

SB0234S01 compared with SB0234

~~{deleted text}~~ shows text that was in SB0234 but was deleted in SB0234S01.

Inserted text shows text that was not in SB0234 but was inserted into SB0234S01.

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Senator Ann Millner proposes the following substitute bill:

SCHOOL TURNAROUND AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: ~~{_____}~~ Bradley G. Last

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 ~~{authorizer}~~ governing board of a low performing charter school, to partner with the school turnaround committee to ~~{select a facilitator and develop a school}~~ contract with a turnaround ~~{plan}~~ expert;
- ▶ directs the State Board of Education to identify and contract with a

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- ~~{~~ ~~facilitator}~~ turnaround expert to partner with a low performing school;
- ▶ specifies turnaround plan and turnaround expert contract requirements;
- ▶ repeals and enacts certain provisions related to funding;
- ~~{~~ ~~—~~ ~~directs the State Board of Education to identify specialists for a local education board to contract with to provide interventions;~~
- ‡ ▶ 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:

~~{~~ ~~—~~ ~~None}~~ This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

53A-1-1202, as last amended by Laws of Utah 2016, Chapter 241

53A-1-1203, as last amended by Laws of Utah 2016, Chapter 241

53A-1-1204, as last amended by Laws of Utah 2016, Chapter 241

53A-1-1205, as last amended by Laws of Utah 2016, Chapter 241

53A-1-1206, as last amended by Laws of Utah 2016, Chapter 241

53A-1-1207, as last amended by Laws of Utah 2016, Chapter 241

53A-1-1208, as last amended by Laws of Utah 2016, Chapter 241

63I-2-253, as last amended by Laws of Utah 2016, Chapters 128, 229, 236, 271, and

318

ENACTS:

~~{~~ ~~—~~ ~~53A-1-1206.5, Utah Code Annotated 1953~~

‡ **53A-1-1208.1**, Utah Code Annotated 1953

Utah Code Sections Affected by Coordination Clause:

53A-1-1202, Utah Code Annotated 1953

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53A-1-1203, Utah Code Annotated 1953

53A-1-1207, Utah Code Annotated 1953

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

Section 1. Section **53A-1-1202** is amended 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) "Charter school governing board" means the governing board, as defined in Section 53A-1a-501.3, that governs a charter.

~~[(3)]~~ (4) "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)]~~ (5) "Educator" means the same as that term is defined in Section 53A-6-103.

~~[(6)]~~ "Facilitator" means a person who:

~~— (a) has expertise in facilitating school improvement efforts;~~

~~— (b) meets the criteria described in Section 53A-1-1206; and~~

~~— (c) is independent of a local education board and a low performing school;~~

~~[(5)]~~ ~~[(7)]~~ ~~[(5)]~~ (6) "Final remedial year" means the second school year following the initial remedial year.

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

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

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

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

~~[(7)]~~ (11) "Low performing school" means a district school or charter school that has

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

(a) for two consecutive school years 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.

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

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

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

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

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

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

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

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

~~{~~ ~~(16) "Specialist" means a person who:~~

~~_____ (a) has expertise in providing interventions that address the root cause of low performance at a public school;~~

~~_____ (b) is independent of a local education board and a low performing school; and~~

~~_____ (c) meets the criteria described in Section 53A-1-1206.5.~~

~~†~~ ~~[(10)]~~ ~~(~~17~~16)~~ "Statewide assessment" means a test of student achievement in basic academic subjects, including a test administered in a computer adaptive format that is administered statewide under Part 6, Achievement Tests.

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

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

Needs assessment.

(1) ~~[~~ ~~On~~ ~~{}~~ ~~or before September 1~~ ~~{}~~ ~~a date specified by the board~~ ~~],~~ ~~the~~ ~~The~~ board shall:

~~(a)~~ annually designate ~~{}~~ a school as a ~~{}~~ low performing ~~{}~~ school ~~[if the school is:]~~ ~~{~~ schools ~~};~~ and

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

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

~~[(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.]~~

~~(~~2~~3) A school that was designated as a ~~lowest~~low performing school based on 2015-2016 school year performance that is not in the lowest performing 3% of schools statewide following the 2016-2017 school year is exempt from the provisions of this part.~~

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

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

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

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

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

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

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

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

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

~~[(f)]~~(vi) one school district administrator~~[-]~~

~~[-]~~

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

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

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

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

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

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

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

~~[(2)(a) Subject to ~~{}~~Subsection ~~{}~~Subsection] (2)(b), ~~{}~~ on or before October 1 of ~~{}~~ in] an initial remedial year ~~{ on a date specified by the board}~~; 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 ~~{}~~ select a facilitator identified by the board under Section 53A-1-1206.]~~

