

1 **PUBLIC SCHOOL INNOVATIONS**

2 2010 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Keith Grover**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill creates the Innovation Schools Act which provides greater flexibility to public
10 schools to meet the educational needs of students.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ specifies the purposes of the Innovation Schools Act;
- 14 ▶ defines terms;
- 15 ▶ allows a school or group of schools in a school district to create an innovation plan
16 and adopt the plan upon approval by the local school board and State Board of
17 Education;
- 18 ▶ specifies suggested innovations;
- 19 ▶ encourages a school and local school board to seek and accept public and private
20 grants, gifts, and donations to implement an innovation plan;
- 21 ▶ provides that a school or group of schools that implements an innovation plan:
 - 22 • is exempt from certain laws; and
 - 23 • may seek removal from a collective bargaining agreement;
- 24 ▶ requires the State Board of Education to report on schools implementing innovation
25 plans; and
- 26 ▶ makes technical amendments.

27 **Monies Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **63I-2-253**, as last amended by Laws of Utah 2008, Second Special Session, Chapter 6

34 ENACTS:

35 **53A-1a-1101**, Utah Code Annotated 1953

36 **53A-1a-1102**, Utah Code Annotated 1953

37 **53A-1a-1103**, Utah Code Annotated 1953

38 **53A-1a-1104**, Utah Code Annotated 1953

39 **53A-1a-1105**, Utah Code Annotated 1953

40 **53A-1a-1106**, Utah Code Annotated 1953

41 **53A-1a-1107**, Utah Code Annotated 1953

42 **53A-1a-1108**, Utah Code Annotated 1953

43 **53A-1a-1109**, Utah Code Annotated 1953

44 **53A-1a-1110**, Utah Code Annotated 1953



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

47 Section 1. Section **53A-1a-1101** is enacted to read:

48 **Part 11. Innovation Schools Act**

49 **53A-1a-1101. Title.**

50 This part is known as the "Innovation Schools Act."

51 Section 2. Section **53A-1a-1102** is enacted to read:

52 **53A-1a-1102. Purpose.**

53 The Innovation Schools Act is enacted to achieve the following purposes:

54 (1) to grant to school districts and charter schools greater ability to meet the

55 educational needs of a diverse and constantly changing student population;

56 (2) to encourage intentionally diverse approaches to learning and education within

57 individual school districts;

58 (3) to improve educational performance through greater individual school autonomy

59 and managerial flexibility;

60 (4) to encourage innovation in education by providing local school communities and
61 principals with greater control over levels of staffing, personnel selection and evaluation,
62 scheduling, and educational programming with the goal of achieving improved student
63 achievement;

64 (5) to encourage school districts and schools to find new ways to allocate resources for
65 the benefit of the students they serve; and

66 (6) to hold schools that receive greater autonomy under this part accountable for
67 student academic achievement, as measured by the Utah Performance Assessment System for
68 Students and other more specifically tailored accountability measures.

69 Section 3. Section **53A-1a-1103** is enacted to read:

70 **53A-1a-1103. Definitions.**

71 As used in this part:

72 (1) "District of innovation" means a school district that is designated as a district of
73 innovation pursuant to Section 53A-1a-1107.

74 (2) "Innovation school" means a school in which a local school board implements an
75 innovation plan pursuant to Section 53A-1a-1104.

76 (3) "Innovation school zone" means a group of schools of a school district:

77 (a) that:

78 (i) share common interests, such as geographical location or educational focus; or

79 (ii) sequentially serve classes of students as they progress through elementary and
80 secondary education; and

81 (b) in which a local school board implements a plan for creating an innovation school
82 zone pursuant to Section 53A-1a-1104.

83 Section 4. Section **53A-1a-1104** is enacted to read:

84 **53A-1a-1104. Innovation plans -- Submission -- Contents.**

85 (1) (a) (i) A school of a school district may submit to its local school board an
86 innovation plan as described in Subsection (3).

87 (ii) A group of schools of a school district that share common interests, such as
88 geographical location or educational focus, or sequentially serve classes of students as they
89 progress through elementary and secondary education may jointly submit to their local school

90 board a plan to create an innovation school zone as described in Subsection (4).

