

1 **SCHOOL TURNAROUND AND LEADERSHIP DEVELOPMENT**

2 **ACT AMENDMENTS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ann Millner**

6 House Sponsor: Bradley G. Last

7

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions regarding the School Turnaround and Leadership
11 Development Act.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ amends definitions;
- 15 ▶ clarifies that certain school turnaround actions may only be taken under certain
16 circumstances;
- 17 ▶ amends the date by which certain school turnaround actions shall be taken;
- 18 ▶ specifies uses for School Turnaround and Leadership Development program funds;
- 19 and
- 20 ▶ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **53A-1-1202**, as enacted by Laws of Utah 2015, Chapter 449



- 28 [53A-1-1203](#), as enacted by Laws of Utah 2015, Chapter 449
- 29 [53A-1-1204](#), as enacted by Laws of Utah 2015, Chapter 449
- 30 [53A-1-1205](#), as enacted by Laws of Utah 2015, Chapter 449
- 31 [53A-1-1206](#), as enacted by Laws of Utah 2015, Chapter 449
- 32 [53A-1-1207](#), as enacted by Laws of Utah 2015, Chapter 449
- 33 [53A-1-1208](#), as enacted by Laws of Utah 2015, Chapter 449

34

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

36 Section 1. Section [53A-1-1202](#) is amended to read:

37 **[53A-1-1202. Definitions.](#)**

38 As used in this part:

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

40 (2) "Charter school authorizer" means the same as that term is defined in Section
41 [53A-1a-501.3](#).

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

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

46 (5) "Final remedial year" means the second school year following the initial remedial
47 year.

48 [~~(5)~~] (6) "Initial remedial year" means the school year [~~in which~~] a district school or
49 charter school is designated as a low performing school under Section [53A-1-1203](#).

50 [~~(6)~~] (7) "Low performing school" means a district school or charter school that has
51 been designated a low performing school by the board because the school is:

52 (a) in the lowest performing 3% of schools statewide according to the percentage of
53 possible points earned under the school grading system; and

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

57 [~~(7)~~] (8) "School grade" or "grade" means the letter grade assigned to a school under
58 the school grading system.

59 [(8)] (9) "School grading system" means the system established under Part 11, School
60 Grading Act, of assigning letter grades to schools.

61 [(9)] (10) "Statewide assessment" means a test of student achievement in [~~English~~
62 ~~language arts, mathematics, or science;~~] basic academic subjects, including a test administered
63 in a computer adaptive format that is administered statewide under Part 6, Achievement Tests.

64 Section 2. Section **53A-1-1203** is amended to read:

65 **53A-1-1203. State Board of Education to designate low performing schools.**

66 On or before [~~August 15~~] September 1, the board shall annually designate a school as a
67 low performing school if the school is:

68 (1) in the lowest performing 3% of schools statewide according to the percentage of
69 possible points earned under the school grading system; and

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

73 Section 3. Section **53A-1-1204** is amended to read:

74 **53A-1-1204. Required action to turn around a low performing district school.**

75 (1) On or before [~~October 1~~] September 15 of an initial remedial year, a local school
76 board of a low performing school shall establish a school turnaround committee composed of
77 the following members:

78 (a) the local school board member who represents the voting district where the low
79 performing school is located;

80 (b) the school principal;

81 (c) three parents of students enrolled in the low performing school appointed by the
82 chair of the school community council;

83 (d) one teacher at the low performing school appointed by the principal; and

84 (e) one teacher at the low performing school appointed by the school district
85 superintendent.

86 (2) (a) Subject to Subsection (2)(b), on or before October [~~15~~] 1 of an initial remedial
87 year, a local school board of a low performing school shall partner with the school turnaround
88 committee to select an independent school turnaround expert from the experts identified by the
89 board under Section **53A-1-1206**.

90 (b) A local school board may not select an independent school turnaround expert that
91 is:

- 92 (i) the school district; or
- 93 (ii) an employee of the school district.

