

Senator Wayne L. Niederhauser proposes the following substitute bill:

SCHOOL TURNAROUND AND LEADERSHIP

DEVELOPMENT ACT

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne L. Niederhauser

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

This bill enacts and amends provisions related to turning around low performing schools and developing school leaders.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the State Board of Education to designate low performing schools, subject to certain conditions;
- ▶ requires a local school board to take certain actions to turn around a low performing district school;
- ▶ requires a charter school authorizer and a charter school governing board to take certain actions to turn around a low performing charter school;
- ▶ directs the State Board of Education to:
 - select independent school turnaround experts, through a request for proposals process;
 - review and approve school turnaround plans submitted by a local school board or charter school governing board; and



26 • make rules imposing certain consequences on a school district or charter school
27 that fails to improve the school grade of a low performing school within a
28 certain amount of time;

29 ▶ creates the School Recognition and Reward Program to provide incentives to
30 schools and educators to improve the school grade of a low performing school;

31 ▶ creates the School Leadership Development Program to increase the number of
32 highly effective school leaders capable of initiating, achieving, and sustaining
33 school improvement efforts;

34 ▶ requires the State Board of Education to annually report to the Education Interim
35 Committee; and

36 ▶ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38 This bill appropriates in fiscal year 2016:

39 ▶ to the State Board of Education - State Office of Education - Initiative Programs, as
40 an ongoing appropriation:

41 • from the Education Fund, \$8,000,000.

42 **Other Special Clauses:**

43 This bill provides a special effective date.

44 **Utah Code Sections Affected:**

45 AMENDS:

46 53A-1a-108.5, as enacted by Laws of Utah 2002, Chapter 324

47 53A-1a-510, as last amended by Laws of Utah 2014, Chapter 363

48 ENACTS:

49 53A-1-1201, Utah Code Annotated 1953

50 53A-1-1202, Utah Code Annotated 1953

51 53A-1-1203, Utah Code Annotated 1953

52 53A-1-1204, Utah Code Annotated 1953

53 53A-1-1205, Utah Code Annotated 1953

54 53A-1-1206, Utah Code Annotated 1953

55 53A-1-1207, Utah Code Annotated 1953

56 53A-1-1208, Utah Code Annotated 1953

57 [53A-1-1209](#), Utah Code Annotated 1953

58 [53A-1-1210](#), Utah Code Annotated 1953



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

61 Section 1. Section **53A-1-1201** is enacted to read:

62 **Part 12. School Turnaround and Leadership Development Act**

63 **53A-1-1201. Title.**

64 This part is known as the "School Turnaround and Leadership Development Act."

65 Section 2. Section **53A-1-1202** is enacted to read:

66 **53A-1-1202. Definitions.**

67 As used in this part:

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

69 (2) "Charter school authorizer" means the same as that term is defined in Section

70 [53A-1a-501.3](#).

71 (3) "District school" means a public school under the control of a local school board

72 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School

73 Boards.

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

75 (5) "Initial remedial year" means the year in which a district school or charter school is

76 designated as a low performing school under Section [53A-1-1203](#).

77 (6) "Low performing school" means a district school or charter school that has been

78 designated a low performing school by the board because the school is:

79 (a) in the lowest performing 3% of schools statewide according to the percentage of

80 possible points earned under the school grading system; and

81 (b) a low performing school according to other outcome-based measures as may be

82 defined in rules made by the board in accordance with Title 63G, Chapter 3, Utah

83 Administrative Rulemaking Act.

84 (7) "School grade" or "grade" means the letter grade assigned to a school under the

85 school grading system.

86 (8) "School grading system" means the system established under Part 11, School

87 Grading Act, of assigning letter grades to schools.

88 (9) "Statewide assessment" means a test of student achievement in English language
89 arts, mathematics, or science, including a test administered in a computer adaptive format that
90 is administered statewide under Part 6, Achievement Tests.