91 (b) A local school board shall:

92 (i) receive and review each:

93 (A) innovation plan submitted pursuant to Subsection (1)(a)(i); or

94 (B) plan for creating an innovation school zone submitted pursuant to Subsection
95 (1)(a)(ii); and

96 (ii) within 60 days after receiving an innovation plan described in Subsection

97 (1)(b)(i)(A) or plan for creating an innovation school zone described in Subsection (1)(b)(i)(B),

98 approve or disapprove the plan.

99 (c) (i) If a local school board rejects a plan submitted as described in Subsection (1)(b),
100 it shall provide to the school or group of schools that submitted the plan a written explanation
101 of the basis for its decision.

102 (ii) A school or group of schools may resubmit an amended innovation plan or
103 amended plan for creating an innovation school zone at any time after denial.

104 (d) If a local school board approves a plan, it shall seek approval of the plan from the
105 State Board of Education pursuant to Section 53A-1a-1107.

106 (2) (a) A local school board may initiate and collaborate with a school of the school
107 district to create:

108 (i) an innovation plan, as described in Subsection (3); or

109 (ii) a plan to create an innovation school zone, as described in Subsection (4).

110 (b) A local school board shall ensure that a school that would be affected by a plan has
111 an opportunity to participate in the creation of the plan.

112 (c) A local school board may approve or create a plan to create an innovation school
113 zone that includes all schools of the school district.

114 (d) If a local school board creates an innovation plan or a plan for creating an
115 innovation school zone, the local school board shall seek approval of the plan from the State
116 Board of Education pursuant to Section 53A-1a-1107.

117 (3) An innovation plan, whether submitted by a school or created by a local school
118 board through collaboration between the local school board and a school, shall include the
119 following information:

120 (a) a statement of the school's mission and why designation as an innovation school

121 would enhance the school's ability to achieve its mission;
122 (b) a description of the innovations the school would implement, which may include
123 innovations in:
124 (i) school staffing;
125 (ii) curriculum or assessment;
126 (iii) class scheduling;
127 (iv) use of financial or other resources; or
128 (v) faculty recruitment, employment, evaluation, or compensation;
129 (c) a listing of the programs, policies, or operational documents within the school that
130 would be affected by the school's identified innovations and the manner in which they would
131 be affected, including the:
132 (i) educational program;
133 (ii) length of the school day and school year at the school;
134 (iii) student promotion and graduation policies;
135 (iv) assessment plan;
136 (v) proposed budget; and
137 (vi) proposed staffing plan;
138 (d) an identification of the improvements in academic performance that the school
139 expects to achieve in implementing the innovations;
140 (e) an estimate of the cost savings and increased efficiencies, if any, the school expects
141 to achieve in implementing its identified innovations;
142 (f) a statement of the level of support for designation as an innovation school
143 demonstrated by the:
144 (i) personnel employed at the school;
145 (ii) students and parents of students enrolled in the school; and
146 (iii) community surrounding the school;
147 (g) a description of any State Board of Education rule or district policy for which the
148 school would need an exemption to implement its identified innovations; and
149 (h) any additional information required by the local school board of the school district
150 in which the innovation plan would be implemented.
151 (4) A plan for creating an innovation school zone, whether submitted by a group of

152 schools or created by a local school board through collaboration with a group of public schools,
153 shall include:

154 (a) the information described in Subsection (3) for each school included in the
155 innovation school zone;

156 (b) a description of how innovations in the schools in the innovation school zone are
157 integrated to achieve results that are less likely to be accomplished by a school working alone;

158 (c) an estimate of any economies of scale that may be achieved by innovations
159 implemented jointly by the schools within the innovation school zone; and

160 (d) a statement of the level of support for creating an innovation school zone
161 demonstrated by the:

162 (i) personnel employed at each school included in the innovation school zone;

163 (ii) students and parents of students enrolled in each school included in the innovation
164 school zone; and

165 (iii) community in which the innovation school zone is located.

