

Effective 5/4/2022

53G-7-221 Innovative education program -- Innovation plan -- Waiver from state board rule.

(1) As used in this section:

- (a) "Approved innovation plan" means an innovation plan that a local approving body approves in accordance with this section.
- (b) "Charter trust land council" means a council established by a charter school governing board under Section 53G-7-1205.
- (c) "Council" means a charter trust land council or a school community council.
- (d) "Effective period" means the time period that an approved innovation plan is in effect, beginning on the date on which the local approving body approves the innovation plan and ending:
 - (i) at the end of the time period described in Subsection (3)(e)(ii); or
 - (ii) on the date an innovation school receives written notice that the state board has terminated the innovation plan as described in Subsection (9).
- (e) "Innovation LEA" means an LEA that includes an innovation school.
- (f) "Innovation plan" means a plan to implement an innovative education program.
- (g) "Innovation school" means a public school with an innovation plan that a local approving body approves.
- (h) "Innovative education program" or "program" means a program of research-based innovations in a public school, including innovations in:
 - (i) school staffing;
 - (ii) curriculum and assessment;
 - (iii) class scheduling;
 - (iv) use of financial or other resources;
 - (v) faculty recruitment;
 - (vi) employment;
 - (vii) employee evaluations; or
 - (viii) compensation.
- (i) "Local approving body" means:
 - (i) for a school district, the local school board; or
 - (ii) for a charter school, the charter school's authorizer.
- (j) "Public school" means a district school or charter school.
- (k) "School community council" means a council established at a school within a school district under Section 53G-7-1202.
- (l) "Student Achievement Backpack" means the same as that term is defined in Section 53E-3-511.

(2)

- (a) A public school may create an innovation plan to implement an innovative education program in any area of education.
- (b) A public school shall submit an innovation plan to the public school's local approving body.

(3) An innovation plan shall include:

- (a) a statement of the public school's mission and an explanation of how the innovation plan will enhance the school's ability to achieve the school's mission;
- (b) a description of the innovative education program the public school will implement;
- (c) a list and description of the research or scientific basis supporting the innovative education program;
- (d) a list of the public school's programs, policies, or operations that the innovation plan impacts, including:

- (i) the length of the school day;
 - (ii) student graduation policies;
 - (iii) the public school's assessment plan;
 - (iv) the public school's proposed budget; or
 - (v) the public school's staffing plan;
- (e)
- (i) a description of the improvements in academic performance the public school expects the innovation plan to achieve;
 - (ii) the period of time, not less than one year or more than three years, in which the public school will demonstrate the results of the program; and
 - (iii) a description of the method the public school will use to measure outcomes and demonstrate whether the innovation school achieves the improvements described in Subsection (3)(e)(i);
- (f) an estimate of cost savings or increased efficiencies, if any, the public school expects implementing the innovation plan will achieve;
- (g) evidence that the following agree to the innovation plan:
- (i) a majority of administrators employed at the public school;
 - (ii) a majority of teachers employed at the public school; and
 - (iii) a majority of the public school's council;
- (h) a statement demonstrating the level of support for the innovation plan from other members of the public school community, including:
- (i) school employees other than teachers;
 - (ii) students;
 - (iii) parents; and
 - (iv) the surrounding community;
- (i) a request for a waiver of any state board rule required for the public school to implement the innovation plan, if any; and
- (j) any additional information the local approving body requires.
- (4)
- (a) A local approving body shall:
- (i) review an innovation plan that an innovation school submits under Subsection (2);
 - (ii) approve or reject the innovation plan within 60 days after the day on which the public school submits the innovation plan; and
 - (iii) within 30 days after the day on which the local approving body rejects an innovation plan, provide to the public school an explanation in writing of the basis for the rejection.
- (b) A local approving body may not approve an innovation plan that would cause a public school to violate:
- (i) federal law; or
 - (ii) state law, other than a state board rule for which an innovation plan requests a waiver.
- (c) In approving innovation plans as described in Subsection (4)(a), a local approving body shall give preference to innovations in the following areas:
- (i) curriculum;
 - (ii) academic standards assessments;
 - (iii) accountability measures, including expanding the use of accountability measures to more accurately present a complete measure of student learning and achievement, including the use of:
 - (A) graduation or exit examinations;
 - (B) end-of-course evaluations;

