

## SB0149S01 compared with SB0149

~~text~~ shows text that was in SB0149 but was deleted in SB0149S01.

Inserted text shows text that was not in SB0149 but was inserted into SB0149S01.

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Senator Ann Millner proposes the following substitute bill:

### TEACHER AND STUDENT SUCCESS ACT

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: ~~\_\_\_\_\_~~ Jefferson Moss

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#### LONG TITLE

##### General Description:

This bill creates the Teacher and Student Success Program.

##### Highlighted Provisions:

This bill:

- ▶ creates the Teacher and Student Success Program (program);
- ▶ provides for the State Board of Education to distribute funds from the Teacher and Student Success Account to the boards of local education agencies for the purposes of the program;
- ▶ requires the board of a local education agency to create guidelines for the creation of school outcome-based program plans;
- ▶ provides for the board of a local education agency to use and distribute program money;

## **SB0149S01 compared with SB0149**

- ▶ requires a school to make an outcome-based program plan for the use of program money;
- ▶ provides for oversight of school efforts to improve outcomes according to the school's program plan;
- ▶ repeals provisions related to school improvement plans;
- ▶ replaces references to a school improvement plan with references to the outcome-based school program plan required under the program;
- ▶ repeals provisions related to reading achievement plans; and
- ▶ makes technical and conforming changes.

### **Money Appropriated in this Bill:**

None

### **Other Special Clauses:**

None

### **Utah Code Sections Affected:**

#### **AMENDS:**

**53F-5-203**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and amended by Laws of Utah 2018, Chapter 2

**53G-5-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3

**53G-7-1202**, as last amended by Laws of Utah 2018, Chapters 107 and 448

**53G-7-1203**, as last amended by Laws of Utah 2018, Chapter 448

**53G-7-1206**, as enacted by Laws of Utah 2018, Chapter 448

#### **ENACTS:**

**53F-2-415**, Utah Code Annotated 1953

**53G-7-1301**, Utah Code Annotated 1953

**53G-7-1302**, Utah Code Annotated 1953

**53G-7-1303**, Utah Code Annotated 1953

**53G-7-1304**, Utah Code Annotated 1953

**53G-7-1305**, Utah Code Annotated 1953

**53G-7-1306**, Utah Code Annotated 1953

#### **REPEALS:**

**53E-4-306**, as renumbered and amended by Laws of Utah 2018, Chapter 1

## SB0149S01 compared with SB0149

53G-7-1204, as renumbered and amended by Laws of Utah 2018, Chapter 3

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

Section 1. Section **53F-2-415** is enacted to read:

**53F-2-415. Appropriation and distribution for the Teacher and Student Success Program.**

(1) The terms defined in Section 53G-7-1301 apply to this section.

(2) Subject to future budget constraints, the Legislature shall annually appropriate money from the Teacher and Student Success Account described in Section 53F-9-306 to the state board for the Teacher and Student Success Program.

(3) Except as provided in Subsection (5)(a), the state board shall calculate an amount to distribute to an LEA that is the product of:

(a) the percentage of weighted pupil units in the LEA compared to the total number of weighted pupil units for all LEAs in the state; and

(b) the amount of the appropriation described in Subsection (2), less the amount calculated, in accordance with state board rule, for:

(i) an LEA that is in the LEA's first year of operation; and

(ii) the Utah Schools for the Deaf and the Blind.

(4) The state board shall distribute to an LEA an amount calculated for the LEA as described in Subsection (3) if the LEA governing board of the LEA has submitted an LEA governing board student success framework as required by the program.

(5) In accordance with this section and Title 53G, Chapter 7, Part 13, Teacher and Student Success Program, the state board:

(a) shall make rules to calculate an LEA distribution for:

(i) an LEA that is in the LEA's first year of operation; and

(ii) the Utah Schools for the Deaf and the Blind, taking into account all students who receive services from the Utah Schools for the Deaf and the Blind, regardless of whether a student is enrolled in another LEA; and

(b) may make rules to distribute funds as described in this section.

Section 2. Section **53F-5-203** is amended to read:

**53F-5-203. Interventions for Reading Difficulties Pilot Program.**

## **SB0149S01 compared with SB0149**

(1) As used in this section:

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

(b) "Dyslexia" means a specific learning disability that is neurological in origin and characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction.

(c) "Local education agency" or "LEA" means:

(i) a school district;

(ii) a charter school; or

(iii) the Utah Schools for the Deaf and the Blind.

(d) "Multi-Tier System of Supports" or "MTSS" means a framework integrating assessment and intervention that:

(i) provides increasingly intensive interventions for students at risk for or experiencing reading difficulties, including:

(A) tier II interventions that, in addition to standard classroom reading, provide supplemental and targeted small group instruction in reading using evidence-based curricula; and

(B) tier III interventions that address the specific needs of students who are the most at risk or who have not responded to tier II interventions by providing frequent, intensive, and targeted small group instruction using evidence-based curricula; and

(ii) is developed to:

(A) maximize student achievement;

(B) reduce behavior problems; and

(C) increase long-term success.