166 Section 5. Section **53A-1a-1105** is enacted to read:

167 **53A-1a-1105. Suggested innovations.**

168 In considering or creating an innovation plan described in Subsection 53A-1a-1104(3)
169 or a plan for creating an innovation school zone described in Subsection 53A-1a-1104(4), a
170 local school board is encouraged to consider innovations in the following areas:

171 (1) curriculum and academic standards and assessments;

172 (2) accountability measures, including the use of a variety of accountability measures
173 to more accurately present a complete measure of student learning and accomplishment, such
174 as:

175 (a) graduation or exit examinations;

176 (b) end-of-course examinations;

177 (c) student portfolio reviews;

178 (d) national and international assessments;

179 (e) measuring the percentage of students continuing into higher education; and

180 (f) measuring the percentage of students simultaneously obtaining a high school
181 diploma and an associate's degree or a career and technical education certificate;

182 (3) provision of services, including:

- 183 (a) special education services;
 184 (b) services for gifted and talented students;
 185 (c) services for students for whom English is not the dominant language;
 186 (d) educational services for students at risk of academic failure, expulsion, or dropping
 187 out; and
 188 (e) support services provided by social services agencies;
 189 (4) teacher recruitment, training, preparation, and professional development;
 190 (5) teacher employment;
 191 (6) performance expectations and evaluation procedures for teachers and principals;
 192 (7) compensation for teachers, principals, and other school building personnel,
 193 including:
 194 (a) performance pay plans;
 195 (b) total compensation plans; and
 196 (c) other innovations with regard to retirement and other benefits;
 197 (8) school governance and the roles, responsibilities, and expectations of principals in
 198 innovation schools or schools within an innovation school zone; and
 199 (9) preparation and counseling of students for transition to higher education or the
 200 work force.

201 Section 6. Section **53A-1a-1106** is enacted to read:

202 **53A-1a-1106. Innovation planning -- Financial support.**

203 A school and a local school board are encouraged to seek and accept public and private
 204 gifts, grants, and donations to offset the costs of developing and implementing innovation plans
 205 and plans for creating innovation school zones.

206 Section 7. Section **53A-1a-1107** is enacted to read:

207 **53A-1a-1107. State Board of Education approval of a plan -- District of**
 208 **innovation designation.**

209 (1) A local school board that approves or collaboratively creates an innovation plan
 210 described in Subsection 53A-1a-1104(3) or plan for the creation of an innovation school zone
 211 described in Subsection 53A-1a-1104(4) shall submit the plan to the State Board of Education.

212 (2) Within 60 days after receiving a local school board's plan, the State Board of
 213 Education shall:

214 (a) approve the plan;
215 (b) deny approval of the plan; or
216 (c) make suggested changes or additions to the plan, including suggestions for further
217 innovations or for measures to increase the likelihood that the innovations will result in greater
218 academic achievement within the innovation schools or innovation school zones.

219 (3) A local school board may choose to withdraw and resubmit its innovation plan or
220 plan for creating an innovation school zone to address suggested changes or additions made by
221 the State Board of Education.

222 (4) (a) The State Board of Education shall approve a plan unless the board concludes
223 that the submitted plan:

224 (i) is likely to result in a decrease in academic achievement in the innovation schools or
225 innovation school zones; or

226 (ii) is not fiscally feasible.

227 (b) (i) If the State Board of Education does not approve a plan, it shall provide to the
228 local school board a written explanation of the basis for its decision.

229 (ii) A local school board may resubmit an amended innovation plan or plan for creating
230 an innovation school zone and seek approval of the amended plan at any time after denial.

231 (5) If the State Board of Education approves a plan under this section, it shall designate
232 the school district that submitted the plan as a district of innovation.

233 Section 8. Section **53A-1a-1108** is enacted to read:

234 **53A-1a-1108. Waivers from state board rules -- Application of statutes and rules**
235 **to innovation schools and innovation school zones.**

236 (1) An innovation school or innovation school zone shall operate in accordance with
237 state laws applicable to public schools, except as otherwise provided in this part.

238 (2) A district of innovation may apply to the State Board of Education for a waiver of a
239 State Board of Education rule that inhibits or hinders an innovation school or innovation school
240 zone from accomplishing its mission or educational goals set out in an innovation plan or plan
241 for creating an innovation school zone.

242 (3) (a) The State Board of Education may grant a waiver unless:

243 (i) the waiver would cause the school district, innovation school, or innovation school
244 zone to be in violation of state or federal law; or

245 (ii) the waiver would threaten the health, safety, or welfare of the students in the school
246 district, innovation school, or innovation school zone.

