

EDUCATION MODIFICATIONS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne L. Niederhauser

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

This bill enacts and amends provisions related to public education.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the State Board of Education to designate low performing schools, subject to certain conditions;
- ▶ requires a local school board to take certain actions to turn around a low performing district school;
- ▶ requires a charter school authorizer and a charter school governing board to take certain actions to turn around a low performing charter school;
- ▶ directs the State Board of Education to:
 - select independent school turnaround experts, through a request for proposals process;
 - review and approve school turnaround plans submitted by a local school board or charter school governing board; and
 - make rules imposing certain consequences on a school district or charter school that fails to improve the school grade of a low performing school within a certain amount of time;
- ▶ creates the School Recognition and Reward Program to provide incentives to schools and educators to improve the school grade of a low performing school;
- ▶ creates the School Leadership Development Program to increase the number of

30 highly effective school leaders capable of initiating, achieving, and sustaining school
31 improvement efforts;

32 ▶ requires the State Board of Education to annually report to the Education Interim
33 Committee;

34 ▶ allows the State Board of Education to use certain nonlapsing funds, remaining at
35 the end of fiscal year 2015, for certain purposes; and

36 ▶ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38 This bill appropriates in fiscal year 2016:

39 ▶ to the State Board of Education - State Office of Education - Initiative Programs, as
40 an ongoing appropriation:

41 • from the Education Fund, \$7,000,000; and

42 ▶ to the State Board of Education - State Office of Education - Initiative Programs, as
43 a one-time appropriation:

44 • from the Education Fund, \$1,000,000.

45 **Other Special Clauses:**

46 This bill provides a special effective date.

47 **Utah Code Sections Affected:**

48 AMENDS:

49 **53A-1a-108.5**, as enacted by Laws of Utah 2002, Chapter 324

50 **53A-1a-510**, as last amended by Laws of Utah 2014, Chapter 363

51 **53A-17a-105**, as last amended by Laws of Utah 2013, Chapter 310

52 ENACTS:

53 **53A-1-1201**, Utah Code Annotated 1953

54 **53A-1-1202**, Utah Code Annotated 1953

55 **53A-1-1203**, Utah Code Annotated 1953

56 **53A-1-1204**, Utah Code Annotated 1953

57 **53A-1-1205**, Utah Code Annotated 1953

- 58 [53A-1-1206](#), Utah Code Annotated 1953
- 59 [53A-1-1207](#), Utah Code Annotated 1953
- 60 [53A-1-1208](#), Utah Code Annotated 1953
- 61 [53A-1-1209](#), Utah Code Annotated 1953
- 62 [53A-1-1210](#), Utah Code Annotated 1953



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

65 Section 1. Section **53A-1-1201** is enacted to read:

66 **Part 12. School Turnaround and Leadership Development Act**

67 **53A-1-1201. Title.**

68 This part is known as the "School Turnaround and Leadership Development Act."

69 Section 2. Section **53A-1-1202** is enacted to read:

70 **53A-1-1202. Definitions.**

71 As used in this part:

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

73 (2) "Charter school authorizer" means the same as that term is defined in Section
74 [53A-1a-501.3](#).

75 (3) "District school" means a public school under the control of a local school board
76 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
77 Boards.

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

79 (5) "Initial remedial year" means the year in which a district school or charter school is
80 designated as a low performing school under Section [53A-1-1203](#).

81 (6) "Low performing school" means a district school or charter school that has been
82 designated a low performing school by the board because the school is:

83 (a) in the lowest performing 3% of schools statewide according to the percentage of
84 possible points earned under the school grading system; and

85 (b) a low performing school according to other outcome-based measures as may be

86 defined in rules made by the board in accordance with Title 63G, Chapter 3, Utah
87 Administrative Rulemaking Act.

88 (7) "School grade" or "grade" means the letter grade assigned to a school under the
89 school grading system.

90 (8) "School grading system" means the system established under Part 11, School
91 Grading Act, of assigning letter grades to schools.