(e) "Program" means the Interventions for Reading Difficulties Pilot Program.

(f) "Reading difficulty" means an impairment, including dyslexia, that negatively affects a student's ability to learn to read.

(2) There is created the Interventions for Reading Difficulties Pilot Program to provide:

(a) specific evidence-based literacy interventions using an MTSS for students in kindergarten through grade 5 who are at risk for or experiencing a reading difficulty, including

## **SB0149S01 compared with SB0149**

dyslexia; and

(b) professional development to educators who provide the literacy interventions described in Subsection (2)(a).

(3) (a) An LEA may submit a proposal to the board to participate in the program.

(b) An LEA proposal described in Subsection (3)(a) shall:

(i) specify:

(A) a range of current benchmark assessment in reading scores described in Section 53E-4-307 that the LEA will use to determine whether a student is at risk for a reading difficulty; and

(B) other reading difficulty risk factors that the LEA will use to determine whether a student is at risk for a reading difficulty;

(ii) describe the LEA's existing reading program;

(iii) describe the LEA's MTSS approach; and

(iv) include any other information requested by the board.

(c) The board may:

(i) specify the format for an LEA proposal; and

(ii) set a deadline for an LEA to submit a proposal.

(4) The board shall:

(a) define criteria for selecting an LEA to participate in the program;

(b) during fiscal year 2016, select five LEAs to participate in the program:

(i) on a competitive basis; and

(ii) using criteria described in Subsection (4)(a); and

(c) provide each LEA, selected as described in Subsection (4)(b), up to \$30,000 per school within the LEA.

(5) During fiscal years 2017, 2018, and 2019, if funding allows, the board may select additional LEAs to participate in the program.

(6) An LEA that participates in the program:

(a) shall, beginning with the 2016-17 school year, provide the interventions described in Subsection (7)(c) from the time the LEA is selected until the end of the 2018-19 school year; and

(b) may provide the professional development described in Subsections (8)(a) and (b)

## SB0149S01 compared with SB0149

beginning in fiscal year 2016.

(7) An LEA that participates in the program shall:

- (a) select at least one school in the LEA to participate in the program;
- (b) identify students in kindergarten through grade 5 for participation in the program

by:

(i) using current benchmark assessment in reading scores as described in Section 53E-4-307; and

(ii) considering other reading difficulty risk factors identified by the LEA;

(c) provide interventions for each student participating in the program using an MTSS implemented by an educator trained in evidence-based interventions; and

~~[(d) include the LEA's proposal submitted under Subsection (3)(b) in the reading achievement plan described in Section 53E-4-306 for each school in the LEA that participates in the program; and]~~

~~[(e)]~~ (d) report annually to the board on:

- (i) individual student outcomes in changes in reading ability;
- (ii) school level outcomes; and
- (iii) any other information requested by the board.

(8) Subject to funding for the program, an LEA may use the funds described in Subsection (4)(c) for the following purposes:

(a) to provide for ongoing professional development in evidence-based literacy interventions;

(b) to support educators in earning a reading interventionist credential that prepares teachers to provide a student who is at risk for or experiencing reading difficulty, including dyslexia, with reading intervention that is:

- (i) explicit;
- (ii) systematic; and
- (iii) targeted to a student's specific reading difficulty; and

(c) to implement the program.

(9) The board shall contract with an independent evaluator to evaluate the program on:

(a) whether the program improves reading outcomes for a student who receives the interventions described in Subsection (7)(c);

## SB0149S01 compared with SB0149

- (b) whether the program may reduce future special education costs; and
- (c) any other student or school achievement outcomes requested by the board.

(10) (a) The board shall make a final report on the program to the Education Interim Committee on or before November 1, 2018.

(b) In the final report described in Subsection (10)(a), the board shall include the results of the evaluation described in Subsection (9).

Section 3. Section **53G-5-405** is amended to read:

### **53G-5-405. Application of statutes and rules to charter schools.**

(1) A charter school shall operate in accordance with its charter and is subject to this public education code and other state laws applicable to public schools, except as otherwise provided in this chapter and other related provisions.

(2) (a) Except as provided in Subsection (2)(b), State Board of Education rules governing the following do not apply to a charter school:

- (i) school libraries;
- (ii) required school administrative and supervisory services; and
- (iii) required expenditures for instructional supplies.

(b) A charter school shall comply with rules implementing statutes that prescribe how state appropriations may be spent.

