

**SCHOOL TURNAROUND AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: Bradley G. Last

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**LONG TITLE**

**General Description:**

This bill amends provisions of the School Turnaround and Leadership Development Act.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ amends provisions related to the designation of a low performing school;
- ▶ requires a local school board of a low performing school, or a charter school governing board of a low performing charter school, to partner with the school turnaround committee to contract with a turnaround expert;
- ▶ specifies turnaround plan and turnaround expert contract requirements;
- ▶ repeals and enacts certain provisions related to funding;
- ▶ directs the State Board of Education to adopt rules establishing implications for a low performing school that fails to improve;
- ▶ amends provisions related to an extension granted to a low performing school;
- ▶ amends and provides a repeal date for the School Recognition and Reward Program;
- ▶ enacts the Turnaround School Teacher Recruitment and Retention Program; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a coordination clause.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 [53A-1-1202](#), as last amended by Laws of Utah 2016, Chapter 241

33 [53A-1-1203](#), as last amended by Laws of Utah 2016, Chapter 241

34 [53A-1-1204](#), as last amended by Laws of Utah 2016, Chapter 241

35 [53A-1-1205](#), as last amended by Laws of Utah 2016, Chapter 241

36 [53A-1-1206](#), as last amended by Laws of Utah 2016, Chapter 241

37 [53A-1-1207](#), as last amended by Laws of Utah 2016, Chapter 241

38 [53A-1-1208](#), as last amended by Laws of Utah 2016, Chapter 241

39 [63I-2-253](#), as last amended by Laws of Utah 2016, Chapters 128, 229, 236, 271, and

40 318

41 ENACTS:

42 [53A-1-1208.1](#), Utah Code Annotated 1953

43 **Utah Code Sections Affected by Coordination Clause:**

44 [53A-1-1202](#), Utah Code Annotated 1953

45 [53A-1-1203](#), Utah Code Annotated 1953

46 [53A-1-1207](#), Utah Code Annotated 1953



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

49 Section 1. Section [53A-1-1202](#) is amended to read:

50 **[53A-1-1202](#). Definitions.**

51 As used in this part:

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

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

54 [53A-1a-501.3](#).

55 (3) "Charter school governing board" means the governing board, as defined in Section

56 [53A-1a-501.3](#), that governs a charter.

57 [~~3~~] (4) "District school" means a public school under the control of a local school

58 board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School  
59 Boards.

60 ~~[(4)]~~ (5) "Educator" means the same as that term is defined in Section [53A-6-103](#).

61 ~~[(5)]~~ (6) "Final remedial year" means the second school year following the initial  
62 remedial year.

63 (7) "Independent school turnaround expert" or "turnaround expert" means a person  
64 identified by the board under Section [53A-1-1206](#).

65 ~~[(6)]~~ (8) "Initial remedial year" means the school year a district school or charter school  
66 is designated as a low performing school under Section [53A-1-1203](#).

67 (9) "Local education board" means a local school board or charter school governing  
68 board.

69 (10) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,  
70 Election of Members of Local Boards of Education.

71 ~~[(7)]~~ (11) "Low performing school" means a district school or charter school that has  
72 been designated a low performing school by the board because the school is:

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

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

78 ~~[(8)]~~ (12) "School grade" or "grade" means the letter grade assigned to a school under  
79 the school grading system.

80 ~~[(9)]~~ (13) "School grading system" means the system established under Part 11, School  
81 Grading Act, of assigning letter grades to schools.

82 (14) "School turnaround committee" means a committee established under:

83 (a) for a district school, Section [53A-1-1204](#); or

84 (b) for a charter school, Section [53A-1-1205](#).

85 (15) "School turnaround plan" means a plan described in:

86 (a) for a district school, Section 53A-1-1204; or

87 (b) for a charter school, Section 53A-1-1205.

88 ~~[(10)]~~ (16) "Statewide assessment" means a test of student achievement in basic  
89 academic subjects, including a test administered in a computer adaptive format that is  
90 administered statewide under Part 6, Achievement Tests.

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

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

94 (1) ~~[On or before September 1, the]~~ The board shall:

95 (a) annually designate a school as a low performing school [if the school is:]; and

96 (b) conduct a needs assessment for a low performing school by thoroughly analyzing  
97 the root causes of the low performing school's low performance.

