

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

governing board of a low performing charter school, to partner with the school turnaround committee to contract with a turnaround expert;

~~Ĥ→ [→ directs the State Board of Education to identify and contract with a turnaround expert to partner with a low performing school;] ←Ĥ~~

- ▶ specifies turnaround plan and turnaround expert contract requirements;
- ▶ repeals and enacts certain provisions related to funding;
- ▶ directs the State Board of Education to adopt rules establishing implications for a low performing school that fails to improve;
- ▶ amends provisions related to an extension granted to a low performing school;
- ▶ amends and provides a repeal date for the School Recognition and Reward Program;
- ▶ enacts the Turnaround School Teacher Recruitment and Retention Program; and

1st Sub. S.B. 234



26 ▶ makes technical corrections.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 This bill provides a coordination clause.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53A-1-1202**, as last amended by Laws of Utah 2016, Chapter 241

34 **53A-1-1203**, as last amended by Laws of Utah 2016, Chapter 241

35 **53A-1-1204**, as last amended by Laws of Utah 2016, Chapter 241

36 **53A-1-1205**, as last amended by Laws of Utah 2016, Chapter 241

37 **53A-1-1206**, as last amended by Laws of Utah 2016, Chapter 241

38 **53A-1-1207**, as last amended by Laws of Utah 2016, Chapter 241

39 **53A-1-1208**, as last amended by Laws of Utah 2016, Chapter 241

40 **63I-2-253**, as last amended by Laws of Utah 2016, Chapters 128, 229, 236, 271, and

41 318

42 ENACTS:

43 **53A-1-1208.1**, Utah Code Annotated 1953

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

45 **53A-1-1202**, Utah Code Annotated 1953

46 **53A-1-1203**, Utah Code Annotated 1953

47 **53A-1-1207**, Utah Code Annotated 1953



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

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

51 **53A-1-1202. Definitions.**

52 As used in this part:

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

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

55 **53A-1a-501.3.**

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

57 [53A-1a-501.3](#), that governs a charter.

58 [~~3~~] (4) "District school" means a public school under the control of a local school
59 board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
60 Boards.

61 [~~4~~] (5) "Educator" means the same as that term is defined in Section [53A-6-103](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

111 **53A-1-1204. Required action to turn around a low performing district school.**

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

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

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

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

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

119 the chair of the school community council;

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

121 ~~[(e)]~~ (v) one teacher at the low performing school appointed by the school district

122 superintendent[-]; and

123 (vi) one school district administrator;

124 (b) solicit proposals from a turnaround expert identified by the board under Section

125 53A-1-1206;

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

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

128 approval; and

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

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

131 (a) strategy to address the root causes of the low performing school's low performance

132 identified through the needs assessment described in Section 53A-1-1203; and

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

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

135 ~~[(2) (a) Subject to Subsection (2)(b), on or before October 1 of an initial remedial year,~~

136 ~~a local school board of a low performing school shall partner with the school turnaround~~

137 ~~committee to select an independent school turnaround expert from the experts identified by the~~

138 ~~board under Section 53A-1-1206.]~~

139 ~~[(b)]~~ (3) A local school board may not select ~~[an independent school]~~ a turnaround

140 expert that is:

141 (i) the school district; or

142 (ii) an employee of the school district.

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

144 (a) shall be based on an explicit stipulation of desired outcomes and consequences for

145 not meeting goals, including cancellation of the contract;

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

147 (i) develop and implement, in partnership with the school turnaround committee, a

148 school turnaround plan that meets the criteria described in Subsection (5);

149 (ii) monitor the effectiveness of a school turnaround plan through reliable means of

150 evaluation, including on-site visits, observations, surveys, analysis of student achievement data,
151 and interviews;

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

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

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

157 (B) the instructional capacity of school staff;

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

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

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

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

165 (ii) other services that respond to the needs assessment conducted under Section
166 [53A-1-1203](#);

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

168 (e) may include pay for performance provisions.

