

1           **SCHOOL TURNAROUND AND LEADERSHIP DEVELOPMENT**

2                           **ACT AMENDMENTS**

3                           2016 GENERAL SESSION

4                           STATE OF UTAH

5                           **Chief Sponsor: Ann Millner**

6                           House Sponsor: Bradley G. Last

---

---

8   **LONG TITLE**

9   **General Description:**

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

12   **Highlighted Provisions:**

13           This bill:

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

21   **Money Appropriated in this Bill:**

22           None

23   **Other Special Clauses:**

24           None

25   **Utah Code Sections Affected:**

26   AMENDS:

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

28           **53A-1-1203**, as enacted by Laws of Utah 2015, Chapter 449

29           **53A-1-1204**, as enacted by Laws of Utah 2015, Chapter 449

30 53A-1-1205, as enacted by Laws of Utah 2015, Chapter 449

31 53A-1-1206, as enacted by Laws of Utah 2015, Chapter 449

32 53A-1-1207, as enacted by Laws of Utah 2015, Chapter 449

33 53A-1-1208, as enacted by Laws of Utah 2015, Chapter 449



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

36 Section 1. Section 53A-1-1202 is amended to read:

37 **53A-1-1202. Definitions.**

38 As used in this part:

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

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

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

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

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

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

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

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

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

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

58 the school grading system.

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

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

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

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

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

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

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

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

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

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

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

80        (b) the school principal;

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

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

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

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

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

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

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

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

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

102           (c) measurable student achievement goals and objectives;

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

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

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

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

108           (h) a timeline for implementation.

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

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

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

113           (5) (a) On or before March 1 of an initial remedial year, a school turnaround committee

114 shall submit the school turnaround plan to the local school board for approval.

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

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

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

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

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

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

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

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

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

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

140 (ii) the school principal;

141 (iii) three parents of students enrolled in the low performing school, appointed by the

142 chair of the charter school governing board; and

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

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

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

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

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

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

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

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

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

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

163 Section 5. Section [53A-1-1206](#) is amended to read:

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

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

169 (a) collect and analyze data on the low performing school's student achievement,

170 personnel, culture, curriculum, assessments, instructional practices, governance, leadership,  
171 finances, and policies;

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

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

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

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

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

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

185 (ii) instructional capacity of school staff; and

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

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

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

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

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

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

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

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

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

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

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

211 (ii) pay the remainder of the independent school turnaround expert's professional fees  
212 ~~[upon the independent school turnaround expert successfully helping a low performing school~~  
213 ~~improve the low performing school's grade within three school years after a school is~~  
214 ~~designated a low performing school.]~~ upon completion of the independent school turnaround  
215 expert's work for the low performing school if:

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

217 (B) the low performing school's grade improves by at least one letter grade, as  
218 determined by the board under Subsection (3)(b).

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

222 (i) for the final remedial year; or

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

224 53A-1-1207:

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



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

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

- 230 (i) differentiated amounts of funding based on student enrollment; and
- 231 (ii) a higher amount of funding for schools that are in the lowest performing 1% of  
232 schools statewide according to the percentage of possible points earned under the school  
233 grading system.

234 (4) The board shall:

235 (a) review a school turnaround plan submitted for approval under Subsection  
236 53A-1-1204(5)(b) or under Subsection 53A-1-1205(7)(b) within 30 days of submission;

237 (b) approve a school turnaround plan that:

- 238 (i) is timely;
- 239 (ii) is well-developed; and
- 240 (iii) meets the criteria described in Subsection 53A-1-1204(3); and

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

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

- 248 (i) a low performing district school that is not granted approval from the district  
249 school's local school board under Subsection 53A-1-1204(5)(b);
- 250 (ii) a low performing charter school that is not granted approval from the charter  
251 school's charter school governing board under Subsection 53A-1-1205(7)(b); and
- 252 (iii) a local school board or charter school governing board that is not granted approval  
253 from the board under Subsection (4)(b).

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

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

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

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

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

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

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

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

272 Section 6. Section **53A-1-1207** is amended to read:

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

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

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

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

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

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

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

- 292 (i) 25% for a school that is not a high school; and
- 293 (ii) 10% for a high school.

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

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

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

- 302 (i) continued funding under Subsection 53A-1-1206(4)(c); and
- 303 (ii) the School Recognition and Reward Program under Section 53A-1-1208.

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

306 (a) (i) does not improve the school's grade [within three school years after the day on  
307 which the school is designated a low performing school] by at least one letter grade, as  
308 determined by comparing the school's letter grade for the school year prior to the initial  
309 remedial year to the school's letter grade for the final remedial year; and

310 (ii) is not granted an extension under Subsection (2); or  
 311 (b) (i) is granted an extension under Subsection (2); and  
 312 (ii) does not improve the school's grade [~~within two school years after the day on which~~  
 313 ~~the low performing school is granted an extension.~~] by at least one letter grade, as determined  
 314 by comparing the school's letter grade for the school year prior to the initial remedial year to  
 315 the school's letter grade for the last school year of the extension period.

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

- 318 (a) restructuring a district school that may include:
  - 319 (i) contract management;
  - 320 (ii) conversion to a charter school; or
  - 321 (iii) state takeover; and
- 322 (b) restructuring a charter school that may include:
  - 323 (i) termination of a school's charter;
  - 324 (ii) closure of a charter school; or
  - 325 (iii) transferring operation and control of the charter school to:
    - 326 (A) a high performing charter school; or
    - 327 (B) the school district in which the charter school is located.

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

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

- 330 (1) As used in this section, "eligible school" means a low performing school that:
  - 331 (a) improves the school's grade by at least one [~~grade level within three school years~~  
 332 ~~after the day on which the school is designated a low performing school]~~ letter grade, as  
 333 determined by comparing the school's letter grade for the school year prior to the initial  
 334 remedial year to the school's letter grade for the final remedial year; or
    - 335 (b) (i) has been granted an extension under Subsection **53A-1-1207**(2); and
    - 336 (ii) improves the school's grade by at least one [~~grade level within]~~ letter grade, as  
 337 determined by comparing the school's letter grade for the school year prior to the initial

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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