

SCHOOL COMMUNITY AWARENESS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill enacts provisions related to providing notice regarding school turnaround, school closure, and school boundary changes.

Highlighted Provisions:

This bill:

- ▶ requires a local school board or a charter school governing board of a low performing school to notify parents and the municipality in which the school is located of certain information related to:
 - the school's status in school turnaround; and
 - community support;
 - ▶ requires a local school board to provide notice and opportunities for public comment before closing or changing the boundaries of a school;
 - ▶ amends other provisions related to a local school board providing certain notice;
- and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **53E-5-303**, as renumbered and amended by Laws of Utah 2018, Chapter 1

30 **53E-5-304**, as renumbered and amended by Laws of Utah 2018, Chapter 1

31 **53G-4-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3



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

34 Section 1. Section **53E-5-303** is amended to read:

35 **53E-5-303. Required action to turn around a low performing district school --**

36 **Notification to parents and municipality.**

37 (1) In accordance with deadlines established by the board, a local school board of a low
38 performing school shall:

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

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

42 (ii) the school principal;

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

45 (iv) one teacher at the low performing school appointed by the principal;

46 (v) one teacher at the low performing school appointed by the school district
47 superintendent; and

48 (vi) one school district administrator;

49 (b) solicit proposals from a turnaround expert identified by the board under Section
50 **53E-5-305**;

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

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

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

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

56 (a) strategy to address the root causes of the low performing school's low performance
57 identified through the needs assessment described in Section **53E-5-302**; and

58 (b) scope of work to facilitate implementation of the strategy that includes at least the

59 activities described in Subsection (4)(b).

60 (3) A local school board may not select a turnaround expert that is:

61 (a) the school district; or

62 (b) an employee of the school district.

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

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

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

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

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

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

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

76 (A) the leadership capacity of the school principal;

77 (B) the instructional capacity of school staff;

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

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

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

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

85 (ii) other services that respond to the needs assessment conducted under Section
86 [53E-5-302](#);

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

88 (e) may include pay for performance provisions.

89 (5) A school turnaround committee shall partner with the turnaround expert selected

90 under Subsection (1) to develop and implement a school turnaround plan that:

91 (a) addresses the root causes of the low performing school's low performance identified
92 through the needs assessment described in Section 53E-5-302;

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

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

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

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

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

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

105 (h) includes a timeline for implementation.

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

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

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

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

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

112 (ii) the development or implementation of a school turnaround plan~~[:];~~ and

113 (d) provide initial and annual notice:

114 (i) that includes the following information regarding the low performing school:

115 (A) the school's turnaround status;

116 (B) the goals, benchmarks, and timetable in the school's turnaround plan and any
117 progress toward the goals, benchmarks, and timetable; and

118 (C) how the community may provide support to the school and students of the school
119 inside and outside the classroom; and

120 (ii) to:

121 (A) parents of students enrolled in the school, using the same form of communication
122 the local school board regularly uses to communicate with parents; and

123 (B) the governing council and the mayor of the municipality in which the school is
124 located.

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

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

130 (c) If the local school board does not approve the school turnaround plan submitted
131 under Subsection (7)(a), the school turnaround committee may appeal the disapproval in
132 accordance with rules made by the board as described in Subsection 53E-5-305(6).

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

136 Section 2. Section 53E-5-304 is amended to read:

137 **53E-5-304. Required action to terminate or turn around a low performing**
138 **charter school -- Notification to parents and municipality.**

139 (1) In accordance with deadlines established by the board, a charter school authorizer
140 of a low performing school shall initiate a review to determine whether the charter school is in
141 compliance with the school's charter agreement described in Section 53G-5-303, including the
142 school's established minimum standards for student achievement.

143 (2) If a low performing school is found to be out of compliance with the school's
144 charter agreement, the charter school authorizer may terminate the school's charter in
145 accordance with Section 53G-5-503.

146 (3) A charter school authorizer shall make a determination on the status of a low
147 performing school's charter under Subsection (2) on or before a date specified by the board in
148 an initial remedial year.

149 (4) In accordance with deadlines established by the board, if a charter school authorizer
150 does not terminate a low performing school's charter under Subsection (2), a charter school
151 governing board of a low performing school shall:

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

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

155 (ii) the school principal;

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

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

159 (b) solicit proposals from a turnaround expert identified by the board under Section
160 [53E-5-305](#);

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

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

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

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

166 (a) strategy to address the root causes of the low performing school's low performance
167 identified through the needs assessment described in Section [53E-5-302](#); and

168 (b) scope of work to facilitate implementation of the strategy that includes at least the
169 activities described in Subsection [53E-5-303](#)(4)(b).

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

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

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

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

174 (7) A contract entered into between a charter school governing board and a turnaround
175 expert shall include and reflect the requirements described in Subsection [53E-5-303](#)(4).

176 (8) (a) A school turnaround committee shall partner with the independent school
177 turnaround expert selected under Subsection (4) to develop and implement a school turnaround
178 plan that includes the elements described in Subsection [53E-5-303](#)(5).