92 (9) "Statewide assessment" means a test of student achievement in English language
93 arts, mathematics, or science, including a test administered in a computer adaptive format that
94 is administered statewide under Part 6, Achievement Tests.

95 Section 3. Section **53A-1-1203** is enacted to read:

96 **53A-1-1203. State Board of Education to designate low performing schools.**

97 On or before August 15, the board shall annually designate a school as a low
98 performing school if the school is:

99 (1) in the lowest performing 3% of schools statewide according to the percentage of
100 possible points earned under the school grading system; and

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

104 Section 4. Section **53A-1-1204** is enacted to read:

105 **53A-1-1204. Required action to turn around a low performing district school.**

106 (1) On or before October 1 of an initial remedial year, a local school board of a low
107 performing school shall establish a school turnaround committee composed of the following
108 members:

109 (a) the local school board member who represents the voting district where the low
110 performing school is located;

111 (b) the school principal;

112 (c) three parents of students enrolled in the low performing school appointed by the
113 chair of the school community council;

114 (d) one teacher at the low performing school appointed by the principal; and

115 (e) one teacher at the low performing school appointed by the school district
116 superintendent.

117 (2) (a) Subject to Subsection (2)(b), on or before October 15 of an initial remedial year,
118 a local school board of a low performing school shall partner with the school turnaround
119 committee to select an independent school turnaround expert from the experts identified by the
120 board under Section [53A-1-1206](#).

121 (b) A local school board may not select an independent school turnaround expert that
122 is:

123 (i) the school district; or

124 (ii) an employee of the school district.

125 (3) A school turnaround committee shall partner with the independent school
126 turnaround expert selected under Subsection (2) to develop and implement a school turnaround
127 plan that includes:

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

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

133 (c) measurable student achievement goals and objectives;

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

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

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

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

139 (h) a timeline for implementation.

140 (4) A local school board of a low performing school shall:

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

142 (b) grant the low performing school streamlined authority over staff, schedule, policies,
143 budget, and academic programs to implement the school turnaround plan.

144 (5) (a) On or before March 1 of an initial remedial year, a school turnaround committee
145 shall submit the school turnaround plan to the local school board for approval.

146 (b) Except as provided in Subsection (5)(c), on or before April 1 of an initial remedial
147 year, a local school board of a low performing school shall submit the school turnaround plan
148 to the board for approval.

149 (c) If the local school board does not approve the school turnaround plan submitted
150 under Subsection (5)(a), the school turnaround committee may appeal the disapproval in
151 accordance with rules made by the board as described in Subsection [53A-1-1206\(5\)](#).

152 Section 5. Section **53A-1-1205** is enacted to read:

153 **53A-1-1205. Required action to terminate or turn around a low performing**
154 **charter school.**

155 (1) On or before August 20 of an initial remedial year, a charter school authorizer of a
156 low performing school shall initiate a review to determine whether the charter school is in
157 compliance with the school's charter agreement described in Section [53A-1a-508](#), including the
158 school's established minimum standards for student achievement.

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

162 (3) A charter school authorizer shall make a determination on the status of a low
163 performing school's charter under Subsection (2) on or before September 15 of an initial
164 remedial year.

165 (4) If a charter school authorizer does not terminate a low performing school's charter
166 under Subsection (2), a charter school governing board of a low performing school shall:

167 (a) on or before October 1 of an initial remedial year, establish a school turnaround
168 committee composed of the following members:

169 (i) a member of the charter school governing board, appointed by the chair of the

170 charter school governing board;
171 (ii) the school principal;
172 (iii) three parents of students enrolled in the low performing school, appointed by the
173 chair of the charter school governing board; and
174 (iv) two teachers at the low performing school, appointed by the school principal; and
175 (b) subject to Subsection (5), on or before October 15 of an initial remedial year, in
176 partnership with the school turnaround committee, select an independent school turnaround
177 expert from the experts identified by the board under Section [53A-1-1206](#).