91 Section 3. Section **53A-1-1203** is enacted to read:

92 **53A-1-1203. State Board of Education to designate low performing schools.**

93 On or before August 15, the board shall annually designate a school as a low
94 performing school if the school is:

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

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

100 Section 4. Section **53A-1-1204** is enacted to read:

101 **53A-1-1204. Required action to turn around a low performing district school.**

102 (1) On or before October 1 of an initial remedial year, a local school board of a low
103 performing school shall establish a school turnaround committee composed of the following
104 members:

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

107 (b) the school principal;

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

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

111 (e) one teacher at the low performing school appointed by the school district
112 superintendent.

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

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

- 119 (i) the school district; or
120 (ii) an employee of the school district.
121 (3) A school turnaround committee shall partner with the independent school
122 turnaround expert selected under Subsection (2) to develop and implement a school turnaround
123 plan that includes:
124 (a) the findings of the analysis conducted by the independent school turnaround expert
125 described in Subsection [53A-1-1206\(1\)\(a\)](#);
126 (b) recommendations regarding changes to the low performing school's personnel,
127 culture, curriculum, assessments, instructional practices, governance, leadership, finances,
128 policies, or other areas that may be necessary to implement the school turnaround plan;
129 (c) measurable student achievement goals and objectives;
130 (d) a professional development plan that identifies a strategy to address problems of
131 instructional practice;
132 (e) a detailed budget specifying how the school turnaround plan will be funded;
133 (f) a plan to assess and monitor progress;
134 (g) a plan to communicate and report data on progress to stakeholders; and
135 (h) a timeline for implementation.
136 (4) A local school board of a low performing school shall:
137 (a) prioritize school district funding and resources to the low performing school; and
138 (b) grant the low performing school streamlined authority over staff, schedule, policies,
139 budget, and academic programs to implement the school turnaround plan.
140 (5) (a) On or before March 1 of an initial remedial year, a school turnaround committee
141 shall submit the school turnaround plan to the local school board for approval.
142 (b) Except as provided in Subsection (5)(c), on or before April 1 of an initial remedial
143 year, a local school board of a low performing school shall submit the school turnaround plan
144 to the board for approval.
145 (c) If the local school board does not approve the school turnaround plan submitted
146 under Subsection (5)(a), the school turnaround committee may appeal the disapproval in
147 accordance with rules made by the board as described in Section [53A-1-1206\(5\)](#).
148 Section 5. Section **53A-1-1205** is enacted to read:
149 **53A-1-1205. Required action to terminate or turn around a low performing**

150 **charter school.**

151 (1) On or before August 20 of an initial remedial year, a charter school authorizer of a
152 low performing school shall initiate a review to determine whether the charter school is in
153 compliance with the school's charter agreement described in Section [53A-1a-508](#), including the
154 school's established minimum standards for student achievement.

155 (2) If a low performing school is found to be out of compliance with the school's
156 charter agreement, the charter school authorizer may terminate the school's charter in
157 accordance with Section [53A-1a-510](#).

158 (3) A charter school authorizer shall make a determination on the status of a low
159 performing school's charter under Subsection (2) on or before September 15 of an initial
160 remedial year.

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

163 (a) on or before October 1 of an initial remedial year, establish a school turnaround
164 committee composed of the following members:

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

167 (ii) the school principal;

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

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

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

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

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

176 (ii) is an employee of the charter school; or

177 (iii) has a contract to operate the charter school.

178 (6) A school turnaround committee shall partner with the independent school
179 turnaround expert selected under Subsection (4)(b) to develop and implement a school
180 turnaround plan that includes the elements described in Subsection [53A-1-1204](#)(3).

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

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

186 (c) If the charter school governing board does not approve the school turnaround plan
187 submitted under Subsection (7)(a), the school turnaround committee may appeal the
188 disapproval in accordance with rules made by the board as described in Section [53A-1-1206\(5\)](#).