(3) The following provisions of this public education code, and rules adopted under those provisions, do not apply to a charter school:

(a) [~~Sections~~] Section 53G-7-1202 [~~and 53G-7-1204~~], requiring the establishment of a school community council [~~and school improvement plan~~];

- (b) Section 53G-4-409, requiring the use of activity disclosure statements;
- (c) Section 53G-7-606, requiring notification of intent to dispose of textbooks;
- (d) Section 53G-10-404, requiring annual presentations on adoption;
- (e) Sections 53G-7-304 and 53G-7-306 pertaining to fiscal procedures of school districts and local school boards; and

(f) Section 53E-4-408, requiring an independent evaluation of instructional materials.

(4) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter school is considered an educational procurement unit as defined in Section 63G-6a-103.

(5) Each charter school shall be subject to:

## **SB0149S01 compared with SB0149**

(a) Title 52, Chapter 4, Open and Public Meetings Act; and

(b) Title 63G, Chapter 2, Government Records Access and Management Act.

(6) A charter school is exempt from Section 51-2a-201.5, requiring accounting reports of certain nonprofit corporations. A charter school is subject to the requirements of Section 53G-5-404.

(7) (a) The State Charter School Board shall, in concert with the charter schools, study existing state law and administrative rules for the purpose of determining from which laws and rules charter schools should be exempt.

(b) (i) The State Charter School Board shall present recommendations for exemption to the State Board of Education for consideration.

(ii) The State Board of Education shall consider the recommendations of the State Charter School Board and respond within 60 days.

Section 4. Section **53G-7-1202** is amended to read:

**53G-7-1202. School community councils -- Duties -- Composition -- Election procedures and selection of members.**

(1) As used in this section:

(a) "Digital citizenship" means the norms of appropriate, responsible, and healthy behavior related to technology use, including digital literacy, ethics, etiquette, and security.

(b) "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.

(c) "Educator" means the same as that term is defined in Section 53E-6-102.

(d) (i) "Parent or guardian member" means a member of a school community council who is a parent or guardian of a student who:

(A) is attending the school; or

(B) will be enrolled at the school during the parent's or guardian's term of office.

(ii) "Parent or guardian member" may not include an educator who is employed at the school.

(e) "School community council" means a council established at a district school in accordance with this section.

(f) "School employee member" means a member of a school community council who is

## SB0149S01 compared with SB0149

a person employed at the school by the school or school district, including the principal.

(g) "School LAND Trust Program money" means money allocated to a school pursuant to Section 53F-2-404.

(2) A district school, in consultation with the district school's local school board, shall establish a school community council at the school building level for the purpose of:

(a) involving parents or guardians of students in decision making at the school level;

(b) improving the education of students;

(c) prudently expending School LAND Trust Program money for the improvement of students' education through collaboration among parents and guardians, school employees, and the local school board; and

(d) increasing public awareness of:

(i) school trust lands and related land policies;

(ii) management of the State School Fund established in Utah Constitution Article X, Section V; and

(iii) educational excellence.

(3) (a) Except as provided in Subsection (3)(b), a school community council shall:

~~[(i) create a school improvement plan in accordance with Section 53G-7-1204;]~~

~~[(ii)]~~ (i) create the School LAND Trust Program and LAND Trust plan in accordance with Section 53G-7-1206;

~~[(iii)]~~ (ii) advise and make recommendations to school and school district administrators and the local school board regarding:

(A) the school and its programs;

(B) school district programs;

(C) a child access routing plan in accordance with Section 53G-4-402;

(D) safe technology utilization and digital citizenship; and

(E) other issues relating to the community environment for students;

~~[(iv)]~~ (iii) provide for education and awareness on safe technology utilization and digital citizenship that empowers:

(A) a student to make smart media and online choices; and

(B) a parent or guardian to know how to discuss safe technology use with the parent's or guardian's child; and

## SB0149S01 compared with SB0149

~~[(v)]~~ (iv) partner with the school's principal and other administrators to ensure that adequate on and off campus Internet filtering is installed and consistently configured to prevent viewing of harmful content by students and school personnel, in accordance with local school board policy and Subsection 53G-7-216(3).

(b) To fulfill the school community council's duties described in Subsections (3)(a)~~[(iv)]~~ and ~~(v)]~~(iii) and (iv), a school community council may:

- (i) partner with one or more non-profit organizations; or
- (ii) create a subcommittee.

(c) A school or school district administrator may not prohibit or discourage a school community council from discussing issues, or offering advice or recommendations, regarding the school and its programs, school district programs, the curriculum, or the community environment for students.

(4) (a) Each school community council shall consist of school employee members and parent or guardian members in accordance with this section.

(b) Except as provided in Subsection (4)(c) or (d):

(i) each school community council for a high school shall have six parent or guardian members and four school employee members, including the principal; and

(ii) each school community council for a school other than a high school shall have four parent or guardian members and two school employee members, including the principal.

(c) A school community council may determine the size of the school community council by a majority vote of a quorum of the school community council provided that:

(i) the membership includes two or more parent or guardian members than the number of school employee members; and

(ii) there are at least two school employee members on the school community council.