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

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

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

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

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

188 (c) If the charter school governing board does not approve the school turnaround plan
189 submitted under Subsection (9)(a), the school turnaround committee may appeal the
190 disapproval in accordance with rules made by the board as described in Subsection
191 [53E-5-305](#)(6).

192 (10) The provisions of this part do not modify or limit a charter school authorizer's
193 authority at any time to terminate a charter school's charter in accordance with Section
194 [53G-5-503](#).

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

198 (b) A charter school governing board of a low performing school shall provide initial
199 and annual notice:

200 (i) that includes the following information regarding the low performing school:

201 (A) the school's turnaround status;

202 (B) the goals, benchmarks, and timetable in the school's turnaround plan and any
203 progress toward the goals, benchmarks, and timetable; and

204 (C) how the community may provide support to the school and students of the school
205 inside and outside the classroom; and

206 (ii) to:

207 (A) parents of students enrolled in the school, using the same form of communication
208 the charter school governing board regularly uses to communicate with parents; and

209 (B) the governing council and the mayor of the municipality in which the school is
210 located.

211 Section 3. Section **53G-4-402** is amended to read:

212 **53G-4-402. Powers and duties generally.**

213 (1) A local school board shall:

214 (a) implement the core standards for Utah public schools using instructional materials
215 that best correlate to the core standards for Utah public schools and graduation requirements;

216 (b) administer tests, required by the State Board of Education, which measure the
217 progress of each student, and coordinate with the state superintendent and State Board of
218 Education to assess results and create plans to improve the student's progress, which shall be
219 submitted to the State Board of Education for approval;

220 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
221 students that need remediation and determine the type and amount of federal, state, and local
222 resources to implement remediation;

223 (d) develop early warning systems for students or classes failing to make progress;

224 (e) work with the State Board of Education to establish a library of documented best
225 practices, consistent with state and federal regulations, for use by the local districts; and

226 (f) implement training programs for school administrators, including basic
227 management training, best practices in instructional methods, budget training, staff
228 management, managing for learning results and continuous improvement, and how to help
229 every child achieve optimal learning in basic academic subjects.

230 (2) Local school boards shall spend minimum school program funds for programs and
231 activities for which the State Board of Education has established minimum standards or rules
232 under Section [53E-3-501](#).

233 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
234 and equipment and construct, erect, and furnish school buildings.

235 (b) School sites or buildings may only be conveyed or sold on board resolution
236 affirmed by at least two-thirds of the members.

237 (4) (a) A board may participate in the joint construction or operation of a school
238 attended by children residing within the district and children residing in other districts either
239 within or outside the state.

240 (b) Any agreement for the joint operation or construction of a school shall:

241 (i) be signed by the president of the board of each participating district;

242 (ii) include a mutually agreed upon pro rata cost; and

243 (iii) be filed with the State Board of Education.

244 (5) A board may establish, locate, and maintain elementary, secondary, and applied

245 technology schools.

246 (6) Except as provided in Section 53E-3-905, a board may enroll children in school
247 who are at least five years of age before September 2 of the year in which admission is sought.

248 (7) A board may establish and support school libraries.

249 (8) A board may collect damages for the loss, injury, or destruction of school property.

250 (9) A board may authorize guidance and counseling services for children and their
251 parents or guardians before, during, or following enrollment of the children in schools.

252 (10) (a) A board shall administer and implement federal educational programs in
253 accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National Education
254 Programs.

255 (b) Federal funds are not considered funds within the school district budget under
256 Chapter 7, Part 3, Budgets.

257 (11) (a) A board may organize school safety patrols and adopt rules under which the
258 patrols promote student safety.

259 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
260 parental consent for the appointment.

261 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
262 of a highway intended for vehicular traffic use.

263 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
264 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
265 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

266 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
267 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
268 devises, or bequests that are made for educational purposes.

269 (b) These contributions are not subject to appropriation by the Legislature.

270 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
271 citations for violations of Subsection 76-10-105(2).

272 (b) A person may not be appointed to serve as a compliance officer without the
273 person's consent.

274 (c) A teacher or student may not be appointed as a compliance officer.

275 (14) A board shall adopt bylaws and rules for the board's own procedures.

276 (15) (a) A board shall make and enforce rules necessary for the control and
277 management of the district schools.

278 (b) Board rules and policies shall be in writing, filed, and referenced for public access.

279 (16) A board may hold school on legal holidays other than Sundays.

280 (17) (a) A board shall establish for each school year a school traffic safety committee to
281 implement this Subsection (17).

282 (b) The committee shall be composed of one representative of:

283 (i) the schools within the district;

284 (ii) the Parent Teachers' Association of the schools within the district;

285 (iii) the municipality or county;

286 (iv) state or local law enforcement; and

287 (v) state or local traffic safety engineering.

