

## SB0235S02 compared with SB0235S01

~~{deleted text}~~ shows text that was in SB0235S01 but was deleted in SB0235S02.

inserted text shows text that was not in SB0235S01 but was inserted into SB0235S02.

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~~{Senator Wayne L}~~Representative Bradley G. ~~{Niederhauser}~~Last proposes the following substitute bill:

~~{SCHOOL TURNAROUND AND LEADERSHIP  
DEVELOPMENT ACT}~~EDUCATION MODIFICATIONS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne L. Niederhauser**

House Sponsor: Bradley G. Last

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### LONG TITLE

#### General Description:

This bill enacts and amends provisions related to ~~{turning around low performing schools and developing school leaders}~~public education.

#### 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

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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
  - make rules imposing certain consequences on a school district or charter school that fails to improve the school grade of a low performing school within a certain amount of time;
- ▶ creates the School Recognition and Reward Program to provide incentives to schools and educators to improve the school grade of a low performing school;
- ▶ creates the School Leadership Development Program to increase the number of highly effective school leaders capable of initiating, achieving, and sustaining school improvement efforts;
- ▶ requires the State Board of Education to annually report to the Education Interim Committee;
- ▶ allows the State Board of Education to use certain nonlapsing funds, remaining at the end of fiscal year 2015, for certain purposes; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

This bill appropriates in fiscal year 2016:

- ▶ to the State Board of Education - State Office of Education - Initiative Programs, as an ongoing appropriation:
  - from the Education Fund, ~~+\$8~~ \$7,000,000.

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

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

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

53A-17a-105, as last amended by Laws of Utah 2013, Chapter 310

ENACTS:

53A-1-1201, Utah Code Annotated 1953

53A-1-1202, Utah Code Annotated 1953

53A-1-1203, Utah Code Annotated 1953

53A-1-1204, Utah Code Annotated 1953

53A-1-1205, Utah Code Annotated 1953

53A-1-1206, Utah Code Annotated 1953

53A-1-1207, Utah Code Annotated 1953

53A-1-1208, Utah Code Annotated 1953

53A-1-1209, Utah Code Annotated 1953

53A-1-1210, Utah Code Annotated 1953

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

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

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

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

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

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

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

As used in this part:

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

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

53A-1a-501.3.

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

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

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

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(6) "Low performing school" means a district school or charter school that has been designated a low performing school by the board because the school is:

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

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

(7) "School grade" or "grade" means the letter grade assigned to a school under the school grading system.

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

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

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

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

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

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

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

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

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

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

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

(b) the school principal;

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

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

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

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

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

(i) the school district; or

(ii) an employee of the school district.

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

(a) the findings of the analysis conducted by the independent school turnaround expert described in Subsection 53A-1-1206(1)(a);

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

(c) measurable student achievement goals and objectives;

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

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

(f) a plan to assess and monitor progress;

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

(h) a timeline for implementation.

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

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

(b) grant the low performing school streamlined authority over staff, schedule, policies,

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budget, and academic programs to implement the school turnaround plan.

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

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

(c) If the local school board does not approve the school turnaround plan submitted under Subsection (5)(a), the school turnaround committee may appeal the disapproval in accordance with rules made by the board as described in ~~{Section}~~ Subsection 53A-1-1206(5).

Section 5. Section **53A-1-1205** is enacted to read:

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

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

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

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

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

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

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

(ii) the school principal;

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

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(iv) two teachers at the low performing school, appointed by the school principal; and  
(b) subject to Subsection (5), on or before October 15 of an initial remedial year, in partnership with the school turnaround committee, select an independent school turnaround expert from the experts identified by the board under Section 53A-1-1206.

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

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

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

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

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

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

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

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

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

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

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

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

(b) recommend changes to the low performing school's culture, curriculum, assessments, instructional practices, governance, finances, policies, or other areas based on

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data collected under Subsection (1)(a):

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

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

(e) provide ongoing implementation support and project management for a school turnaround plan:

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

(i) leadership capacity of the school principal; and

(ii) instructional capacity of school staff; and

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

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

(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;

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

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

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



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by a local school board under Subsection 53A-1-1204(2) or by a charter school governing board under Subsection 53A-1-1205(4)(b), the board shall ensure that a contract between the board and the independent school turnaround expert specifies that the board will:

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

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

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

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

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

(4) The board shall:

(a) review a school turnaround plan submitted for approval under Subsection 53A-1-1204(5)(b) or under Subsection 53A-1-1205(7)(b) within 30 days of submission;

(b) approve a school turnaround plan that:

(i) is timely;

(ii) is well-developed; and

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

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

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

(i) a low performing district school that is not granted approval from the district

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school's local school board under ~~{Section}~~ Subsection 53A-1-1204(5)(b);

(ii) a low performing charter school that is not granted approval from the charter school's charter school governing board under ~~{Section}~~ Subsection 53A-1-1205(7)(b); and

(iii) a local school board or charter school governing board that is not granted approval from the board under ~~{Section}~~ Subsection 53A-1-1206(4)(b).