178 (5) A charter school governing board may not select a school turnaround expert that:

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

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

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

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

185 (7) (a) On or before March 1 of an initial remedial year, a school turnaround committee
186 shall submit the school turnaround plan to the charter school governing board for approval.

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

190 (c) If the charter school governing board does not approve the school turnaround plan
191 submitted under Subsection (7)(a), the school turnaround committee may appeal the
192 disapproval in accordance with rules made by the board as described in Subsection
193 [53A-1-1206](#)(5).

194 Section 6. Section **53A-1-1206** is enacted to read:

195 **53A-1-1206. State Board of Education to identify independent school turnaround**
196 **experts -- Review and approval of school turnaround plans -- Appeals process.**

197 (1) On or before August 30, the board shall identify two or more approved independent

198 school turnaround experts, through a request for proposals process, that a low performing
199 school may select from to partner with to:

200 (a) collect and analyze data on the low performing school's student achievement,
201 personnel, culture, curriculum, assessments, instructional practices, governance, leadership,
202 finances, and policies;

203 (b) recommend changes to the low performing school's culture, curriculum,
204 assessments, instructional practices, governance, finances, policies, or other areas based on
205 data collected under Subsection (1)(a);

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

208 (d) monitor the effectiveness of a school turnaround plan through reliable means of
209 evaluation, including on-site visits, observations, surveys, analysis of student achievement data,
210 and interviews;

211 (e) provide ongoing implementation support and project management for a school
212 turnaround plan;

213 (f) provide high-quality professional development personalized for school staff that is
214 designed to build the:

215 (i) leadership capacity of the school principal; and

216 (ii) instructional capacity of school staff; and

217 (g) leverage support from community partners to coordinate an efficient delivery of
218 supports to students both inside and outside the classroom.

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

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

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

225 (c) have experience coaching public school administrators and teachers on designing

226 data-driven school improvement plans;

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

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

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

233 (g) are willing to partner with any low performing school in the state, regardless of
234 location.

235 (3) (a) When awarding a contract to an independent school turnaround expert selected
236 by a local school board under Subsection 53A-1-1204(2) or by a charter school governing
237 board under Subsection 53A-1-1205(4)(b), the board shall ensure that a contract between the
238 board and the independent school turnaround expert specifies that the board will:

239 (i) pay an independent school turnaround expert no more than 50% of the expert's
240 professional fees at the beginning of the independent school turnaround expert's work for the
241 low performing school; and

242 (ii) pay the remainder of the independent school turnaround expert's professional fees
243 upon the independent school turnaround expert successfully helping a low performing school
244 improve the low performing school's grade within three school years after a school is
245 designated a low performing school.

246 (b) In negotiating a contract with an independent school turnaround expert, the board
247 shall offer:

248 (i) differentiated amounts of funding based on student enrollment; and

249 (ii) a higher amount of funding for schools that are in the lowest performing 1% of
250 schools statewide according to the percentage of possible points earned under the school
251 grading system.

252 (4) The board shall:

253 (a) review a school turnaround plan submitted for approval under Subsection

254 53A-1-1204(5)(b) or under Subsection 53A-1-1205(7)(b) within 30 days of submission;
255 (b) approve a school turnaround plan that:
256 (i) is timely;
257 (ii) is well-developed; and
258 (iii) meets the criteria described in Subsection 53A-1-1204(3); and
259 (c) subject to legislative appropriations, provide funding to a low performing school for
260 interventions identified in an approved school turnaround plan if the local school board or
261 charter school governing board provides matching funds or an in-kind contribution of goods or
262 services in an amount equal to the funding the low performing school would receive from the
263 board.
264 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
265 the board shall make rules to establish an appeals process for:
266 (i) a low performing district school that is not granted approval from the district
267 school's local school board under Subsection 53A-1-1204(5)(b);
268 (ii) a low performing charter school that is not granted approval from the charter
269 school's charter school governing board under Subsection 53A-1-1205(7)(b); and
270 (iii) a local school board or charter school governing board that is not granted approval
271 from the board under Subsection (4)(b).
272 (b) The board shall ensure that rules made under Subsection (5)(a) require an appeals
273 process described in:
274 (i) Subsections (5)(a)(i) and (ii) to be resolved on or before April 1 of the initial
275 remedial year; and
276 (ii) Subsection (5)(a)(iii) to be resolved on or before May 15 of the initial remedial
277 year.
278 (6) The board shall balance the need to prioritize funding appropriated by the
279 Legislature to contract with highly qualified independent school turnaround experts with the
280 need to set aside funding for:
281 (a) interventions to facilitate the implementation of a school turnaround plan under