(d) (i) The number of parent or guardian members of a school community council who are not educators employed by the school district shall exceed the number of parent or guardian members who are educators employed by the school district.

(ii) If, after an election, the number of parent or guardian members who are not educators employed by the school district does not exceed the number of parent or guardian members who are educators employed by the school district, the parent or guardian members of the school community council shall appoint one or more parent or guardian members to the

## **SB0149S01 compared with SB0149**

school community council so that the number of parent or guardian members who are not educators employed by the school district exceeds the number of parent or guardian members who are educators employed by the school district.

(5) (a) Except as provided in Subsection (5)(f), a school employee member, other than the principal, shall be elected by secret ballot by a majority vote of the school employees and serve a two-year term. The principal shall serve as an ex officio member with full voting privileges.

(b) (i) Except as provided in Subsection (5)(f), a parent or guardian member shall be elected by secret ballot at an election held at the school by a majority vote of those voting at the election and serve a two-year term.

(ii) (A) Except as provided in Subsection (5)(b)(ii)(B), only a parent or guardian of a student attending the school may vote in, or run as a candidate in, the election under Subsection (5)(b)(i).

(B) If an election is held in the spring, a parent or guardian of a student who will be attending the school the following school year may vote in, and run as a candidate in, the election under Subsection (5)(b)(i).

(iii) Any parent or guardian of a student who meets the qualifications of this section may file or declare the parent's or guardian's candidacy for election to a school community council.

(iv) (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the election of parent or guardian members of a school community council shall be established by a local school board for the schools within the school district.

(B) An election for the parent or guardian members of a school community council shall be held near the beginning of the school year or held in the spring and completed before the last week of school.

(C) Each school shall establish a time period for the election of parent or guardian members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at least a four-year period.

(c) (i) At least 10 days before the date that voting commences for the elections held under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee, shall provide notice to each school employee, parent, or guardian, of the opportunity to vote in,

## **SB0149S01 compared with SB0149**

and run as a candidate in, an election under this Subsection (5).

(ii) The notice shall include:

(A) the dates and times of the elections;

(B) a list of council positions that are up for election; and

(C) instructions for becoming a candidate for a community council position.

(iii) The principal of the school, or the principal's designee, shall oversee the elections held under Subsections (5)(a) and (5)(b).

(iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a secure ballot box.

(d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made available to the public upon request.

(e) (i) If a parent or guardian position on a school community council remains unfilled after an election is held, the other parent or guardian members of the council shall appoint a parent or guardian who meets the qualifications of this section to fill the position.

(ii) If a school employee position on a school community council remains unfilled after an election is held, the other school employee members of the council shall appoint a school employee to fill the position.

(iii) A member appointed to a school community council under Subsection (5)(e)(i) or (ii) shall serve a two-year term.

(f) (i) If the number of candidates who file for a parent or guardian position or school employee position on a school community council is less than or equal to the number of open positions, an election is not required.

(ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent or guardian position remains unfilled, the other parent or guardian members of the council shall appoint a parent or guardian who meets the qualifications of this section to fill the position.

(iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee position remains unfilled, the other school employee members of the council shall appoint a school employee who meets the qualifications of this section to fill the position.

(g) The principal shall enter the names of the council members on the School LAND Trust website on or before October 20 of each year, pursuant to Section 53G-7-1203.

(h) Terms shall be staggered so that approximately half of the council members stand

## SB0149S01 compared with SB0149

for election each year.

(i) A school community council member may serve successive terms provided the member continues to meet the definition of a parent or guardian member or school employee member as specified in Subsection (1).

(j) Each school community council shall elect:

(i) a chair from its parent or guardian members; and

(ii) a vice chair from either its parent or guardian members or school employee members, excluding the principal.

(6) (a) A school community council may create subcommittees or task forces to:

(i) advise or make recommendations to the council; or

(ii) develop all or part of a plan listed in Subsection (3).

(b) Any plan or part of a plan developed by a subcommittee or task force shall be subject to the approval of the school community council.

(c) A school community council may appoint individuals who are not council members to serve on a subcommittee or task force, including parents or guardians, school employees, or other community members.

(7) (a) A majority of the members of a school community council is a quorum for the transaction of business.

(b) The action of a majority of the members of a quorum is the action of the school community council.

(8) A local school board shall provide training for a school community council each year, including training:

(a) for the chair and vice chair about their responsibilities;

(b) on resources available on the School LAND Trust website; and

(c) on this part.

Section 5. Section **53G-7-1203** is amended to read:

**53G-7-1203. School community councils -- Open and public meeting requirements.**

(1) As used in this section:

(a) (i) "Charter trust land council" means a council established by a charter school governing board under Section 53G-7-1205.

## SB0149S01 compared with SB0149

(ii) "Charter trust land council" does not include a charter school governing board acting as a charter trust land council.