98 (2) The board may use up to 5% of the appropriation provided under this part to hire or  
99 contract with one or more individuals to conduct a needs assessment described in Subsection

100 (1)(b).

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

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

106 (3) A school that was designated as a low performing school based on 2015-2016  
107 school year performance that is not in the lowest performing 3% of schools statewide following  
108 the 2016-2017 school year is exempt from the provisions of this part.

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

110 **53A-1-1204. Required action to turn around a low performing district school.**

111 (1) ~~[On or before September 15 of an initial remedial year]~~ In accordance with  
112 deadlines established by the board, a local school board of a low performing school shall:

113 (a) establish a school turnaround committee composed of the following members:

114           ~~[(a)]~~ (i) the local school board member who represents the voting district where the  
115 low performing school is located;

116           ~~[(b)]~~ (ii) the school principal;

117           ~~[(c)]~~ (iii) three parents of students enrolled in the low performing school appointed by  
118 the chair of the school community council;

119           ~~[(d)]~~ (iv) one teacher at the low performing school appointed by the principal; ~~[and]~~

120           ~~[(e)]~~ (v) one teacher at the low performing school appointed by the school district  
121 superintendent~~[-]; and~~

122           (vi) one school district administrator;

123           (b) solicit proposals from a turnaround expert identified by the board under Section  
124 53A-1-1206;

125           (c) partner with the school turnaround committee to select a proposal;

126           (d) submit the proposal described in Subsection (1)(b) to the board for review and  
127 approval; and

128           (e) subject to Subsections (3) and (4), contract with a turnaround expert.

129           (2) A proposal described in Subsection (1)(b) shall include a:

130           (a) strategy to address the root causes of the low performing school's low performance  
131 identified through the needs assessment described in Section 53A-1-1203; and

132           (b) scope of work to facilitate implementation of the strategy that includes at least the  
133 activities described in Subsection (4)(b).

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

138           ~~[(b)]~~ (3) A local school board may not select ~~[an independent school]~~ a turnaround  
139 expert that is:

140           (i) the school district; or

141           (ii) an employee of the school district.

142 (4) A contract between a local school board and a turnaround expert:  
143 (a) shall be based on an explicit stipulation of desired outcomes and consequences for  
144 not meeting goals, including cancellation of the contract;  
145 (b) shall include a scope of work that requires the turnaround expert to at a minimum:  
146 (i) develop and implement, in partnership with the school turnaround committee, a  
147 school turnaround plan that meets the criteria described in Subsection (5);  
148 (ii) monitor the effectiveness of a school turnaround plan through reliable means of  
149 evaluation, including on-site visits, observations, surveys, analysis of student achievement data,  
150 and interviews;  
151 (iii) provide ongoing implementation support and project management for a school  
152 turnaround plan;  
153 (iv) provide high-quality professional development personalized for school staff that is  
154 designed to build:  
155 (A) the leadership capacity of the school principal;  
156 (B) the instructional capacity of school staff;  
157 (C) educators' capacity with data-driven strategies by providing actionable, embedded  
158 data practices; and  
159 (v) leverage support from community partners to coordinate an efficient delivery of  
160 supports to students inside and outside the classroom;  
161 (c) may include a scope of work that requires the turnaround expert to:  
162 (i) develop sustainable school district and school capacities to effectively respond to  
163 the academic and behavioral needs of students in high poverty communities; or  
164 (ii) other services that respond to the needs assessment conducted under Section  
165 [53A-1-1203](#);  
166 (d) shall include travel costs and payment milestones; and  
167 (e) may include pay for performance provisions.  
168 ~~[(3)]~~ (5) A school turnaround committee shall partner with the [independent school]  
169 turnaround expert selected under Subsection ~~[(2)]~~ (1) to develop and implement a school

170 turnaround plan that [~~includes~~]:

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

173 (a) addresses the root causes of the low performing school's low performance identified  
174 through the needs assessment described in Section 53A-1-1203;

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

179 (c) includes measurable student achievement goals and objectives and benchmarks by  
180 which to measure progress;

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

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

185 (f) includes a plan to assess and monitor progress;

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

187 (h) includes a timeline for implementation.

188 [~~(4)~~] (6) A local school board of a low performing school shall:

189 (a) prioritize school district funding and resources to the low performing school; [~~and~~]

190 (b) grant the low performing school streamlined authority over staff, schedule, policies,  
191 budget, and academic programs to implement the school turnaround plan[~~;~~]; and

192 (c) assist the turnaround expert and the low performing school with:

193 (i) addressing the root cause of the low performing school's low performance; and

194 (ii) the development or implementation of a school turnaround plan.

