students for a gang prevention and intervention
1485 program designed to help students at-risk for gang involvement stay in school.

(ii) Money for the gang prevention and intervention program shall be distributed to school districts and charter schools through a request for proposals process.

(2) In establishing a distribution formula under Subsection (1)(a), the State Board of Education shall use the following criteria:

(a) low performance on ~~[U-PASS tests]~~ statewide assessments described in Section 53A-1-602;

(b) poverty;

(c) mobility; and

(d) limited English proficiency.

(3) A school district or charter school shall use money distributed under this section to improve the academic achievement of students who are at risk of academic failure.

(4) The State Board of Education shall develop performance criteria to measure the effectiveness of the Enhancement for At-Risk Students Program and make an annual report to the Public Education Appropriations Subcommittee on the effectiveness of the program.

Section 40. Section **53A-25b-304** is amended to read:

53A-25b-304. Administration of statewide assessments.

The Utah Schools for the Deaf and the Blind shall annually administer, as applicable, the ~~[U-PASS tests specified]~~ statewide assessments described in Section 53A-1-602, except a student may take an alternative test in accordance with the student's IEP.

Section 41. **Repealer.**

This bill repeals:

Section **53A-1-1104.5, Two school grades assigned to a combination school.**

Section **53A-1-1107.5, Growth target established to determine whether a student demonstrates sufficient growth in a subject.**

Section **53A-1-1113, Rules.**

Section **53A-3-601, Legislative findings.**

Section **53A-3-602.5, School performance report -- Components -- Annual filing.**

Section **53A-3-603, State board models, guidelines, and training.**

- 1514 Section 42. **Effective date.**
- 1515 (1) Except as provided in Subsections (2) and (3), this bill takes effect on July 1, 2017.
- 1516 (2) The following sections take effect on November 1, 2017:
- 1517 (a) Section [53A-1-1101](#);
- 1518 (b) Section [53A-1-1102](#);
- 1519 (c) Section [53A-1-1103](#);
- 1520 (d) Section [53A-1-1104](#);
- 1521 (e) Section [53A-1-1105](#);
- 1522 (f) Section [53A-1-1106](#);
- 1523 (g) Section [53A-1-1107](#);
- 1524 (h) Section [53A-1-1108](#);
- 1525 (i) Section [53A-1-1109](#);
- 1526 (j) Section [53A-1-1110](#);
- 1527 (k) Section [53A-1-1111](#);
- 1528 (l) Section [53A-1-1112](#);
- 1529 (m) Section [53A-1-1202](#);
- 1530 (n) Section [53A-1-1203](#);
- 1531 (o) Section [53A-1-1206](#);
- 1532 (p) Section [53A-1-1207](#);
- 1533 (q) Section [53A-1-1209](#); and
- 1534 (r) Section [53A-1a-510](#).
- 1535 (3) The following sections are repealed on November 1, 2017:
- 1536 (a) Section [53A-1-1104.5](#);
- 1537 (b) Section [53A-1-1107.5](#);
- 1538 (c) Section [53A-1-1113](#);
- 1539 (d) Section [53A-1-1113.5](#);
- 1540 (e) Section [53A-3-601](#);
- 1541 (f) Section [53A-3-602.5](#); and

1542 (g) Section [53A-3-603](#).

1543 Section 43. **Revisor instructions.**

1544 The Legislature intends that, on November 1, 2017, the Office of Legislative Research
1545 and General Counsel, in preparing the Utah Code database for publication, replace the
1546 reference in Subsection [53A-1-413](#)(7)(g) to "Part 11, School Grading Act" with "Part 11,
1547 School Accountability System."