94 (3) A school turnaround committee shall partner with the independent school
95 turnaround expert selected under Subsection (2) to develop and implement a school turnaround
96 plan that includes:

97 (a) the findings of the analysis conducted by the independent school turnaround expert
98 described in Subsection [53A-1-1206\(1\)\(a\)](#);

99 (b) recommendations regarding changes to the low performing school's personnel,
100 culture, curriculum, assessments, instructional practices, governance, leadership, finances,
101 policies, or other areas that may be necessary to implement the school turnaround plan;

102 (c) measurable student achievement goals and objectives;

103 (d) a professional development plan that identifies a strategy to address problems of
104 instructional practice;

105 (e) a detailed budget specifying how the school turnaround plan will be funded;

106 (f) a plan to assess and monitor progress;

107 (g) a plan to communicate and report data on progress to stakeholders; and

108 (h) a timeline for implementation.

109 (4) A local school board of a low performing school shall:

110 (a) prioritize school district funding and resources to the low performing school; and

111 (b) grant the low performing school streamlined authority over staff, schedule, policies,
112 budget, and academic programs to implement the school turnaround plan.

113 (5) (a) On or before March 1 of an initial remedial year, a school turnaround committee
114 shall submit the school turnaround plan to the local school board for approval.

115 (b) Except as provided in Subsection (5)(c), on or before April 1 of an initial remedial
116 year, a local school board of a low performing school shall submit the school turnaround plan
117 to the board for approval.

118 (c) If the local school board does not approve the school turnaround plan submitted
119 under Subsection (5)(a), the school turnaround committee may appeal the disapproval in
120 accordance with rules made by the board as described in Subsection [53A-1-1206\(5\)](#).

121 Section 4. Section **53A-1-1205** is amended to read:

122 **53A-1-1205. Required action to terminate or turn around a low performing**
123 **charter school.**

124 (1) On or before [~~August 20~~] September 10 of an initial remedial year, a charter school
125 authorizer of a low performing school shall initiate a review to determine whether the charter
126 school is in compliance with the school's charter agreement described in Section **53A-1a-508**,
127 including the school's established minimum standards for student achievement.

128 (2) If a low performing school is found to be out of compliance with the school's
129 charter agreement, the charter school authorizer may terminate the school's charter in
130 accordance with Section **53A-1a-510**.

131 (3) A charter school authorizer shall make a determination on the status of a low
132 performing school's charter under Subsection (2) on or before [~~September 15~~] October 1 of an
133 initial remedial year.

134 (4) If a charter school authorizer does not terminate a low performing school's charter
135 under Subsection (2), a charter school governing board of a low performing school shall:

136 (a) on or before October [~~1~~] 15 of an initial remedial year, establish a school
137 turnaround committee composed of the following members:

138 (i) a member of the charter school governing board, appointed by the chair of the
139 charter school governing board;

140 (ii) the school principal;

141 (iii) three parents of students enrolled in the low performing school, appointed by the
142 chair of the charter school governing board; and

143 (iv) two teachers at the low performing school, appointed by the school principal; and

144 (b) subject to Subsection (5), on or before [~~October 15~~] November 1 of an initial
145 remedial year, in partnership with the school turnaround committee, select an independent
146 school turnaround expert from the experts identified by the board under Section **53A-1-1206**.

147 (5) A charter school governing board may not select a school turnaround expert that:

148 (a) is a member of the charter school governing board;

149 (b) is an employee of the charter school; or

150 (c) has a contract to operate the charter school.

151 (6) A school turnaround committee shall partner with the independent school

152 turnaround expert selected under Subsection (4)(b) to develop and implement a school
153 turnaround plan that includes the elements described in Subsection 53A-1-1204(3).

154 (7) (a) On or before March 1 of an initial remedial year, a school turnaround committee
155 shall submit the school turnaround plan to the charter school governing board for approval.

156 (b) Except as provided in Subsection (7)(c), on or before April 1 of an initial remedial
157 year, a charter school governing board of a low performing school shall submit the school
158 turnaround plan to the board for approval.

159 (c) If the charter school governing board does not approve the school turnaround plan
160 submitted under Subsection (7)(a), the school turnaround committee may appeal the
161 disapproval in accordance with rules made by the board as described in Subsection
162 53A-1-1206(5).