195 [~~(5)~~] (7) (a) On or before [~~March~~] June 1 of an initial remedial year, a school

196 turnaround committee shall submit the school turnaround plan to the local school board for  
197 approval.

198 (b) Except as provided in Subsection ~~[(5)]~~ (7)(c), on or before ~~[April]~~ July 1 of an  
199 initial remedial year, a local school board of a low performing school shall submit the school  
200 turnaround plan to the board for approval.

201 (c) If the local school board does not approve the school turnaround plan submitted  
202 under Subsection ~~[(5)]~~ (7)(a), the school turnaround committee may appeal the disapproval in  
203 accordance with rules made by the board as described in Subsection ~~53A-1-1206~~~~[(5)]~~(6).

204 (8) A local school board, or a local school board's designee, shall annually report to the  
205 board progress toward the goals, benchmarks, and timetable in a low performing school's  
206 turnaround plan.

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

208 **53A-1-1205. Required action to terminate or turn around a low performing**  
209 **charter school.**

210 (1) ~~[On or before September 10 of an initial remedial year]~~ In accordance with  
211 deadlines established by the board, a charter school authorizer of a low performing school shall  
212 initiate a review to determine whether the charter school is in compliance with the school's  
213 charter agreement described in Section ~~53A-1a-508~~, including the school's established  
214 minimum standards for student achievement.

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

218 (3) A charter school authorizer shall make a determination on the status of a low  
219 performing school's charter under Subsection (2) on or before ~~[October 1 of]~~ a date specified  
220 by the board in an initial remedial year.

221 (4) ~~[If]~~ In accordance with deadlines established by the board, if a charter school  
222 authorizer does not terminate a low performing school's charter under Subsection (2), a charter  
223 school governing board of a low performing school shall:

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

- 226 (i) a member of the charter school governing board, appointed by the chair of the  
227 charter school governing board;
- 228 (ii) the school principal;
- 229 (iii) three parents of students enrolled in the low performing school, appointed by the  
230 chair of the charter school governing board; and
- 231 (iv) two teachers at the low performing school, appointed by the school principal; ~~[and]~~  
232 ~~[(b) subject to Subsection (5), on or before November 1 of an initial remedial year, in~~  
233 ~~partnership with the school turnaround committee, select an independent school turnaround~~  
234 ~~expert from the experts identified by the board under Section 53A-1-1206.]~~
- 235 (b) solicit proposals from a turnaround expert identified by the board under Section  
236 53A-1-1206;
- 237 (c) partner with the school turnaround committee to select a proposal;
- 238 (d) submit the proposal described in Subsection (4)(b) to the board for review and  
239 approval; and
- 240 (e) subject to Subsections (6) and (7), contract with a turnaround expert.
- 241 (5) A proposal described in Subsection (4)(b) shall include a:
- 242 (a) strategy to address the root causes of the low performing school's low performance  
243 identified through the needs assessment described in Section 53A-1-1203; and
- 244 (b) scope of work to facilitate implementation of the strategy that includes at least the  
245 activities described in Subsection 53A-1-1204(4)(b).
- 246 ~~[(5)]~~ (6) A charter school governing board may not select a ~~[school]~~ turnaround expert  
247 that:
- 248 (a) is a member of the charter school governing board;
- 249 (b) is an employee of the charter school; or
- 250 (c) has a contract to operate the charter school.
- 251 (7) A contract entered into between a charter school governing board and a turnaround  
252 expert shall include and reflect the requirements described in Subsection 53A-1-1204(4).
- 253 ~~[(6)]~~ (8) (a) A school turnaround committee shall partner with the independent school

254 turnaround expert selected under Subsection (4)~~(b)~~ to develop and implement a school  
 255 turnaround plan that includes the elements described in Subsection [53A-1-1204](#)~~(3)~~(5).

256 (b) A charter school governing board shall assist a turnaround expert and a low  
 257 performing charter school with:

258 (i) addressing the root cause of the low performing school's low performance; and

259 (ii) the development or implementation of a school turnaround plan.

260 ~~(7)~~ (9) (a) On or before ~~March~~ June 1 of an initial remedial year, a school  
 261 turnaround committee shall submit the school turnaround plan to the charter school governing  
 262 board for approval.