(b) "School community council" means a council established at a school within a school district under Section 53G-7-1202.

(c) "Council" means a school community council or a charter trust land council.

(d) "Teacher and student success plan" means the same as that term is defined in Section 53G-7-1301.

(2) A school community council or a charter trust land council:

(a) shall conduct deliberations and take action openly as provided in this section; and

(b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.

(3) (a) As required by Section 53G-7-1202, a local school board shall provide training for the members of a school community council on this section.

(b) A charter school governing board shall provide training for the members of a charter trust land council on this section.

(4) (a) A meeting of a council is open to the public.

(b) A council may not close any portion of a meeting.

(5) A council shall, at least one week prior to a meeting, post the following information on the school's website:

(a) a notice of the meeting, time, and place;

(b) an agenda for the meeting; and

(c) the minutes of the previous meeting.

(6) (a) On or before October 20, a principal shall post the following information on the school website and in the school office:

(i) the proposed council meeting schedule for the year;

(ii) a telephone number or email address, or both, where each council member can be reached directly; and

(iii) a summary of the annual report required under Section 53G-7-1206 on how the school's School LAND Trust Program money was used to enhance or improve academic excellence at the school and implement a component of the school's [~~improvement plan~~] teacher and student success plan.

(b) (i) A council shall identify and use methods of providing the information listed in

## **SB0149S01 compared with SB0149**

Subsection (6)(a) to a parent or guardian who does not have Internet access.

(ii) Money allocated to a school under the School LAND Trust Program under Section 53F-2-404 may not be used to provide information as required by Subsection (6)(b)(i).

(7) (a) The notice requirement of Subsection (5) may be disregarded if:

(i) because of unforeseen circumstances it is necessary for a council to hold an emergency meeting to consider matters of an emergency or urgent nature; and

(ii) the council gives the best notice practicable of:

(A) the time and place of the emergency meeting; and

(B) the topics to be considered at the emergency meeting.

(b) An emergency meeting of a council may not be held unless:

(i) an attempt has been made to notify all the members of the council; and

(ii) a majority of the members of the council approve the meeting.

(8) (a) An agenda required under Subsection (5)(b) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting.

(b) Each topic described in Subsection (8)(a) shall be listed under an agenda item on the meeting agenda.

(c) A council may not take final action on a topic in a meeting unless the topic is:

(i) listed under an agenda item as required by Subsection (8)(b); and

(ii) included with the advance public notice required by Subsection (5).

(9) (a) Written minutes shall be kept of a council meeting.

(b) Written minutes of a council meeting shall include:

(i) the date, time, and place of the meeting;

(ii) the names of members present and absent;

(iii) a brief statement of the matters proposed, discussed, or decided;

(iv) a record, by individual member, of each vote taken;

(v) the name of each person who:

(A) is not a member of the council; and

(B) after being recognized by the chair, provided testimony or comments to the council;

(vi) the substance, in brief, of the testimony or comments provided by the public under Subsection (9)(b)(v); and

## SB0149S01 compared with SB0149

(vii) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes.

(c) The written minutes of a council meeting:

(i) are a public record under Title 63G, Chapter 2, Government Records Access and Management Act; and

(ii) shall be retained for three years.

(10) (a) As used in this Subsection (10), "rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:

(i) parliamentary order and procedure;

(ii) ethical behavior; and

(iii) civil discourse.

(b) A council shall:

(i) adopt rules of order and procedure to govern a public meeting of the council;

(ii) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (10)(b)(i); and

(iii) make the rules of order and procedure described in Subsection (10)(b)(i) available to the public:

(A) at each public meeting of the council; and

(B) on the school's website.

Section 6. Section **53G-7-1206** is amended to read:

### **53G-7-1206. School LAND Trust Program.**

(1) As used in this section:

(a) "Charter agreement" means an agreement made in accordance with Section 53G-5-303 that authorizes the operation of a charter school.

(b) "Charter school authorizer" means the same as that term is defined in Section 53G-5-102.

(c) "Charter trust land council" means a council established by a charter school governing board under Section 53G-7-1205.

(d) "Council" means a school community council or a charter trust land council.

(e) "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

## SB0149S01 compared with SB0149

Boards.

(f) "LAND trust plan" means a school's plan to use School LAND Trust Program money to implement a component of the school's success plan.

~~[(f)]~~ (g) "School community council" means a council established at a district school in accordance with Section 53G-7-1202.

(h) "Teacher and student success plan" or "success plan" means the same as that term is defined in Section 53G-7-1301.

(2) There is established the School LAND (Learning And Nurturing Development) Trust Program under the State Board of Education to:

(a) provide financial resources to public schools to enhance or improve student academic achievement and implement a component of a ~~[district school's school improvement plan or a charter school's charter agreement]~~ district school or charter school's teacher and student success plan; and

(b) involve parents and guardians of a school's students in decision making regarding the expenditure of School LAND Trust Program money allocated to the school.