163 Section 5. Section 53A-1-1206 is amended to read:

164 **53A-1-1206. State Board of Education to identify independent school turnaround**
165 **experts -- Review and approval of school turnaround plans -- Appeals process.**

166 (1) On or before August 30, the board shall identify two or more approved independent
167 school turnaround experts, through a request for proposals process, that a low performing
168 school may select from to partner with to:

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

172 (b) recommend changes to the low performing school's culture, curriculum,
173 assessments, instructional practices, governance, finances, policies, or other areas based on
174 data collected under Subsection (1)(a);

175 (c) develop and implement, in partnership with the school turnaround committee, a
176 school turnaround plan that meets the criteria described in Subsection 53A-1-1204(3);

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

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

182 (f) provide high-quality professional development personalized for school staff that is

183 designed to build the:

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

185 (ii) instructional capacity of school staff; and

186 (g) leverage support from community partners to coordinate an efficient delivery of

187 supports to students both inside and outside the classroom.

188 (2) In identifying independent school turnaround experts under Subsection (1), the

189 board shall identify experts that:

190 (a) have a credible track record of improving student academic achievement in public

191 schools with various demographic characteristics, as measured by statewide assessments;

192 (b) have experience designing, implementing, and evaluating data-driven instructional

193 systems in public schools;

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

195 data-driven school improvement plans;

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

197 schools;

198 (e) have experience delivering high-quality professional development in instructional

199 effectiveness to public school administrators and teachers;

200 (f) are willing to be compensated for professional services based on performance as

201 described in Subsection (3); and

202 (g) are willing to partner with any low performing school in the state, regardless of

203 location.

204 (3) (a) When awarding a contract to an independent school turnaround expert selected

205 by a local school board under Subsection 53A-1-1204(2) or by a charter school governing

206 board under Subsection 53A-1-1205(4)(b), the board shall ensure that a contract between the

207 board and the independent school turnaround expert specifies that the board will:

208 (i) pay an independent school turnaround expert no more than 50% of the expert's

209 professional fees at the beginning of the independent school turnaround expert's work for the

210 low performing school; and

211 (ii) pay the remainder of the independent school turnaround expert's professional fees

212 [~~upon the independent school turnaround expert successfully helping a low performing school~~

213 ~~improve the low performing school's grade within three school years after a school is~~

214 ~~designated a low performing school.]~~ upon completion of the independent school turnaround
215 expert's work for the low performing school if:

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

217 (B) the low performing school's grade improves by at least one letter grade, as

218 determined by the board under Subsection (3)(b).

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

222 (i) for the final remedial year; or

223 (ii) for the last school year of the extension period if, as described in Section

224 [53A-1-1207](#):

225 (A) a school is granted an extension; and

226 (B) the board extends the contract of the school's independent school turnaround
227 expert.

228 ~~(b)~~ (c) In negotiating a contract with an independent school turnaround expert, the
229 board shall offer:

230 (i) differentiated amounts of funding based on student enrollment; and

231 (ii) a higher amount of funding for schools that are in the lowest performing 1% of
232 schools statewide according to the percentage of possible points earned under the school
233 grading system.

234 (4) The board shall:

235 (a) review a school turnaround plan submitted for approval under Subsection

236 [53A-1-1204](#)(5)(b) or under Subsection [53A-1-1205](#)(7)(b) within 30 days of submission;

237 (b) approve a school turnaround plan that:

238 (i) is timely;

239 (ii) is well-developed; and

240 (iii) meets the criteria described in Subsection [53A-1-1204](#)(3); and

241 (c) subject to legislative appropriations, provide funding to a low performing school for
242 interventions identified in an approved school turnaround plan if the local school board or
243 charter school governing board provides matching funds or an in-kind contribution of goods or
244 services in an amount equal to the funding the low performing school would receive from the

245 board.

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

248 (i) a low performing district school that is not granted approval from the district
249 school's local school board under Subsection [53A-1-1204\(5\)\(b\)](#);

250 (ii) a low performing charter school that is not granted approval from the charter
251 school's charter school governing board under Subsection [53A-1-1205\(7\)\(b\)](#); and

252 (iii) a local school board or charter school governing board that is not granted approval
253 from the board under Subsection (4)(b).

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

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

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

260 (6) ~~[The]~~ (a) Subject to Subsection (6)(b), the board shall balance the need to prioritize
261 funding appropriated by the Legislature to carry out the provisions of this part to contract with
262 highly qualified independent school turnaround experts with the need to [set aside funding for]
263 fund:

264 ~~[(a)]~~ (i) interventions to facilitate the implementation of a school turnaround plan under
265 Subsection (4)(c); ~~[and]~~

266 ~~[(b)]~~ (ii) the School Recognition and Reward Program created under Section
267 [53A-1-1208](#)[-]; and

268 (iii) the School Leadership Development Program created under Section [53A-1-1209](#).