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

~~(i) the school district; or~~

~~(ii) an employee of the school district.~~

(4) A contract between a local school board and a turnaround expert:

(a) shall be based on an explicit stipulation of desired outcomes and consequences for not meeting goals, including cancellation of the contract;

(b) shall include a scope of work that requires the turnaround expert to at a minimum:

(i) develop and implement, in partnership with the school turnaround committee, a school turnaround plan that meets the criteria described in Subsection (5);

(ii) 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;

(iii) provide ongoing implementation support and project management for a school turnaround plan;

(iv) provide high-quality professional development personalized for school staff that is designed to build;

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(A) the leadership capacity of the school principal;

(B) the instructional capacity of school staff;

(C) educators' capacity with data-driven strategies by providing actionable, embedded data practices; and

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

(c) may include a scope of work that requires the turnaround expert to:

(i) develop sustainable school district and school capacities to effectively respond to the academic and behavioral needs of students in high poverty communities; or

(ii) other services that respond to the needs assessment conducted under Section 53A-1-1203;

(d) shall include travel costs and payment milestones; and

(e) may include pay for performance provisions.

[(3)] (5) A school turnaround committee shall partner with the [independent school] turnaround expert selected {[facilitator selected]} under Subsection [(2)] (1) 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) {[a thorough analysis, conducted by the facilitator, of the reasons for the low performing school's low performance, including findings of the root cause of the low performance;

— (b) a specific and detailed plan to address} -]

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

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

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

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

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

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

(h) includes a timeline for implementation.

~~[(4)]~~ (6) 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, budget, and academic programs to implement the school turnaround plan[-]; and

(c) assist ~~fa facilitator, specialist,~~ the turnaround expert and the low performing school with:

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

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

~~[(5)]~~ (7) (a) On or before ~~[March]~~ June 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)]~~ (7)(c), on or before ~~[April]~~ July 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)]~~ (7)(a), the school turnaround committee may appeal the disapproval in accordance with rules made by the board as described in Subsection 53A-1-1206~~[(5)]~~ (6).

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

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

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

(1) ~~[On or before September 10 of { } In} an initial remedial year] fo} In fa date specified} accordance with deadlines established by the board, a charter school authorizer of a low performing school shall initiate a review to determine whether the charter school is in~~

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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 ~~[October 1 of]~~ a date specified by the board in an initial remedial year.

(4) [If] In accordance with deadlines established by the board, 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 15 of {}~~ a date specified by the board in 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

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

[(b) subject to Subsection (5), on or before {}] November 1 of {} a date specified by the board in an initial remedial year, {} in partnership with the school turnaround committee, select an independent school turnaround expert from the experts {} select, in partnership with the school turnaround committee, a facilitator from the facilitators identified by the board under Section 53A-1-1206;]

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

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

(d) submit the proposal described in Subsection (4)(b) to the board for review and approval; and

(e) subject to Subsections (6) and (7), contract with a turnaround expert.

(5) A proposal described in Subsection (4)(b) shall include a:

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

(b) scope of work to facilitate implementation of the strategy that includes at least the activities described in Subsection 53A-1-1204(4)(b).

~~[(5)]~~ (6) A charter school governing board may not select a ~~[(a)]~~ school turnaround expert ~~[(a)]~~ a facilitator that:

- (a) is a member of the charter school governing board;
- (b) is an employee of the charter school; or
- (c) has a contract to operate the charter school.

(7) A contract entered into between a charter school governing board and a turnaround expert shall include and reflect the requirements described in Subsection 53A-1-1204(4).

~~[(6)]~~ (8) (a) A school turnaround committee shall partner with the ~~[(b)]~~ independent school turnaround expert ~~[(a)]~~ a facilitator selected under Subsection (4) ~~[(b)]~~ to develop and implement a school turnaround plan that includes the elements described in Subsection 53A-1-1204 ~~[(3)]~~ (5).

(b) A charter school governing board shall assist a ~~[(facilitator, specialist,)]~~ turnaround expert and a low performing charter school with:

- (i) addressing the root cause of the low performing school's low performance; and
- (ii) the development or implementation of a school turnaround plan.

~~[(7)]~~ (9) (a) On or before ~~[(March)]~~ June 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)]~~ (9)(c), on or before ~~[(April)]~~ July 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)]~~ (9)(a), the school turnaround committee may appeal the disapproval in accordance with rules made by the board as described in Subsection 53A-1-1206 ~~[(5)]~~ (6).