189 Section 6. Section **53A-1-1206** is enacted to read:

190 **53A-1-1206. State Board of Education to identify independent school turnaround**
191 **experts -- Review and approval of school turnaround plans -- Appeals process.**

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

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

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

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

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

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

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

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

211 (ii) instructional capacity of school staff; and

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

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

216 (a) have a credible track record of improving student academic achievement in public
217 schools with various demographic characteristics, as measured by statewide assessments;

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

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

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

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

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

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

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

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

237 (ii) pay the remainder of the independent school turnaround expert's professional fees
238 upon the independent school turnaround expert successfully helping a low performing school
239 improve the low performing school's grade within three school years after a school is
240 designated a low performing school.

241 (b) In negotiating a contract with an independent school turnaround expert, the board
242 shall offer:

- 243 (i) differentiated amounts of funding based on student enrollment; and
 244 (ii) a higher amount of funding for schools that are in the lowest performing 1% of
 245 schools statewide according to the percentage of possible points earned under the school
 246 grading system.
- 247 (4) The board shall:
- 248 (a) review a school turnaround plan submitted for approval under Subsection
 249 53A-1-1204(5)(b) or under Subsection 53A-1-1205(7)(b) within 30 days of submission;
- 250 (b) approve a school turnaround plan that:
- 251 (i) is timely;
 252 (ii) is well-developed; and
 253 (iii) meets the criteria described in Subsection 53A-1-1204(3); and
- 254 (c) subject to legislative appropriations, provide funding to a low performing school for
 255 interventions identified in an approved school turnaround plan if the local school board or
 256 charter school governing board provides matching funds or an in-kind contribution of goods or
 257 services in an amount equal to the funding the low performing school would receive from the
 258 board.
- 259 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 260 the board shall make rules to establish an appeals process for:
- 261 (i) a low performing district school that is not granted approval from the district
 262 school's local school board under Section 53A-1-1204(5)(b);
- 263 (ii) a low performing charter school that is not granted approval from the charter
 264 school's charter school governing board under Section 53A-1-1205(7)(b); and
- 265 (iii) a local school board or charter school governing board that is not granted approval
 266 from the board under Section 53A-1-1206(4)(b).
- 267 (b) The board shall ensure that rules made under Subsection (5)(a) require an appeals
 268 process described in:
- 269 (i) Subsections (5)(a)(i) and (ii) to be resolved on or before April 1 of the initial
 270 remedial year $\hat{S} \rightarrow [\hat{e}]$; and $\leftarrow \hat{S}$
- 271 (ii) Subsection (5)(a)(iii) to be resolved on or before May 15 of the initial remedial
 272 year.
- 273 (6) The board shall balance the need to prioritize funding appropriated by the

274 Legislature to contract with highly-qualified independent school turnaround experts with the
275 need to set aside funding for:

276 (a) interventions to facilitate the implementation of a school turnaround plan under
277 Section 53A-1-1206(4)(c); and

278 (b) the School Recognition and Reward Program created under Section 53A-1-1208.
279 Section 7. Section 53A-1-1207 is enacted to read:

280 **53A-1-1207. Consequences for failing to improve the school grade of a low**
281 **performing school.**

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

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

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

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

289 (2) (a) A low performing school that does not improve the low performing school's
290 grade by at least one letter grade within three school years after the day on which the school is
291 designated a low performing school may petition the board for an extension to continue school
292 improvement efforts for up to two years.

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

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

297 (ii) 10% for a high school.

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

300 (d) A school that has been granted an extension under this Subsection (2) is eligible
301 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; and

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

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

310 (ii) does not improve the school's grade within two school years after the day on which

311 the low performing school is granted an extension.