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

272 Section 6. Section [53A-1-1207](#) is amended to read:

273 **[53A-1-1207. Consequences for failing to improve the school grade of a low](#)**
274 **[performing school.](#)**

275 (1) As used in this section, "high performing charter school" means a charter school

276 that:

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

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

280 (c) has received at least a "B" grade under the school grading system in the previous
281 two school years.

282 (2) (a) A low performing school [~~that does not improve~~] may petition the board for an
283 extension to continue school improvement efforts for up to two years if the low performing
284 school's grade does not improve by at least one letter grade [within three school years after the
285 day on which the school is designated a low performing school may petition the board for an
286 extension to continue school improvement efforts for up to two years], as determined by
287 comparing the school's letter grade for the school year prior to the initial remedial year to the
288 school's letter grade for the final remedial year.

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

292 (i) 25% for a school that is not a high school; and

293 (ii) 10% for a high school.

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

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

300 [~~(d)~~] (e) A school that has been granted an extension under this Subsection (2) is
301 eligible for:

302 (i) continued funding under Subsection 53A-1-1206(4)(c); and

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

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

306 (a) (i) does not improve the school's grade [~~within three school years after the day on~~

307 ~~which the school is designated a low performing school]~~ by at least one letter grade, as
 308 determined by comparing the school's letter grade for the school year prior to the initial
 309 remedial year to the school's letter grade for the final remedial year; and

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

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

312 (ii) does not improve the school's grade [~~within two school years after the day on which~~
 313 ~~the low performing school is granted an extension;]~~ by at least one letter grade, as determined

314 by comparing the school's letter grade for the school year prior to the initial remedial year to
 315 the school's letter grade for the last school year of the extension period.

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

318 (a) restructuring a district school that may include:

319 (i) contract management;

320 (ii) conversion to a charter school; or

321 (iii) state takeover; and

322 (b) restructuring a charter school that may include:

323 (i) termination of a school's charter;

324 (ii) closure of a charter school; or

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

326 (A) a high performing charter school; or

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

328 Section 7. Section **53A-1-1208** is amended to read:

329 **53A-1-1208. School Recognition and Reward Program.**

330 (1) As used in this section, "eligible school" means a low performing school that:

331 (a) improves the school's grade by at least one [~~grade level within three school years~~
 332 ~~after the day on which the school is designated a low performing school]~~ letter grade, as

333 determined by comparing the school's letter grade for the school year prior to the initial
 334 remedial year to the school's letter grade for the final remedial year; or

335 (b) (i) has been granted an extension under Subsection [53A-1-1207\(2\)](#); and

336 (ii) improves the school's grade by at least one [~~grade level within]~~ letter grade, as
 337 determined by comparing the school's letter grade for the school year prior to the initial

338 remedial year to the school's letter grade for the last school year of the extension period.

339 (2) The School Recognition and Reward Program is created to provide incentives to
340 schools and educators to improve the school grade of a low performing school.

341 (3) Subject to appropriations by the Legislature, upon the [~~annual~~] release of school
342 grades by the board, the board shall distribute a reward equal to:

343 (a) for an eligible school that improves the eligible school's grade one letter grade
344 [~~level~~]:

345 (i) \$100 per tested student; and

346 (ii) \$1,000 per educator;

347 (b) for an eligible school that improves the eligible school's grade two [~~grade levels~~]
348 letter grades:

349 (i) \$200 per tested student; and

350 (ii) \$2,000 per educator;

351 (c) for an eligible school that improves the eligible school's grade three [~~grade levels~~]
352 letter grades:

353 (i) \$300 per tested student; and

354 (ii) \$3,000 per educator; and

355 (d) for an eligible school that improves the eligible school's grade four [~~grade levels~~]
356 letter grades:

357 (i) \$500 per tested student; and

358 (ii) \$5,000 per educator.

359 (4) The principal of an eligible school that receives a reward under Subsection (3), in
360 consultation with the educators at the eligible school, may determine how to use the money in
361 the best interest of the school, including providing bonuses to educators.

362 (5) If the number of qualifying eligible schools exceeds available funds, the board may
363 reduce the amounts specified in Subsection (3).