~~[(8)]~~ (10) The provisions of this part do not modify or limit a charter school authorizer's authority at any time to terminate a charter school's charter in accordance with Section

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53A-1a-510.

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

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

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

~~— (a) conduct a thorough analysis of the root cause of the low performing school's low performance;~~

~~— (b) develop a specific and detailed plan to address the root cause of the low performing school's low performance;~~

~~— (a) (c);~~ contract with to:

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

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

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

~~[(c) (e) 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) (f) 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) (g) provide ongoing implementation support and project management for a school turnaround plan;]~~ and

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

(2) In identifying ~~[(f)]~~ independent school turnaround experts ~~[(f)]~~ a facilitator under Subsection (1), the board shall identify ~~[(experts)]~~ a facilitator that:

~~—— (a) has experience conducting root cause analyses;~~

~~—— [(a) have] (b) has~~ 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)]~~ (b) have ~~[(c) has]~~ experience designing, implementing, and evaluating data-driven instructional systems in public schools;

~~[(c)]~~ (c) have ~~[(d) has]~~ experience coaching public school administrators and teachers on designing data-driven school improvement plans; ~~{ and }~~

~~[(d)]~~ (d) have ~~[(e) has]~~ experience working with the various education entities that govern public schools ~~[(f)]; [(f)]~~

~~[(e)]~~ (e) have experience delivering high-quality professional development in instructional effectiveness to public school administrators and teachers; ~~[(f)]~~ and

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

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

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

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

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

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

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

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

~~[(ii) for the last school year of the extension period if, as described in Section 53A-1-1207:]~~

~~[(A) a school is granted an extension; and]~~

~~[(B) the board extends the contract of the school's independent school turnaround expert.]~~

~~[(c) 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.]~~

~~[(3) (a) The board shall provide training to a facilitator identified under this section.~~

~~[(b) The board may not approve a facilitator unless the facilitator participates in the training described in Subsection (3)(a).]~~

~~[(4)] [(4)] (3) (a) The board shall:~~

~~[(i) review a proposal submitted for approval under Section 53A-17a-1204 or 53A-17a-1205 no later than 30 days after the day on which the proposal is submitted;~~

~~[(a)] [(ii) review a school turnaround plan submitted for approval under Subsection 53A-1-1204 ~~[(5)]~~ [(7)] [(b) or under Subsection 53A-1-1205 ~~[(7)]~~ [(9)] [(b) within 30 days of submission; and~~

~~[(b)] [(iii) approve a school turnaround plan that:~~

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~~(i)~~ (A) is timely;

~~(ii)~~ (B) is well-developed; and

~~(iii)~~ (C) meets the criteria described in Subsection 53A-1-1204~~[(3) (f)]; and~~ (5).

~~[(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.]~~

(b) The board may not approve a school turnaround plan that is not aligned with the needs assessment conducted under Section 53A-1-1203.

(4) (a) Subject to legislative appropriations, when a school turnaround plan is approved by the board, the board shall distribute funds to each local education board with a low performing school to carry out the provisions of Sections 53A-1-1204 and 53A-1-1205.

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

(5) The board shall:

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

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

~~(5)~~ (6) (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 school's local school board under Subsection 53A-1-1204~~[(5) (7)]~~ (7) (b);

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

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

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

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

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

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

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

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

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

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

[(6)7] The board may use up to 4% of the funds appropriated by the Legislature to carry out the provisions of this part for administration if the amount for administration is approved by the board in an open meeting.

Section 6. Section ~~{53A-1-1206.5}~~ 53A-1-1207 is ~~{enacted}~~ amended to read:

~~{~~ **53A-1-1206.5. State Board of Education to identify specialists -- Local education board to contract with specialists -- Funding -- Allocation.**

~~_____ (1) The board shall through a competitive procurement process identify and approve two or more specialists.~~

~~_____ (2) In identifying and approving specialists described in Subsection (1), the board shall identify specialists that have expertise in providing interventions that address the root causes of low school performance, including demonstrated ability to improve student outcomes through effective:~~

~~_____ (a) professional learning;~~

~~_____ (b) instruction and curriculum alignment;~~

~~_____ (c) school culture improvement strategies and collaborative relationship building; and~~

~~_____ (d) school leadership.~~

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~~—— (3) A specialist may be a facilitator.~~

~~—— (4) (a) After a school turnaround plan is approved by the board as described in Section 53A-1-1206, a local education board of a low performing school, in partnership with the respective school turnaround committee, shall contract with one or more specialists approved by the board under Subsection (1) to provide interventions to address the root causes of the low performing school's low performance.~~