263 (b) Except as provided in Subsection ~~(7)~~ (9)(c), on or before ~~April~~ July 1 of an  
 264 initial remedial year, a charter school governing board of a low performing school shall submit  
 265 the school turnaround plan to the board for approval.

266 (c) If the charter school governing board does not approve the school turnaround plan  
 267 submitted under Subsection ~~(7)~~ (9)(a), the school turnaround committee may appeal the  
 268 disapproval in accordance with rules made by the board as described in Subsection  
 269 [53A-1-1206](#)~~(5)~~(6).

270 (10) The provisions of this part do not modify or limit a charter school authorizer's  
 271 authority at any time to terminate a charter school's charter in accordance with Section  
 272 [53A-1a-510](#).

273 (11) A charter school governing board or a charter school governing board's designee  
 274 shall annually report to the board progress toward the goals, benchmarks, and timetable in a  
 275 low performing school's turnaround plan.

276 Section 5. Section **53A-1-1206** is amended to read:

277 **53A-1-1206. State Board of Education to identify turnaround experts -- Review**  
 278 **and approval of school turnaround plans -- Appeals process.**

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

282           (a) respond to the needs assessment conducted under Section 53A-1-1203; and

283           (b) provide the services described in Section 53A-1-1204 or 53A-1-1205, as  
284 applicable.

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

288           ~~[(b) recommend changes to the low performing school's culture, curriculum,~~  
289 ~~assessments, instructional practices, governance, finances, policies, or other areas based on~~  
290 ~~data collected under Subsection (1)(a);]~~

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

293           ~~[(d) monitor the effectiveness of a school turnaround plan through reliable means of~~  
294 ~~evaluation, including on-site visits, observations, surveys, analysis of student achievement data,~~  
295 ~~and interviews;]~~

296           ~~[(e) provide ongoing implementation support and project management for a school~~  
297 ~~turnaround plan;]~~

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

300           ~~[(i) leadership capacity of the school principal; and]~~

301           ~~[(ii) instructional capacity of school staff; and]~~

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

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

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

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

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

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

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

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

318 ~~[(g)] (f) are willing to partner with any low performing school in the state, regardless of  
319 location.~~

320 ~~[(3)(a) When awarding a contract to an independent school turnaround expert selected  
321 by a local school board under Subsection 53A-1-1204(2) or by a charter school governing  
322 board under Subsection 53A-1-1205(4)(b), the board shall ensure that a contract between the  
323 board and the independent school turnaround expert specifies that the board will:]~~

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

327 ~~[(ii) pay the remainder of the independent school turnaround expert's professional fees  
328 upon completion of the independent school turnaround expert's work for the low performing  
329 school if:]~~

330 ~~[(A) the independent school turnaround expert fulfills the terms of the contract; and]~~

331 ~~[(B) the low performing school's grade improves by at least one letter grade, as  
332 determined by the board under Subsection (3)(b).]~~

333 ~~[(b) The board shall determine whether a low performing school's grade has improved  
334 under Subsection (3)(a)(ii) by comparing the school's letter grade for the school year prior to  
335 the initial remedial year to the school's letter grade:]~~

336 ~~[(i) for the final remedial year; or]~~

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

338 ~~53A-1-1207:~~  
339       ~~[(A) a school is granted an extension; and]~~  
340       ~~[(B) the board extends the contract of the school's independent school turnaround~~  
341 ~~expert.]~~  
342       ~~[(c) In negotiating a contract with an independent school turnaround expert, the board~~  
343 ~~shall offer:]~~  
344       ~~[(i) differentiated amounts of funding based on student enrollment; and]~~  
345       ~~[(ii) a higher amount of funding for schools that are in the lowest performing 1% of~~  
346 ~~schools statewide according to the percentage of possible points earned under the school~~  
347 ~~grading system.]~~  
348       ~~[(4)] (3) (a) The board shall:~~  
349           ~~(i) review a proposal submitted for approval under Section 53A-17a-1204 or~~  
350 ~~53A-17a-1205 no later than 30 days after the day on which the proposal is submitted;~~  
351           ~~[(a)] (ii) review a school turnaround plan submitted for approval under Subsection~~  
352 ~~53A-1-1204[(5)](7)(b) or under Subsection 53A-1-1205[(7)](9)(b) within 30 days of~~  
353 ~~submission; and~~  
354           ~~[(b)] (iii) approve a school turnaround plan that:~~  
355               ~~[(i)] (A) is timely;~~  
356               ~~[(ii)] (B) is well-developed; and~~  
357               ~~[(iii)] (C) meets the criteria described in Subsection 53A-1-1204[(3); and](5).~~  
358       ~~[(c) subject to legislative appropriations, provide funding to a low performing school~~  
359 ~~for interventions identified in an approved school turnaround plan if the local school board or~~  
360 ~~charter school governing board provides matching funds or an in-kind contribution of goods or~~  
361 ~~services in an amount equal to the funding the low performing school would receive from the~~  
362 ~~board.]~~  
363       ~~(b) The board may not approve a school turnaround plan that is not aligned with the~~  
364 ~~needs assessment conducted under Section 53A-1-1203.~~  
365       ~~(4) (a) Subject to legislative appropriations, when a school turnaround plan is approved~~