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

(i) Subsections (5)(a)(i) and (ii) to be resolved on or before April 1 of the initial remedial year ~~{,};~~ and

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

(6) The board shall balance the need to prioritize funding appropriated by the Legislature to contract with ~~{highly-qualified}~~ highly qualified independent school turnaround experts with the need to set aside funding for:

(a) interventions to facilitate the implementation of a school turnaround plan under ~~{Section}~~ Subsection 53A-1-1206(4)(c); and

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

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

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

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

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

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

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

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

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

(ii) 10% for a high school.

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

(d) A school that has been granted an extension under this Subsection (2) is eligible for:

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

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

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

(a) (i) does not improve the school's grade within three school years after the day on which the school is designated a low performing school; and

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

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

(ii) does not improve the school's grade within two school years after the day on which the low performing school is granted an extension.

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

(a) restructuring a district school that may include:

(i) contract management;

(ii) conversion to a charter school; or

(iii) state takeover; and

(b) restructuring a charter school that may include:

(i) termination of a school's charter;

(ii) closure of a charter school; or

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

(A) a high performing charter school; or

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

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

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

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

(a) improves the school's grade by at least one grade level within three school years after the day on which the school is designated a low performing school; or

(b) (i) has been granted an extension under Subsection 53A-1-1207(2); and

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

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

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

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

(i) \$100 per tested student; and

(ii) \$1,000 per educator;

(b) for an eligible school that improves the eligible school's grade two grade levels:

(i) \$200 per tested student; and

(ii) \$2,000 per educator;

(c) for an eligible school that improves the eligible school's grade three grade levels:

(i) \$300 per tested student; and

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

(d) for an eligible school that improves the eligible school's grade four grade levels:

(i) \$500 per tested student; and

(ii) \$5,000 per educator.

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

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

Section 9. Section **53A-1-1209** is enacted to read:

### **53A-1-1209. School Leadership Development Program.**

(1) As used in this section, "school leader" means a school principal or assistant

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principal.

(2) There is created the School Leadership Development Program to increase the number of highly effective school leaders capable of initiating, achieving, and sustaining school improvement efforts.

(3) The board shall identify one or more providers, through a request for proposals process, to develop or provide leadership development training for school leaders that:

(a) may provide in-depth training in proven strategies to turn around low performing schools;

(b) may emphasize hands-on and job-embedded learning;

(c) aligns with the state's leadership standards established by board rule;

(d) reflects the needs of a school district or charter school where a school leader serves;

(e) may include training on using student achievement data to drive decisions;

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

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

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

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

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

(i) completes leadership development training; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) [~~Each~~] A school community council shall develop a school improvement plan [~~shall~~] that:

(a) [~~identify~~] identifies the school's most critical academic needs;

(b) [~~recommend~~] recommends a course of action to meet the identified needs;

(c) [~~list~~] lists any programs, practices, materials, or equipment that the school will need to implement its action plan to have a direct impact on the instruction of students and result in measurable increased student performance; and

(d) [~~describe~~] describes how the school intends to enhance or improve academic achievement, including how financial resources available to the school, such as School LAND Trust Program money received under Section 53A-16-101.5 and state and federal grants, will be used to enhance or improve academic achievement.

(3) [~~The~~] Although a school improvement plan [~~shall focus~~] focuses on the school's most critical academic needs [~~but~~], the plan may include other actions to enhance or improve academic achievement and the community environment for students.

(4) The school principal shall make available to the school community council the school budget and other data needed to develop the school improvement plan.

(5) The school improvement plan [~~shall be~~] is subject to the approval of the local school board of the school district in which the school is located.

(6) A school community council may develop a multiyear school improvement plan,

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but the plan must be presented to and approved annually by the local school board.

(7) Each school shall:

(a) implement the school improvement plan as developed by the school community council and approved by the local school board;

(b) provide ongoing support for the council's plan; and

(c) meet local school board reporting requirements regarding performance and accountability.

(8) The school community council of a low performing school, as defined in Section 53A-1-1202, shall develop a school improvement plan that is consistent with the school turnaround plan developed by the school turnaround committee under Chapter 1, Part 12, School Turnaround and Leadership Development Act.

Section 12. Section **53A-1a-510** is amended to read:

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

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

(a) failure of the charter school to meet the requirements stated in the charter;

(b) failure to meet generally accepted standards of fiscal management;

(c) subject to Subsection (8), failure to make adequate yearly progress under the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.;

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

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

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

~~(e)~~ (f) other good cause shown.

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

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

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

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Charter School Finance Authority.

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

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

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

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

(e) (i) If the authorizer proposes to terminate the charter of a qualifying charter school with outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b) 120 days or more after notifying the following of the proposed termination:

(A) the governing board of the qualifying charter school; and

(B) the Utah Charter School Finance Authority.

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

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

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

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

(5) Subject to the requirements of Subsection (3), the authorizer may terminate a charter immediately if good cause has been shown or if the health, safety, or welfare of the



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students at the school is threatened.