169 ~~[(3)]~~ (5) A school turnaround committee shall partner with the ~~[independent school]~~
170 turnaround expert selected under Subsection ~~[(2)]~~ (1) to develop and implement a school
171 turnaround plan that ~~[includes]:~~

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

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

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

180 (c) includes measurable student achievement goals and objectives and benchmarks by

181 which to measure progress;

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

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

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

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

187 (h) includes a timeline for implementation.

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

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

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

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

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

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

195 ~~[(5)]~~ (7) (a) On or before ~~[March]~~ June 1 of an initial remedial year, a school
196 turnaround committee shall submit the school turnaround plan to the local school board for
197 approval.

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

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

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

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

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

210 (1) ~~[On or before September 10 of an initial remedial year]~~ In accordance with
211 deadlines established by the board, a charter school authorizer of a low performing school shall

212 initiate a review to determine whether the charter school is in compliance with the school's
213 charter agreement described in Section [53A-1a-508](#), including the school's established minimum
214 standards for student achievement.

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

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

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

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

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

228 (ii) the school principal;

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

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

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

235 (b) solicit proposals from a turnaround expert identified by the board under Section
236 [53A-1-1206](#);

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

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

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

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

242 (a) strategy to address the root causes of the low performing school's low performance

243 identified through the needs assessment described in Section 53A-1-1203; and

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

246 ~~[(5)]~~ (6) A charter school governing board may not select a [school] turnaround expert
247 that:

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

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

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

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

253 ~~[(6)]~~ (8) (a) A school turnaround committee shall partner with the independent school
254 turnaround expert selected under Subsection (4)~~[(b)]~~ to develop and implement a school
255 turnaround plan that includes the elements described in Subsection 53A-1-1204~~[(3)]~~(5).

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

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

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

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

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

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

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

272a **Ĥ→ (11) A charter school governing board or a charter school governing board's designee**
272b **shall annually report to the board progress toward the goals, benchmarks, and timetable in a**
272c **low performing school's turnaround plan.** ←Ĥ

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

274 **53A-1-1206. State Board of Education to identify turnaround experts -- Review**
275 **and approval of school turnaround plans -- Appeals process.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

304 (b) have experience designing, implementing, and evaluating data-driven instructional

305 systems in public schools;

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

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

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

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

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

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

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

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

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

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

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

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

333 [(ii) for the last school year of the extension period if, as described in Section
334 53A-1-1207:]

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

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

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

340 ~~[(i) differentiated amounts of funding based on student enrollment; and]~~

341 ~~[(ii) a higher amount of funding for schools that are in the lowest performing 1% of~~
342 ~~schools statewide according to the percentage of possible points earned under the school~~
343 ~~grading system.]~~

344 ~~[(4)]~~ (3) (a) The board shall:

345 (i) review a proposal submitted for approval under Section [53A-17a-1204](#) or
346 [53A-17a-1205](#) no later than 30 days after the day on which the proposal is submitted;

347 ~~[(a)]~~ (ii) review a school turnaround plan submitted for approval under Subsection
348 [53A-1-1204](#)~~[(5)]~~[\(7\)](#)(b) or under Subsection [53A-1-1205](#)~~[(7)]~~[\(9\)](#)(b) within 30 days of
349 submission; and

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

351 ~~[(i)]~~ (A) is timely;

352 ~~[(ii)]~~ (B) is well-developed; and

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

354 ~~[(c) subject to legislative appropriations, provide funding to a low performing school~~
355 ~~for interventions identified in an approved school turnaround plan if the local school board or~~
356 ~~charter school governing board provides matching funds or an in-kind contribution of goods or~~
357 ~~services in an amount equal to the funding the low performing school would receive from the~~
358 ~~board.]~~

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

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

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

367 (5) The board shall:

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

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

372 ~~[(5)] (6)~~ (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 373 Act, the board shall make rules to establish an appeals process for:

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

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

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

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

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

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

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

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

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

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

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

397 (7) The board may use up to 4% of the funds appropriated by the Legislature to carry

398 out the provisions of this part for administration if the amount for administration is approved by
399 the board in an open meeting.