366 by the board, the board shall distribute funds to each local education board with a low  
 367 performing school to carry out the provisions of Sections 53A-1-1204 and 53A-1-1205.

368 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 369 board shall make rules establishing a distribution method and allowable uses of the funds  
 370 described in Subsection (4)(a).

371 (5) The board shall:

372 (a) monitor and assess progress toward the goals, benchmarks and timetable in each  
 373 school turnaround plan; and

374 (b) act as a liaison between a local school board, low performing school, and  
 375 turnaround expert.

376 ~~[(5)]~~ (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
 377 Act, the board shall make rules to establish an appeals process for:

378 (i) a low performing district school that is not granted approval from the district  
 379 school's local school board under Subsection 53A-1-1204~~[(5)]~~(7)(b);

380 (ii) a low performing charter school that is not granted approval from the charter  
 381 school's charter school governing board under Subsection 53A-1-1205~~[(7)]~~(9)(b); and

382 (iii) a local school board or charter school governing board that is not granted approval  
 383 from the board under Subsection ~~[(4)]~~ (3)(a) or (b).

384 (b) The board shall ensure that rules made under Subsection ~~[(5)]~~ (6)(a) require an  
 385 appeals process described in:

386 (i) Subsections ~~[(5)]~~ (6)(a)(i) and (ii) to be resolved on or before ~~[April]~~ July 1 of the  
 387 initial remedial year; and

388 (ii) Subsection ~~[(5)]~~ (6)(a)(iii) to be resolved on or before ~~[May]~~ August 15 of the  
 389 initial remedial year.

390 ~~[(6) (a) Subject to Subsection (6)(b), the board shall balance the need to prioritize~~  
 391 ~~funding appropriated by the Legislature to carry out the provisions of this part to contract with~~  
 392 ~~highly qualified independent school turnaround experts with the need to fund:]~~

393 ~~[(i) interventions to facilitate the implementation of a school turnaround plan under~~

394 Subsection (4)(c);]

395 [~~(ii) the School Recognition and Reward Program created under Section 53A-1-1208;~~  
396 and]

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

398 [~~(b) The board may use up to 4% of the funds appropriated by the Legislature to carry~~  
399 out the provisions of this part for administration if the amount for administration is approved  
400 by the board in an open meeting.]

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

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

405 **53A-1-1207. Implications for failing to improve school performance.**

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

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

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

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

413 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
414 the board shall make rules establishing:

415 (i) exit criteria for a low performing school;

416 (ii) criteria for granting a school an extension as described in Subsection (3); and

417 (iii) implications for a low performing school that does not meet exit criteria after the  
418 school's final remedial year or the last school year of the extension period described in

419 Subsection (3).

420 (b) In establishing exit criteria for a low performing school the board shall:

421 (i) determine for each low performing school the number of points awarded under the

422 school grading system in the final remedial year that represent a substantive and statistically  
423 significant improvement over the number of points awarded under the school grading system in  
424 the school year immediately preceding the initial remedial year;

425 (ii) establish a method to estimate the exit criteria after a low performing school's first  
426 remedial year to provide a target for each low performing school; and

427 (iii) use generally accepted statistical practices.

428 (c) The board shall through a competitively awarded contract engage a third party with  
429 expertise in school accountability and assessments to verify the criteria adopted under this  
430 Subsection (2).