(3) To receive an allocation under Section 53F-2-404:

(a) a district school shall have established a school community council in accordance with Section 53G-7-1202;

(b) a charter school shall have established a charter trust land council in accordance with Section 53G-7-1205; and

(c) the school's principal shall provide a signed, written assurance that the school is in compliance with Subsection (3)(a) or (b).

(4) (a) A council shall create a program to use the school's allocation distributed under Section 53F-2-404 to implement a component of the school's~~[improvement plan or charter agreement]~~ success plan, including:

(i) the school's identified most critical academic needs;

(ii) a recommended course of action to meet the identified academic needs;

(iii) a specific listing of any programs, practices, materials, or equipment that the school will need to implement a component of ~~[its school improvement plan]~~ the school's success plan to have a direct impact on the instruction of students and result in measurable increased student performance; and

## SB0149S01 compared with SB0149

(iv) how the school intends to spend [its] the school's allocation of funds under this section to enhance or improve academic excellence at the school.

(b) (i) A council shall create and vote to adopt a [~~plan for the use of School LAND Trust Program money~~] LAND trust plan in a meeting of the council at which a quorum is present.

(ii) If a majority of the quorum votes to adopt a [~~plan for the use of School LAND Trust Program money~~] LAND trust plan, the LAND trust plan is adopted.

(c) A council shall:

(i) post a [~~plan for the use of School LAND Trust Program money~~] LAND trust plan that is adopted in accordance with Subsection (4)(b) on the School LAND Trust Program website; and

(ii) include with the LAND trust plan a report noting the number of council members who voted for or against the approval of the LAND trust plan and the number of council members who were absent for the vote.

(d) (i) The local school board of a district school shall approve or disapprove a [~~plan for the use of School LAND Trust Program money~~] LAND trust plan.

(ii) If a local school board disapproves a [~~plan for the use of School LAND Trust Program money~~] LAND trust plan:

(A) the local school board shall provide a written explanation of why the LAND trust plan was disapproved and request the school community council who submitted the LAND trust plan to revise the LAND trust plan; and

(B) the school community council shall submit a revised LAND trust plan in response to a local school board's request under Subsection (4)(d)(ii)(A).

(iii) Once a LAND trust plan has been approved by a local school board, a school community council may amend the LAND trust plan, subject to a majority vote of the school community council and local school board approval.

(e) A charter trust land council's [~~plan for the use of School LAND Trust Program money~~] LAND trust plan is subject to approval by the:

(i) charter school governing board; and

(ii) charter school's charter school authorizer.

(5) (a) A district school or charter school shall:

## SB0149S01 compared with SB0149

(i) implement the program as approved;

(ii) provide ongoing support for the council's program; and

(iii) meet State Board of Education reporting requirements regarding financial and performance accountability of the program.

(b) (i) A district school or charter school shall prepare and post an annual report of the program on the School LAND Trust Program website each fall.

(ii) The report shall detail the use of program funds received by the school under this section and an assessment of the results obtained from the use of the funds.

(iii) A summary of the report shall be provided to parents or guardians of students attending the school.

(6) On or before October 1 of each year, a school district shall record the amount of the program funds distributed to each school under Section 53F-2-404 on the School LAND Trust Program website to assist schools in developing the annual report described in Subsection (5)(b).

(7) The president or chair of a local school board or charter school governing board shall ensure that the members of the local school board or charter school governing board are provided with annual training on the requirements of this section.

(8) (a) The School LAND Trust Program shall provide training to the entities described in Subsection (8)(b) on:

(i) the School LAND Trust Program; and

(ii) (A) a school community council; or

(B) a charter trust land council.

(b) The School LAND Trust Program shall provide the training to:

(i) a local school board or a charter school governing board;

(ii) a school district or a charter school; and

(iii) a school community council.

(9) The School LAND Trust Program shall annually review each school's compliance with applicable law, including rules adopted by the State Board of Education, by:

(a) reading each [~~School LAND Trust Program plan~~] LAND trust plan submitted; and

(b) reviewing expenditures made from School LAND Trust Program money.

(10) The board shall designate a staff member who administers the School LAND

## SB0149S01 compared with SB0149

Trust Program:

(a) to serve as a member of the Land Trusts Protection and Advocacy Committee created under Section 53D-2-202; and

(b) who may coordinate with the Land Trusts Protection and Advocacy Office director, appointed under Section 53D-2-203, to attend meetings or events within the School and Institutional Trust System, as defined in Section 53D-2-102, that relate to the School LAND Trust Program.

Section 7. Section **53G-7-1301** is enacted to read:

### **Part 13. Teacher and Student Success Program**

#### **53G-7-1301. Definitions.**

As used in this part:

(1) "LEA distribution" means the money distributed by the state board to an LEA as described in Section 53G-7-1303.