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

401 **53A-1-1207. Implications for failing to improve school performance.**

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

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

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

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

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

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

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

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

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

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

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

423 (iii) use generally accepted statistical practices.

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

427 [~~2~~] (3) (a) A low performing school may petition the board for an extension to
428 continue school improvement efforts for up to two years if the low performing [school's grade

429 does not improve by at least one letter grade, as determined by comparing the school's letter
430 grade for the school year prior to the initial remedial year to the school's letter grade for the
431 final remedial year.] school does not meet the exit criteria established by the board as described
432 in Subsection (2).

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

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

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

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

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

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

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

447 (ii) (A) the school teacher recruitment and retention incentive under Section
448 53A-1-1208.1; or

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

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

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

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

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

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

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

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

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

465 (i) contract management;

466 (ii) conversion to a charter school; or

467 (iii) state takeover; [~~and~~]

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

469 (i) [~~termination of~~] terminating a school's charter;

470 (ii) [~~closure of~~] closing a charter school; or

471 (iii) transferring operation and control of the charter school to:

472 (A) a high performing charter school; or

473 (B) the school district in which the charter school is located[~~;~~]; or

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

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

476 **53A-1-1208. School Recognition and Reward Program.**

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

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

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

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

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

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

490 (3) Subject to appropriations by the Legislature, upon the release of school grades by

491 the board, the board shall distribute a reward equal to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

513 **53A-1-1208.1. Turnaround school teacher recruitment and retention.**

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

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

518 (3) The board shall:

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

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

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

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

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

529 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

530 (1) Section **53A-1-403.5** is repealed July 1, 2017.

531 (2) Section **53A-1-411** is repealed July 1, 2017.

532 (3) Section **53A-1-709** is repealed July 1, 2020.

533 (4) Subsection **53A-1-1207(3)(b)(ii)(B)** is repealed July 1, 2020.

534 (5) Section **53A-1-1208** is repealed July 1, 2020.

535 [~~4~~] (6) Subsection **53A-1a-513(4)** is repealed July 1, 2017.

536 [~~5~~] (7) Section **53A-1a-513.5** is repealed July 1, 2017.

537 [~~6~~] (8) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2019.

538 [~~7~~] (9) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is
539 repealed July 1, 2017.

540 [~~8~~] (10) Sections **53A-24-601** and **53A-24-602** are repealed January 1, 2018.

541 [~~9~~] (11) (a) Subsections **53B-2a-103(2)** and (4) are repealed July 1, 2019.

542 (b) When repealing Subsections **53B-2a-103(2)** and (4), the Office of Legislative
543 Research and General Counsel shall, in addition to its authority under Subsection **36-12-12(3)**,
544 make necessary changes to subsection numbering and cross references.

545 [~~10~~] (12) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,
546 is repealed July 1, 2023.

547 Section 10. **Coordinating S.B. 234 with S.B. 220 -- Substantive and technical**
548 **amendments.**

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

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

554 "[(7)] (11) "Low performing school" means a district school or charter school that has
555 been designated a low performing school by the board because the school is:

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

559 (b) a low performing school according to other outcome-based measures as may be
560 defined in rules made by the board in accordance with Title 63G, Chapter 3, Utah

561 Administrative Rulemaking Act.";

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

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

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

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

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

569 [~~(2) a low performing school according to other outcome-based measures as may be~~
570 ~~defined in rules made by the board in accordance with Title 63G, Chapter 3, Utah~~

571 Administrative Rulemaking Act.]

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

574 (1)(b).

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

578 (4) The board is not required to designate as a low performing school a school for
579 which the board is not required to assign an overall rating in accordance with Section

580 53A-1-1105."; and

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

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

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

584 school accountability system in the final remedial year that represent a substantive and
585 statistically significant improvement over the number of points awarded under the school
586 accountability system in the school year immediately preceding the initial remedial year;
587 (ii) establish a method to estimate the exit criteria after a low performing school's first
588 remedial year to provide a target for each low performing school; and
589 (iii) use generally accepted statistical practices."