431 ~~[(2)]~~ (3) (a) A low performing school may petition the board for an extension to  
432 continue school improvement efforts for up to two years if the low performing [school's grade  
433 does not improve by at least one letter grade, as determined by comparing the school's letter  
434 grade for the school year prior to the initial remedial year to the school's letter grade for the  
435 final remedial year.] school does not meet the exit criteria established by the board as described  
436 in Subsection (2).

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

440 ~~[(i) 25% for a school that is not a high school; and]~~

441 ~~[(ii) 10% for a high school.]~~

442 ~~[(c) The board shall determine whether a low performing school has increased the~~  
443 ~~number of points awarded under the school grading system by the percentages described in~~  
444 ~~Subsection (2)(b) by comparing the number of points awarded for the school year prior to the~~  
445 ~~initial remedial year to the number of points awarded for the final remedial year.]~~

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

448 ~~[(e)]~~ (b) A school that has been granted an extension under this Subsection ~~[(2)]~~ (3) is  
449 eligible for:

450 (i) continued funding under [~~Subsection 53A-1-1206(4)(c)~~] Section 53A-1-1212; and

451 (ii) (A) the school teacher recruitment and retention incentive under Section  
452 53A-1-1208.1; or

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

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

456 [(a) (i) ~~does not improve the school's grade by at least one letter grade, as determined~~  
457 ~~by comparing the school's letter grade for the school year prior to the initial remedial year to~~  
458 ~~the school's letter grade for the final remedial year; and]~~

459 [(ii) ~~is not granted an extension under Subsection (2); or]~~

460 [(b) (i) ~~is granted an extension under Subsection (2); and]~~

461 [(ii) ~~does not improve the school's grade by at least one letter grade, as determined by~~  
462 ~~comparing the school's letter grade for the school year prior to the initial remedial year to the~~  
463 ~~school's letter grade for the last school year of the extension period.]]~~

464 [~~(4) The board shall ensure that the rules established under Subsection (3) include a~~  
465 ~~mechanism for:]~~

466 (4) If a low performing school does not meet exit criteria after the school's final  
467 remedial year or the last school year of the extension period, the board may intervene by:

468 (a) restructuring a district school [~~that~~], which may include:

- 469 (i) contract management;
- 470 (ii) conversion to a charter school; or
- 471 (iii) state takeover; [~~and~~]

472 (b) restructuring a charter school [~~that may include~~] by:

- 473 (i) [~~termination of~~] terminating a school's charter;
- 474 (ii) [~~closure of~~] closing a charter school; or
- 475 (iii) transferring operation and control of the charter school to:

- 476 (A) a high performing charter school; or
- 477 (B) the school district in which the charter school is located[~~;~~]; or

478 (c) other appropriate action as determined by the board.

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

480 **53A-1-1208. School Recognition and Reward Program.**

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

482 (a) was designated as a low performing school based on 2014-2015 school year  
483 performance; and

484 ~~[(a)]~~ (b) (i) improves the school's grade by at least one letter grade, as determined by  
485 comparing the school's letter grade for the school year prior to the initial remedial year to the  
486 school's letter grade for the final remedial year; or

487 ~~[(b) (i)]~~ (ii) (A) has been granted an extension under Subsection **53A-1-1207**~~[(2)]~~(3);  
488 and

489 ~~[(ii)]~~ (B) improves the school's grade by at least one letter grade, as determined by  
490 comparing the school's letter grade for the school year prior to the initial remedial year to the  
491 school's letter grade for the last school year of the extension period.

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

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

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

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

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

499 (b) for an eligible school that improves the eligible school's grade two letter grades:

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

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

502 (c) for an eligible school that improves the eligible school's grade three letter grades:

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

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

505 (d) for an eligible school that improves the eligible school's grade four letter grades:

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

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

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

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

513 (6) A local school board of an eligible school, in coordination with the eligible school's  
514 turnaround committee, may elect to receive a reward under this section or receive funds  
515 described in Section 53A-1-1208.1 but not both.

516 Section 8. Section **53A-1-1208.1** is enacted to read:

517 **53A-1-1208.1. Turnaround school teacher recruitment and retention.**

518 (1) As used in this section, "plan" means a teacher recruitment and retention plan.

519 (2) On a date specified by the board, a local education board of a low performing  
520 school shall submit to the board for review and approval a plan to address teacher recruitment  
521 and retention in a low performing school.