(2) "LEA governing board student success framework" means an LEA governing board student success framework described in Section 53G-7-1304.

(3) "Principal" means the chief administrator at a school, including:

(a) a school principal;

(b) a charter school director; or

(c) the superintendent of the Utah Schools for the Deaf and the Blind.

(4) "School allocation" means the amount of money allocated to a school or the Utah Schools for the Deaf and the Blind by an LEA governing board, as described in Section 53G-7-1304.

(5) "School personnel" means an individual who:

(a) is employed by an LEA; and

(b) in an academic role, works directly with and supports students in a school.

(6) "Statewide accountability system" means the statewide school accountability system described in Title 53E, Chapter 5, Part 2, School Accountability System.

(7) "Teacher and student success plan" or "success plan" means a school performance and student academic achievement improvement plan described in Section 53G-7-1305.

(8) "Teacher and Student Success Program" or "program" means the Teacher and Student Success Program described in this part.

## SB0149S01 compared with SB0149

Section 8. Section **53G-7-1302** is enacted to read:

**53G-7-1302. Teacher and Student Success Program created.**

There is created the Teacher and Student Success Program to improve school performance and student academic achievement, as described in this part.

Section 9. Section **53G-7-1303** is enacted to read:

**53G-7-1303. State funding distribution.**

The state board shall distribute program funding to an LEA as described in Section 53F-2-415.

Section 10. Section **53G-7-1304** is enacted to read:

**53G-7-1304. Program requirements -- LEA governing board student success framework -- LEA distribution -- School allocation -- Reporting.**

(1) (a) To receive an LEA distribution, an LEA governing board shall:

(i) adopt an LEA governing board student success framework to provide guidelines **and processes** for a school within the LEA governing board's LEA to follow in developing a teacher and student success plan; and

(ii) submit the adopted LEA governing board student success framework to the state board.

(b) An LEA governing board may include in the LEA governing board's student success framework any means reasonably designed to improve school performance or student academic achievement, including:

(i) school personnel stipends for taking on additional responsibility outside of a typical work assignment;

(ii) professional learning;

(iii) additional school employees, including counselors, social workers, mental health workers, tutors, media specialists, information technology specialists, or other specialists;

(iv) technology;

(v) before- or after-school programs;

(vi) summer school programs;

(vii) community support programs or partnerships;

(viii) early childhood education;

(ix) class size reduction strategies;

## SB0149S01 compared with SB0149

(x) augmentation of existing programs; or

(xi) other means.

(c) An LEA governing board student success framework may not support the use of program money:

(i) to supplant funding for existing public education programs;

(ii) for district administration costs; or

(iii) for capital expenditures.

(2) (a) An LEA governing board shall use an LEA distribution as follows:

(i) for increases to base salary and salary driven benefits for school personnel that, except as provided in Subsection (2)(c)(i), total 25% or less of the LEA distribution; and

(ii) except as provided in Subsection (2)(b)(ii) and in accordance with Subsection (3), for each school within the LEA governing board's LEA, an allocation that is equal to the product of:

(A) the percentage of the school's prior year average daily membership compared to the total prior year average daily membership for all schools in the LEA; and

(B) the remaining amount of the LEA governing board's LEA distribution after subtracting the amounts described in Subsections (2)(a)(i) and (2)(b)(ii).

(b) (i) The state board shall make rules for an LEA governing board to calculate and distribute a school allocation for a school in the school's first year of operation.

(ii) In accordance with Subsection (3) and the rules described in Subsection (2)(b)(i), an LEA governing board shall distribute a school allocation for a school in the school's first year of operation.

(c) ~~Except as provided in Subsection (f)(2),~~ ~~The~~ ~~(d),~~ the LEA governing board of a school district may use up to 40% of an LEA distribution for the purposes described in Subsection (2)(a)(i), if:

~~(A)~~ (i) the LEA governing board has:

(A) approved a board local levy for the maximum amount allowed under Section 53F-8-302; or

(B) after the LEA governing board has submitted an LEA governing board student success framework to the state board, increased the board local levy described in Section 53F-8-302 by at least .0001 per dollar of taxable value; and

## SB0149S01 compared with SB0149

~~(B)ii~~ the school district's average teacher salary is below the state average teacher salary described in Subsection (2)~~(c)(iii)~~.

~~(ii)f~~.

(d) The LEA governing board of a school district in a county of the fourth, fifth, or sixth class or the LEA governing board of a charter school may use up to 40% of an LEA distribution for the purposes described in Subsection (2)(a)(i), if the LEA's average teacher salary is below the state average teacher salary described in Subsection (2)(f).

(e) An LEA governing board shall annually report information as requested by the state board for the state board to calculate a state average teacher salary.

