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S.B. 184 Enrolled

SCHOOL ASSESSMENT AND ACCOUNTABILITY AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kathleen A. Riebe

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

• provides that, for the 2020-2021 school year, the State Board of Education (state board) is not required to:

• identify schools not achieving state-established acceptable levels of student performance for the 2020-2021 school year;

• assign to each school an overall rating using an A through F letter grading scale;

• publish a report card for each school on the state board's website; or

• determine school performance success and student academic achievement under the Teacher and Student Success Program;

• for the 2020-21, 2021-22, and 2022-23 school years, makes changes to the permitted uses for school turnaround funds appropriated in prior years;

• removes the exception for assigning an overall rating to a school when the state board establishes a new baseline to determine student growth due to a transition to a new assessment; and

• makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

(2) The 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;

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

(c) provide:

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

(ii) actual levels of performance on statewide assessments.

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

(a) evaluation of the 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 statewide assessments.

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

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

53E-5-204. Rating schools.

(1) Except as provided in Subsection (3), and in accordance with this part, the state 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 53E-5-205, for an elementary school or a middle school; or

(b) Section 53E-5-206, for a high school.

~~(3) (a) For a school year in which the state 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 53E-5-210, the state board is not required to assign an overall rating described in Subsection (1) to a school to which the new baseline applies.~~

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

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

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

53E-5-211. Reporting.

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

(a) the school's overall rating described in Subsection 53E-5-204(1);

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

(i) Section 53E-5-205, for an elementary school or a middle school; or

(ii) Section 53E-5-206, 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) The state board shall collect, but is not required to publish the information described in Subsection (1) related to the 2020-2021 school year.

~~(2)~~ (3) 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 state board for inclusion; and

(b) may include process or input indicators.

~~(3)~~ (4) (a) The state 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 state 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)~~ (4)(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 of the student to whom the report applies.

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

53E-5-305. State board to identify independent school turnaround experts -- Review and approval of school turnaround plans -- Appeals process.

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

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

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

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

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

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

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

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

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

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

(3) (a) The state board shall:

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

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

(iii) approve a school turnaround plan that:

(A) is timely;

(B) is well-developed; and

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

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

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

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

(5) The state board shall:

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

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

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

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

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

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

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

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

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

(7) ~~The~~ Except as provided in Subsection (8), the state board may use up to 4% of the funds appropriated by the Legislature to carry out the provisions of this part for administration if the amount for administration is approved by the state board in an open meeting.

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

(a) for administration;

(b) up to $1,000,000 to contract with a provider, through a request for proposals process, to pilot complementary approaches to school improvement that draw on community resources and engagement; and

(c) to analyze the effectiveness of supports provided:

(i) under this part; and

(ii) by other school improvement programs.

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

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

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

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

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

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

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

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

(iii) qualifies for and satisfies the performance standards described in Subsection (1)(b).

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

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

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

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

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