288 (c) The committee shall:

289 (i) receive suggestions from school community councils, parents, teachers, and others
290 and recommend school traffic safety improvements, boundary changes to enhance safety, and
291 school traffic safety program measures;

292 (ii) review and submit annually to the Department of Transportation and affected
293 municipalities and counties a child access routing plan for each elementary, middle, and junior
294 high school within the district;

295 (iii) consult the Utah Safety Council and the Division of Family Health Services and
296 provide training to all school children in kindergarten through grade six, within the district, on
297 school crossing safety and use; and

298 (iv) help ensure the district's compliance with rules made by the Department of
299 Transportation under Section [41-6a-303](#).

300 (d) The committee may establish subcommittees as needed to assist in accomplishing
301 its duties under Subsection (17)(c).

302 (18) (a) A school board shall adopt and implement a comprehensive emergency
303 response plan to prevent and combat violence in the school board's public schools, on school
304 grounds, on its school vehicles, and in connection with school-related activities or events.

305 (b) The plan shall:

306 (i) include prevention, intervention, and response components;

307 (ii) be consistent with the student conduct and discipline policies required for school
308 districts under Chapter 11, Part 2, Miscellaneous Requirements;

309 (iii) require inservice training for all district and school building staff on what their
310 roles are in the emergency response plan;

311 (iv) provide for coordination with local law enforcement and other public safety
312 representatives in preventing, intervening, and responding to violence in the areas and activities
313 referred to in Subsection (18)(a); and

314 (v) include procedures to notify a student, to the extent practicable, who is off campus
315 at the time of a school violence emergency because the student is:

316 (A) participating in a school-related activity; or

317 (B) excused from school for a period of time during the regular school day to
318 participate in religious instruction at the request of the student's parent or guardian.

319 (c) The State Board of Education, through the state superintendent of public
320 instruction, shall develop comprehensive emergency response plan models that local school
321 boards may use, where appropriate, to comply with Subsection (18)(a).

322 (d) A local school board shall, by July 1 of each year, certify to the State Board of
323 Education that its plan has been practiced at the school level and presented to and reviewed by
324 its teachers, administrators, students, and their parents and local law enforcement and public
325 safety representatives.

326 (19) (a) A local school board may adopt an emergency response plan for the treatment
327 of sports-related injuries that occur during school sports practices and events.

328 (b) The plan may be implemented by each secondary school in the district that has a
329 sports program for students.

330 (c) The plan may:

331 (i) include emergency personnel, emergency communication, and emergency
332 equipment components;

333 (ii) require inservice training on the emergency response plan for school personnel who
334 are involved in sports programs in the district's secondary schools; and

335 (iii) provide for coordination with individuals and agency representatives who:

336 (A) are not employees of the school district; and

337 (B) would be involved in providing emergency services to students injured while

338 participating in sports events.

339 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
340 review the plan each year and make revisions when required to improve or enhance the plan.

341 (e) The State Board of Education, through the state superintendent of public
342 instruction, shall provide local school boards with an emergency plan response model that local
343 boards may use to comply with the requirements of this Subsection (19).

344 (20) A board shall do all other things necessary for the maintenance, prosperity, and
345 success of the schools and the promotion of education.

346 (21) (a) Before closing a school or changing the boundaries of a school, a local school
347 board shall:

348 (i) at least 120 days before approving the school closure or school boundary change,
349 provide notice to the following that the local school board is considering the closure or
350 boundary change:

351 (A) parents of students enrolled in the school, using the same form of communication
352 the local school board regularly uses to communicate with parents;

353 (B) parents of students enrolled in other schools within the school district that may be
354 affected by the closure or boundary change, using the same form of communication the local
355 school board regularly uses to communicate with parents; and

356 (C) the governing council and the mayor of the municipality in which the school is
357 located;

358 (ii) provide an opportunity for public comment on the proposed school closure or
359 school boundary change during at least two public local school board meetings; and

360 ~~[(i)]~~ (iii) hold a public hearing[;] as defined in Section 10-9a-103[; and (ii)] and
361 provide public notice of the public hearing[; as specified] as described in Subsection (21)(b).

362 (b) The notice of a public hearing required under Subsection (21)(a)(iii) shall:

363 (i) indicate the:

364 (A) school or schools under consideration for closure or boundary change; and

365 (B) the date, time, and location of the public hearing; [and]

366 (ii) at least 10 days before the public hearing, be:

367 (A) published:

368 (I) in a newspaper of general circulation in the area; and

369 (II) on the Utah Public Notice Website created in Section 63F-1-701; and
370 (B) posted in at least three public locations within the municipality [or] in which the
371 school is located, on the school district's official website[-], and prominently at the school; and

372 (iii) at least 30 days before the public hearing described in Subsection (21)(a)(iii), be
373 provided as described in Subsections (21)(a)(i)(A), (B), and (C).

374 (22) A board may implement a facility energy efficiency program established under
375 Title 11, Chapter 44, Performance Efficiency Act.

376 (23) A board may establish or partner with a certified youth court program, in
377 accordance with Section 78A-6-1203, or establish or partner with a comparable restorative
378 justice program, in coordination with schools in that district. A school may refer a student to
379 youth court or a comparable restorative justice program in accordance with Section 53G-8-211.