~~(iii)f~~ The state board shall use the information described in Subsection (2)(c)(ii) to calculate a state average teacher salary amount and a state average teacher benefit amount.

(3) An LEA governing board shall allocate a school allocation to a school with a teacher and student success plan that is approved as described in Section 53G-7-1305.

(4) (a) Except as provided in Subsection (4)(b), a school shall use a school allocation to implement the school's success plan.

(b) A school may use up to 5% of the school's school allocation to fund school personnel retention at the principal's discretion, not including uniform salary increases.

(c) A school may not use a school allocation for:

(i) capital expenditures; or

(ii) a purpose that is not supported by the LEA governing board student success framework for the school's LEA.

(5) A school that receives a school allocation shall annually:

(a) submit to the school's LEA governing board a description of:

(i) the budgeted and actual expenditures of the school's school allocation;

(ii) how the expenditures relate to the school's success plan; and

(iii) how the school measures the success of the school's participation in the program;

and

(b) post on the school's website:

(i) the school's approved success plan;

(ii) a description of the school's school allocation budgeted and actual expenditures and how the expenditures help the school accomplish the school's success plan; and

## SB0149S01 compared with SB0149

(iii) the school's current level of performance, as described in Section 53G-7-1306, according to the indicators described in Section 53E-5-205 or 53E-5-206.

Section 11. Section **53G-7-1305** is enacted to read:

### **53G-7-1305. Teacher and student success plans -- Plan review and approval.**

(1) (a) The principal of a school shall develop the school's teacher and student success plan:

(i) in accordance with the LEA governing board student success framework for the school's LEA;

(ii) by integrating school-specific goals and criteria for improving the school's performance within the state accountability system; and

(iii) if the school has a school turnaround plan as defined in Section 53E-5-301, in accordance with the school's school turnaround plan.

(b) A principal ~~may~~ shall solicit input on developing a success plan from ~~the school's:~~

~~— (i) ~~the~~:~~

(i) for a district school or charter school:

(A) the school community council, as defined in Section 53G-7-1202; or

(B) the charter trust land council, as described in Section 53G-7-1205;

(ii) school-level educators;

~~(iii) administrators;~~

~~— (iii) ~~the~~ parents of students at the school; and~~

(iv) school-level administrators.

(c) A principal may solicit input on developing a success plan from:

(i) students;

~~(iv) ~~the~~ (ii) support professionals;~~

~~— (v) members of the school's school community council or charter trust land council;~~

~~— (vi) parents; ~~or~~~~

~~(vii) ~~the~~ (iii) other community stakeholders.~~

(2) (a) The principal of a school shall submit a proposed success plan to the school's LEA governing board.

(b) An LEA governing board shall:

## SB0149S01 compared with SB0149

(i) annually review each success plan submitted for a school within the LEA governing board's LEA;

(ii) in a regularly scheduled LEA governing board meeting, approve or disapprove each submitted success plan; and

(iii) upon disapproval of a success plan:

(A) explain in writing the reason for disapproval;

(B) make recommendations for revision; **and**

(C) allow the principal who submitted the success plan to resubmit a revised plan for review ~~;~~ and ~~;~~

~~(D) approve a resubmitted plan, if the plan complies with the LEA governing board's recommendations for revision.~~

~~;~~ **approval.**

(3) An LEA governing board shall make the LEA governing board's best efforts to help a school complete the approval process described in Subsection (2) on or before June 30 of each year.

(4) A council, as defined in Section 53G-7-1206, shall select a component of the approved success plan for the council's school to address within the council's School LAND Trust Program, in accordance with Section 53G-7-1206.

Section 12. Section **53G-7-1306** is enacted to read:

**53G-7-1306. School improvement oversight -- Performance standards.**

(1) The state board shall make rules that:

(a) using a criteria-setting process, determine a threshold of points under the statewide school accountability system that designates a school as succeeding in school performance and student academic achievement; and

(b) determine performance standards for a school described in Section 53E-5-203.

(2) (a) For each year following the year in which a school received approval for a success plan, an LEA governing board shall determine if the school:

(i) meets or exceeds the threshold of points described in Subsection (1);

(ii) has demonstrated at least a 1% increase in the school's total points received under the statewide school accountability system compared to the previous school year; or

(iii) qualifies for and satisfies the performance standards described in Subsection

## SB0149S01 compared with SB0149

(1)(b).

(b) If the LEA governing board determines that a school does not satisfy Subsection (2)(a)(i), (ii), or (iii), the LEA governing board shall:

(i) work with the school's principal to modify the school's success plan to address the school's performance; and

(ii) oversee and adjust the school's allocation expenditures until the LEA governing board determines the school satisfies Subsection (2)(a)(i), (ii), or (iii).

Section 13. **Repealer.**

This bill repeals:

Section **53E-4-306, State reading goal -- Reading achievement plan.**

Section **53G-7-1204, School improvement plan.**