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

313 mechanism for:

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

315 (i) contract management;

316 (ii) conversion to a charter school; or

317 (iii) state takeover; and

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

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

320 (ii) closure of a charter school; or

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

322 (A) a high performing charter school; or

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

324 Section 8. Section **53A-1-1208** is enacted to read:

325 **53A-1-1208. School Recognition and Reward Program.**

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

327 (a) improves the school's grade by at least one grade level within three school years

328 after the day on which the school is designated a low performing school; or

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

330 (ii) improves the school's grade by at least one grade level within the extension period.

331 (2) The School Recognition and Reward Program is created to provide incentives to

332 schools and educators to improve the school grade of a low performing school.

333 (3) Subject to appropriations by the Legislature, upon the annual release of school

334 grades by the board, the board shall distribute a reward equal to:

335 (a) for an eligible school that improves the eligible school's grade one grade level:

- 336 (i) \$100 per tested student; and
- 337 (ii) \$1,000 per educator;
- 338 (b) for an eligible school that improves the eligible school's grade two grade levels:
- 339 (i) \$200 per tested student; and
- 340 (ii) \$2,000 per educator;
- 341 (c) for an eligible school that improves the eligible school's grade three grade levels:
- 342 (i) \$300 per tested student; and
- 343 (ii) \$3,000 per educator; and
- 344 (d) for an eligible school that improves the eligible school's grade four grade levels:
- 345 (i) \$500 per tested student; and
- 346 (ii) \$5,000 per educator.
- 347 (4) The principal of an eligible school that receives a reward under Subsection (3), in
- 348 consultation with the educators at the eligible school, may determine how to use the money in
- 349 the best interest of the school, including providing bonuses to educators.
- 350 (5) If the number of qualifying eligible schools exceeds available funds, the board may
- 351 reduce the amounts specified in Subsection (3).
- 352 Section 9. Section **53A-1-1209** is enacted to read:
- 353 **53A-1-1209. School Leadership Development Program.**
- 354 (1) As used in this section, "school leader" means a school principal or assistant
- 355 principal.
- 356 (2) There is created the School Leadership Development Program to increase the
- 357 number of highly effective school leaders capable of initiating, achieving, and sustaining
- 358 school improvement efforts.
- 359 (3) The board shall identify one or more providers, through a request for proposals
- 360 process, to develop or provide leadership development training for school leaders that:
- 361 (a) may provide in-depth training in proven strategies to turn around low performing
- 362 schools;
- 363 (b) may emphasize hands-on and job-embedded learning;
- 364 (c) aligns with the state's leadership standards established by board rule;
- 365 (d) reflects the needs of a school district or charter school where a school leader serves;
- 366 (e) may include training on using student achievement data to drive decisions;

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

369 (g) may develop skills in leading collaborative school improvement structures,
370 including professional learning communities.

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

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

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

377 (i) completes leadership development training; and

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

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

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

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

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

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

386 Section 10. Section **53A-1-1210** is enacted to read:

387 **53A-1-1210. Reporting requirement.**

388 On or before November 30 of each year, the board shall report to the Education Interim
389 Committee on the provisions of this part.

390 Section 11. Section **53A-1a-108.5** is amended to read:

391 **53A-1a-108.5. School improvement plan.**

392 (1) (a) Each school community council shall annually evaluate the school's [~~U-PASS~~]
393 statewide achievement test results and use the evaluations in developing a school improvement
394 plan.

395 (b) In evaluating [~~U-PASS~~] statewide achievement test results and developing a school
396 improvement plan, a school community council may not have access to data that reveal the
397 identity of students.