247 (b) If the State Board of Education denies the waiver, the reason for the denial shall be
248 provided in writing to the waiver applicant.

249 (4) The following provisions of Title 53A, State System of Public Education, and rules
250 adopted under those provisions, do not apply to an innovation school or innovation school
251 zone:

252 (a) Chapter 8, Utah Orderly School Termination Procedures Act; and

253 (b) Chapter 10, Educator Evaluation.

254 Section 9. Section **53A-1a-1109** is enacted to read:

255 **53A-1a-1109. District of innovation -- Collective bargaining agreements.**

256 (1) (a) On or after the date on which the State Board of Education designates a school
257 district as a district of innovation, any collective bargaining agreement initially entered into or
258 renewed by the local school board of the district of innovation shall include a term that allows
259 an innovation school or innovation school zone in the school district to be removed from the
260 collective bargaining agreement.

261 (b) An innovation school shall be removed from a collective bargaining agreement if
262 the removal is approved by means of a secret ballot vote of a majority of the personnel who
263 are:

264 (i) employed at the innovation school; and

265 (ii) governed by the collective bargaining agreement.

266 (c) (i) A school within an innovation school zone shall be removed from a collective
267 bargaining agreement if the removal is approved by means of a secret ballot vote of a majority
268 of the personnel who are:

269 (A) employed at the school; and

270 (B) governed by the collective bargaining agreement.

271 (ii) A local school board for an innovation school zone may choose to revise a plan for
272 creating an innovation school zone to remove from the zone any school in which a majority of
273 the personnel do not vote to remove the school from a collective bargaining agreement.

274 (d) (i) Removal of an innovation school or an innovation school zone from a collective
275 bargaining agreement pursuant to this section continues while the school remains an innovation

276 school or the innovation school zone continues to exist.

277 (ii) Creation of a new, or renewal of an existing, collective bargaining agreement for
278 the other schools located within the district of innovation does not affect an innovation school
279 or an innovation school zone that previously approved removal from a collective bargaining
280 agreement pursuant to this section.

281 (2) (a) A district of innovation is not required to seek removal of an innovation school
282 or a school in an innovation school zone from a collective bargaining agreement.

283 (b) Each district of innovation shall include in its innovation plan a statement as to
284 whether it will seek to remove an innovation school or the schools included in an innovation
285 school zone from a collective bargaining agreement.

286 (3) A person who is a member of a collective bargaining unit and is employed by an
287 innovation school or by a school included in an innovation school zone may request a transfer
288 to another school within the district of innovation. The local school board shall make every
289 reasonable effort to accommodate the person's request.

290 Section 10. Section **53A-1a-1110** is enacted to read:

291 **53A-1a-1110. Reporting.**

292 By October 1, 2012, and by October 1 of each year thereafter, the State Board of
293 Education shall submit to the Education Interim Committee a report on innovation schools and
294 innovation school zones. At a minimum, the report shall include:

295 (1) a listing, by school district, of the innovation schools and schools within an
296 innovation school zone;

297 (2) an overview of the innovations implemented in innovation schools and innovation
298 school zones in districts of innovation;

299 (3) an overview of the academic performance of students served in innovation schools
300 and innovation school zones in each district of innovation, including a comparison between
301 students' academic performance before and after implementation of the innovations; and

302 (4) any recommendations for legislative changes to further enhance the ability of local
303 school boards to implement innovations.

304 Section 11. Section **63I-2-253** is amended to read:

305 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

306 (1) Section 53A-1-403.5 is repealed July 1, 2012.

- 307 (2) Subsection 53A-1-603(5) is repealed July 1, 2010.
- 308 (3) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.
- 309 [~~(4) Section 53A-3-702 is repealed July 1, 2008.~~]
- 310 [~~(5) Section 53A-6-112 is repealed July 1, 2009.~~]
- 311 (4) Section 53A-1a-1110 is repealed July 1, 2017.
- 312 [(6)] (5) Subsection 53A-13-110(3) is repealed July 1, 2013.
- 313 [(7)] (6) Section 53A-17a-152 is repealed July 1, 2010.
- 314 [(8)] (7) Section 53A-17a-162 is repealed July 1, 2012.

Legislative Review Note
as of 1-19-10 3:47 PM

Office of Legislative Research and General Counsel