~~—— (b) A local education board shall ensure that a specialist contracted with under Subsection (4)(a) has expertise directly related to addressing the root cause of the low performing school's low performance.~~

~~—— (c) A local education board may not select a specialist that is:~~

~~—— (i) the school district, charter school authorizer, or charter governing board, respectively; or~~

~~—— (ii) an employee of the respective school district, charter school authorizer, or charter governing board.~~

~~—— (d) A local education board shall ensure that a contract between the local education board and a specialist specify performance measures that will be used to regularly assess the effectiveness of the specialist's services.~~

~~—— (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules establishing contract requirements for a contract between a local education board and a specialist.~~

~~—— (6) (a) Subject to legislative appropriations, if a school turnaround plan is approved by the board, the board shall distribute funds to each local education board with a low performing school to contract with one or more specialists.~~

~~—— (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules establishing a distribution method for the funds described in Subsection (6)(a).~~

~~—— Section 7. Section 53A-1-1207 is amended to read:~~

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

(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;

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

(i) exit criteria for a low performing school;

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

(iii) implications for a low performing school that does not meet exit criteria after the school's final remedial year or the last school year of the extension period described in Subsection (3).

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

(i) determine for each low performing school the number of points awarded under the school grading system in the final remedial year that represent a substantive and statistically significant improvement over the number of points awarded under the school grading system in the school year immediately preceding the initial remedial year;

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

(iii) use generally accepted statistical practices.

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

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

~~[(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:]~~

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

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

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

~~[(d) 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).]~~

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

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

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

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

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

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

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

(i) contract management;

(ii) conversion to a charter school; or

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- (iii) state takeover; ~~and~~
- (b) restructuring a charter school ~~[that may include]~~ by:
 - (i) ~~[termination of]~~ terminating a school's charter;
 - (ii) ~~[closure of]~~ closing 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~~[-];~~ or
~~(c)~~ other appropriate action as determined by the board.

Section ~~{}7.~~ Section **53A-1-1208** is amended 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) was designated as a low performing school based on 2014-2015 school year performance; and

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

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

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

(i) \$100 per tested student; and

(ii) \$1,000 per educator;

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

(i) \$200 per tested student; and

(ii) \$2,000 per educator;

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

(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 letter grades:

(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).

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

Section ~~(9)~~8. Section **53A-1-1208.1** is enacted to read:

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

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

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

(3) The board shall:

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

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

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

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

Section ~~(10)~~9. Section **63I-2-253** is amended to read:

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

- (1) Section 53A-1-403.5 is repealed July 1, 2017.
- (2) Section 53A-1-411 is repealed July 1, 2017.
- (3) Section 53A-1-709 is repealed July 1, 2020.
- (4) Subsection 53A-1-1207(~~(2)~~3)(~~(c)~~b)(ii)(B) is repealed July 1, 2020.
- (5) Section 53A-1-1208 is repealed July 1, 2020.
- ~~[(4)]~~ (6) Subsection 53A-1a-513(4) is repealed July 1, 2017.
- ~~[(5)]~~ (7) Section 53A-1a-513.5 is repealed July 1, 2017.
- ~~[(6)]~~ (8) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2019.
- ~~[(7)]~~ (9) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is repealed July 1, 2017.
- ~~[(8)]~~ (10) Sections 53A-24-601 and 53A-24-602 are repealed January 1, 2018.
- ~~[(9)]~~ (11) (a) Subsections 53B-2a-103(2) and (4) are repealed July 1, 2019.
(b) When repealing Subsections 53B-2a-103(2) and (4), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.
- ~~[(10)]~~ (12) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is repealed July 1, 2023.

†

Legislative Review Note

Office of Section 10. Coordinating S.B. 234 with S.B. 220 -- Substantive and technical amendments.

If this S.B. 234 and S.B. 220, Student Assessment and School Accountability Amendments, both pass and become law, it is the intent of the Legislature that the Office Legislative Research and General Counsel prepare the Utah Code database for publication as follows:

(1) Subsection 53A-1-1202(11) be amended to read:

"~~[(7)]~~ (11) "Low performing school" means a district school or charter school that has

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

(a) for two consecutive school years in the lowest performing 3% of schools statewide according to the percentage of possible points earned under the school [grading] accountability 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.";

(2) Section 53A-1-1203 be amended to read:

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

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

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

[(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.]

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

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

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

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

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

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

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accountability system in the school year immediately preceding the initial remedial year:

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

(iii) use generally accepted statistical practices."