- (C) Student Achievement Backpack reviews;
 - (D) national and international accountability measures;
 - (E) measures of the percentage of students who enroll in an institution of higher education after high school graduation; or
 - (F) measures of the percentage of students participating in the concurrent enrollment program described in Section 53F-2-409;
 - (iv) providing services, including:
 - (A) special education services;
 - (B) services related to gifted and talented programs;
 - (C) services for English language learner students; or
 - (D) services for students at risk of academic failure, expulsion, or dropping out;
 - (v) teacher recruitment, training, preparation, or professional learning;
 - (vi) teacher employment;
 - (vii) educator evaluations;
 - (viii) employee compensation, including:
 - (A) performance pay plans;
 - (B) total compensation plans; or
 - (C) retirement or other benefits;
 - (ix) school governance; and
 - (x) plans for college and career readiness.
- (5) A charter school governing board of an innovation school shall, in accordance with Section 53G-5-303, modify the charter school's charter agreement to:
- (a) include an approved innovation plan;
 - (b) include amendments to an approved innovation plan that a charter school authorizer approves as described in Subsection (6); and
 - (c) remove an approved innovation plan at the end of the effective period.
- (6)
- (a)
 - (i) An innovation school may submit proposed amendments to an approved innovation plan to the innovation school's local approving body.
 - (ii) An innovation school shall include with proposed amendments described Subsection (6)(a)
 - (i), evidence that the following agree to the proposed amendments:
 - (A) a majority of administrators employed at the innovation school;
 - (B) a majority of teachers employed at the innovation school; and
 - (C) a majority of the innovation school's council.
 - (b) A local approving body shall review and may approve or reject proposed amendments that an innovation school submits under Subsection (6)(a).
- (7)
- (a) Within 30 days of the date on which the local approving body approves an innovation plan, or approves an amendment to an approved innovation plan, the local approving body shall submit a copy of the approved innovation plan to the state board.
 - (b) The state board shall maintain a copy of an approved innovation plan a local approving body submits under Subsection (7)(a).
 - (c) If an approved innovation plan a local approving body submits to the state board includes a request for waiver of state board rule, the state board shall grant the requested waiver, unless the waiver would:
 - (i) cause the innovation school to be in violation of state or federal law;
 - (ii) threaten the health, safety, or welfare of students in the innovation school; or

- (iii) waive a rule related to:
 - (A) employee criminal background checks; or
 - (B) accounting principles.
 - (d) An innovation school may apply to the state board for additional or modified waivers of state board rule.
 - (e) For an additional or modified waiver request described in Subsection (7)(d), the state board may grant the waiver in accordance with Subsection (7)(c), if the waiver would enhance any of the following for an innovative education program:
 - (i) educational opportunities;
 - (ii) standards; or
 - (iii) quality.
- (8)
 - (a) An innovation school shall annually report to the local approving body on the innovation plan's progress in achieving the improvements described in Subsection (3)(e)(i).
 - (b) A local approving body shall annually submit a report described in Subsection (8)(a) to the state board.
 - (c)
 - (i) The state board may terminate an innovation plan in accordance with rules the state board makes under Subsection (9), if the state board determines that the innovation plan does not demonstrate sufficient progress.
 - (ii) The state board shall notify the local approving body and the innovation school in writing of the state board's decision to terminate an innovation plan, within 30 days of the date on which the state board makes the decision.
- (9) The state board shall:
 - (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
 - (i) requirements for the report described in Subsection (8)(a);
 - (ii) a procedure for a local approving body to submit the report described in Subsection (8)(b); and
 - (iii) criteria the state board will use to:
 - (A) evaluate an innovation plan's progress; and
 - (B) terminate an innovation plan; and
 - (b) annually report to the Education Interim Committee, at or before the Education Interim Committee's November meeting, on:
 - (i) approved innovation plans;
 - (ii) waivers of state board rule granted under Subsection (7);
 - (iii) requested waivers of state board rule that the state board does not grant, including the reason for declining to grant the waiver;
 - (iv) innovation plans terminated under Subsection (8), including the reason for the termination;
 - (v) any statutory provisions that prevent:
 - (A) a local approving body from approving an innovation plan; or
 - (B) the state board from granting a waiver of state board rule; and
 - (vi) recommendations for legislation to address statutory provisions described in Subsection (9)(b)(v).
- (10) An innovation LEA may accept private grants, loans, gifts, endowments, devises, or bequests which are made to support an innovative education program at an innovation school.

Enacted by Chapter 291, 2022 General Session