522 (3) The board shall:

523 (a) review a plan submitted under Subsection (2);

524 (b) approve a plan if the plan meets criteria established by the board in rules made in  
525 accordance with Chapter 63G, Chapter 3, Utah Administrative Rulemaking Act; and

526 (c) subject to legislative appropriations, provide funding to a local education board for  
527 teacher recruitment and retention efforts identified in an approved plan if the local education  
528 board provides matching funds in an amount equal to at least the funding the low performing  
529 school would receive from the board.

530 (4) The money distributed under this section may only be expended to fund teacher  
531 recruitment and retention efforts identified in an approved plan.

532 Section 9. Section **63I-2-253** is amended to read:

533 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

- 534 (1) Section [53A-1-403.5](#) is repealed July 1, 2017.
- 535 (2) Section [53A-1-411](#) is repealed July 1, 2017.
- 536 (3) Section [53A-1-709](#) is repealed July 1, 2020.
- 537 (4) Subsection [53A-1-1207\(3\)\(b\)\(ii\)\(B\)](#) is repealed July 1, 2020.
- 538 (5) Section [53A-1-1208](#) is repealed July 1, 2020.
- 539 [~~(4)~~] (6) Subsection [53A-1a-513\(4\)](#) is repealed July 1, 2017.
- 540 [~~(5)~~] (7) Section [53A-1a-513.5](#) is repealed July 1, 2017.
- 541 [~~(6)~~] (8) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2019.
- 542 [~~(7)~~] (9) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is  
543 repealed July 1, 2017.
- 544 [~~(8)~~] (10) Sections [53A-24-601](#) and [53A-24-602](#) are repealed January 1, 2018.
- 545 [~~(9)~~] (11) (a) Subsections [53B-2a-103\(2\)](#) and (4) are repealed July 1, 2019.
- 546 (b) When repealing Subsections [53B-2a-103\(2\)](#) and (4), the Office of Legislative  
547 Research and General Counsel shall, in addition to its authority under Subsection [36-12-12\(3\)](#),  
548 make necessary changes to subsection numbering and cross references.
- 549 [~~(10)~~] (12) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,  
550 is repealed July 1, 2023.
- 551 Section 10. **Coordinating S.B. 234 with S.B. 220 -- Substantive and technical**  
552 **amendments.**
- 553 If this S.B. 234 and S.B. 220, Student Assessment and School Accountability  
554 Amendments, both pass and become law, it is the intent of the Legislature that the Office of  
555 Legislative Research and General Counsel prepare the Utah Code database for publication as  
556 follows:
- 557 (1) Subsection [53A-1-1202\(11\)](#) be amended to read:
- 558 "[~~(7)~~] (11) "Low performing school" means a district school or charter school that has  
559 been designated a low performing school by the board because the school is:
- 560 (a) for two consecutive school years in the lowest performing 3% of schools statewide  
561 according to the percentage of possible points earned under the school [~~grading~~] accountability

562 system; and

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

566 (2) Section [53A-1-1203](#) be amended to read:

567 "~~(1) [On or before September 1]~~ Except as provided in Subsection (4), the board shall:

568 (a) annually designate a school as a low performing school [if the school is:]; and

569 (b) conduct a needs assessment for a low performing school by thoroughly analyzing  
570 the root causes of the low performing school's low performance.

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

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

576 (2) The board may use up to 5% of the appropriation provided under this part to hire or  
577 contract with one or more individuals to conduct a needs assessment described in Subsection  
578 (1)(b).

579 (3) A school that was designated as a low performing school based on 2015-2016  
580 school year performance that is not in the lowest performing 3% of schools statewide following  
581 the 2016-2017 school year is exempt from the provisions of this part.

582 (4) The board is not required to designate as a low performing school a school for  
583 which the board is not required to assign an overall rating in accordance with Section  
584 [53A-1-1105](#)."; and

585 (3) Subsection [53A-1-1207](#)(2)(b) be modified to read:

586 "(b) In establishing exit criteria for a low performing school the board shall:

587 (i) determine for each low performing school the number of points awarded under the  
588 school accountability system in the final remedial year that represent a substantive and  
589 statistically significant improvement over the number of points awarded under the school

590 accountability system in the school year immediately preceding the initial remedial year;  
591 (ii) establish a method to estimate the exit criteria after a low performing school's first  
592 remedial year to provide a target for each low performing school; and  
593 (iii) use generally accepted statistical practices."