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

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

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

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

(8) Subject to the requirements of Subsection (3), an authorizer may terminate a charter pursuant to Subsection (1)(c) under the same circumstances that local educational agencies are required to implement alternative governance arrangements under 20 U.S.C. Sec. 6316.

Section 13. Section 53A-17a-105 is amended to read:

### 53A-17a-105. Powers and duties of State Board of Education to adjust Minimum School Program allocations -- Use of remaining funds at the end of a fiscal year.

(1) For purposes of this section:

(a) "Board" means the State Board of Education.

(b) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C.

Sec. 6301 et seq.

(c) "LEA" means:

(i) a school district; or

(ii) a charter school.

(d) "Program" means a program or allocation funded by a line item appropriation or other appropriation designated as:

(i) Basic Program;

(ii) Related to Basic Programs;

(iii) Voted and Board Levy Programs; or

(iv) Minimum School Program.

[(+)] (2) Except as provided in Subsection [(2)] (3) or [(4)] (5), if the number of weighted pupil units in a program is underestimated, the [State Board of Education] board shall

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reduce the value of the weighted pupil unit in that program so that the total amount paid for the program does not exceed the amount appropriated for the program.

[(2)] (3) If the number of weighted pupil units in a program is overestimated, the [State Board of Education] board shall spend excess money appropriated for the following purposes giving priority to the purpose described in Subsection [(2)] (3)(a):

(a) to support the value of the weighted pupil unit in a program within the basic state-supported school program in which the number of weighted pupil units is underestimated;

(b) to support the state guarantee per weighted pupil unit provided under the voted local levy program established in Section 53A-17a-133 or the board local levy program established in Section 53A-17a-164, if:

(i) local contributions to the voted local levy program or board local levy program are overestimated; or

(ii) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated;

(c) to support the state supplement to local property taxes allocated to charter schools, if the state supplement is less than the amount prescribed by Subsection 53A-1a-513(4); or

(d) to support a school district with a loss in student enrollment as provided in Section 53A-17a-139.

[(3)] (4) If local contributions from the minimum basic tax rate imposed under Section 53A-17a-135 are overestimated, the [State Board of Education] board shall reduce the value of the weighted pupil unit for all programs within the basic state-supported school program so the total state contribution to the basic state-supported school program does not exceed the amount of state funds appropriated.

[(4)] (5) If local contributions from the minimum basic tax rate imposed under Section 53A-17a-135 are underestimated, the [State Board of Education] board shall:

(a) spend the excess local contributions for the purposes specified in Subsection [(2)] (3), giving priority to supporting the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated; and

(b) reduce the state contribution to the basic state-supported school program so the total cost of the basic state-supported school program does not exceed the total state and local

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funds appropriated to the basic state-supported school program plus the local contributions necessary to support the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated.

[(5)] (6) Except as provided in Subsection [(2)] (3) or [(4)] (5), the State Board of Education shall reduce the guarantee per weighted pupil unit provided under the voted local levy program established in Section 53A-17a-133 or board local levy program established in Section 53A-17a-164, if:

(a) local contributions to the voted local levy program or board local levy program are overestimated; or

(b) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated.

(7) (a) If a state loses flexibility due to nonrenewal of the state's flexibility waiver under the ESEA and is required to fully implement the requirements of Title I of the ESEA, as amended by the No Child Left Behind Act of 2001, the board may use program funds as described in Subsection (7)(b).

(b) Subject to the requirements of Subsections (7)(a) and (c), for fiscal year 2016, after any transfers or adjustments described in Subsections (2) through (6) are made, the board may use up to \$15,000,000 of excess money appropriated to a program, remaining at the end of fiscal year 2015, to mitigate a budgetary impact to an LEA due to the LEA's loss of flexibility related to implementing the requirements of Title I of the ESEA, as amended by the No Child Left Behind Act of 2001.

(c) In addition to the reporting requirement described in Subsection (9), the board shall report actions taken by the board under this Subsection (7) to the Executive Appropriations Committee.

[(6)] (8) Money appropriated to the [State Board of Education] board is nonlapsing.

[(7)] (9) The [State Board of Education] board shall report actions taken by the board under this section to the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and Budget.

### Section 14. Appropriation.

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money

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are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or accounts indicated. These sums of money are in addition to any amounts previously appropriated for fiscal year 2016.

To State Board of Education - State Office of Education - Initiative Programs

From Education Fund ~~18~~ 7,000,000

Schedule of Programs:

Contracts and Grants - Low Performing Schools ~~18~~ 7,000,000

The Legislature intends that:

(1) the State Board of Education:

(a) may use up to \$500,000 of the appropriation under this section for the School

Leadership Development Program created under Section 53A-1-1209; and

(b) shall use the remaining funds in accordance with the direction provided in

Subsection 53A-1-1206(6); and

(2) the appropriations under this section are:

(a) ongoing; and

(b) non-lapsing.

Section ~~14~~ 15. Effective date.

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

(2) Uncodified Section ~~12~~ 14, Appropriation, takes effect on July 1, 2015.