- 398 (2) [~~Each~~] A school community council shall develop a school improvement plan
399 [~~shall~~] that:
- 400 (a) [~~identify~~] identifies the school's most critical academic needs;
401 (b) [~~recommend~~] recommends a course of action to meet the identified needs;
402 (c) [~~list~~] lists any programs, practices, materials, or equipment that the school will need
403 to implement its action plan to have a direct impact on the instruction of students and result in
404 measurable increased student performance; and
- 405 (d) [~~describe~~] describes how the school intends to enhance or improve academic
406 achievement, including how financial resources available to the school, such as School LAND
407 Trust Program money received under Section [53A-16-101.5](#) and state and federal grants, will
408 be used to enhance or improve academic achievement.
- 409 (3) [~~The~~] Although a school improvement plan [~~shall focus~~] focuses on the school's
410 most critical academic needs [~~but~~], the plan may include other actions to enhance or improve
411 academic achievement and the community environment for students.
- 412 (4) The school principal shall make available to the school community council the
413 school budget and other data needed to develop the school improvement plan.
- 414 (5) The school improvement plan [~~shall be~~] is subject to the approval of the local
415 school board of the school district in which the school is located.
- 416 (6) A school community council may develop a multiyear school improvement plan,
417 but the plan must be presented to and approved annually by the local school board.
- 418 (7) Each school shall:
- 419 (a) implement the school improvement plan as developed by the school community
420 council and approved by the local school board;
421 (b) provide ongoing support for the council's plan; and
422 (c) meet local school board reporting requirements regarding performance and
423 accountability.
- 424 (8) The school community council of a low performing school, as defined in Section
425 [53A-1-1202](#), shall develop a school improvement plan that is consistent with the school
426 turnaround plan developed by the school turnaround committee under Chapter 1, Part 12,
427 School Turnaround and Leadership Development Act.
428 Section 12. Section **53A-1a-510** is amended to read:

429 **53A-1a-510. Termination of a charter.**

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

- 432 (a) failure of the charter school to meet the requirements stated in the charter;
- 433 (b) failure to meet generally accepted standards of fiscal management;
- 434 (c) subject to Subsection (8), failure to make adequate yearly progress under the No
435 Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.;

436 (d) (i) designation as a low performing school under Chapter 1, Part 11, School
437 Grading Act; and

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

440 [~~(d)~~] (e) violation of requirements under this part or another law; or

441 [~~(e)~~] (f) other good cause shown.

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

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

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

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

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

455 (d) (i) The State Board of Education shall hear an appeal of a termination made
456 pursuant to Subsection (2)(c).

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

458 (e) (i) If the authorizer proposes to terminate the charter of a qualifying charter school
459 with outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit

460 Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b)
461 120 days or more after notifying the following of the proposed termination:

- 462 (A) the governing board of the qualifying charter school; and
- 463 (B) the Utah Charter School Finance Authority.

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

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

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

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

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

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

- 482 (a) the school district where the charter school is located;
- 483 (b) the governing board of another charter school; or
- 484 (c) a private management company.

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

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

489 (8) Subject to the requirements of Subsection (3), an authorizer may terminate a charter
490 pursuant to Subsection (1)(c) under the same circumstances that local educational agencies are

491 required to implement alternative governance arrangements under 20 U.S.C. Sec. 6316.

492 Section 13. **Appropriation.**

493 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
494 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money
495 are appropriated from resources not otherwise appropriated, or reduced from amounts
496 previously appropriated, out of the funds or accounts indicated. These sums of money are in
497 addition to any amounts previously appropriated for fiscal year 2016.

498 To State Board of Education - State Office of Education - Initiative Programs
499 From Education Fund \$8,000,000

500 Schedule of Programs:

501 Contracts and Grants - Low Performing Schools \$8,000,000

502 The Legislature intends that:

503 (1) the State Board of Education:

504 (a) may use up to \$500,000 of the appropriation under this section for the School
505 Leadership Development Program created under Section [53A-1-1209](#); and

506 (b) shall use the remaining funds in accordance with the direction provided in
507 Subsection [53A-1-1206\(6\)](#); and

508 (2) the appropriations under this section are:

509 (a) ongoing; and

510 (b) non-lapsing.

511 Section 14. **Effective date.**

512 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
513 elected to each house, this bill takes effect upon approval by the governor, or the day following
514 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
515 signature, or in the case of a veto, the date of veto override.

516 (2) Uncodified Section 13, Appropriation, takes effect on July 1, 2015.