282 Subsection (4)(c); and

283 (b) the School Recognition and Reward Program created under Section 53A-1-1208.

284 Section 7. Section 53A-1-1207 is enacted to read:

285 **53A-1-1207. Consequences for failing to improve the school grade of a low**
286 **performing school.**

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

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

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

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

294 (2) (a) A low performing school that does not improve the low performing school's
295 grade by at least one letter grade within three school years after the day on which the school is
296 designated a low performing school may petition the board for an extension to continue school
297 improvement efforts for up to two years.

298 (b) The board may only grant an extension under Subsection (2)(a) if the low
299 performing school has increased the number of points awarded under the school grading
300 system by at least:

301 (i) 25% for a school that is not a high school; and

302 (ii) 10% for a high school.

303 (c) The board may extend the contract of an independent school turnaround expert of a
304 low performing school that is granted an extension under this Subsection (2).

305 (d) A school that has been granted an extension under this Subsection (2) is eligible
306 for:

307 (i) continued funding under Subsection 53A-1-1206(4)(c); and

308 (ii) the School Recognition and Reward Program under Section 53A-1-1208.

309 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

310 board shall make rules establishing consequences for a low performing school that:

311 (a) (i) does not improve the school's grade within three school years after the day on
312 which the school is designated a low performing school; and

313 (ii) is not granted an extension under Subsection (2); or

314 (b) (i) is granted an extension under Subsection (2); and

315 (ii) does not improve the school's grade within two school years after the day on which
316 the low performing school is granted an extension.

317 (4) The board shall ensure that the rules established under Subsection (3) include a
318 mechanism for:

319 (a) restructuring a district school that may include:

320 (i) contract management;

321 (ii) conversion to a charter school; or

322 (iii) state takeover; and

323 (b) restructuring a charter school that may include:

324 (i) termination of a school's charter;

325 (ii) closure of a charter school; or

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

327 (A) a high performing charter school; or

328 (B) the school district in which the charter school is located.

329 Section 8. Section **53A-1-1208** is enacted to read:

330 **53A-1-1208. School Recognition and Reward Program.**

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

332 (a) improves the school's grade by at least one grade level within three school years
333 after the day on which the school is designated a low performing school; or

334 (b) (i) has been granted an extension under Subsection [53A-1-1207\(2\)](#); and

335 (ii) improves the school's grade by at least one grade level within the extension period.

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

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

340 (a) for an eligible school that improves the eligible school's grade one grade level:

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

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

343 (b) for an eligible school that improves the eligible school's grade two grade levels:

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

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

346 (c) for an eligible school that improves the eligible school's grade three grade levels:

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

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

349 (d) for an eligible school that improves the eligible school's grade four grade levels:

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

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

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

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

357 Section 9. Section **53A-1-1209** is enacted to read:

358 **53A-1-1209. School Leadership Development Program.**

359 (1) As used in this section, "school leader" means a school principal or assistant
360 principal.

361 (2) There is created the School Leadership Development Program to increase the
362 number of highly effective school leaders capable of initiating, achieving, and sustaining
363 school improvement efforts.

364 (3) The board shall identify one or more providers, through a request for proposals
365 process, to develop or provide leadership development training for school leaders that:

- 366 (a) may provide in-depth training in proven strategies to turn around low performing
367 schools;
- 368 (b) may emphasize hands-on and job-embedded learning;
- 369 (c) aligns with the state's leadership standards established by board rule;
- 370 (d) reflects the needs of a school district or charter school where a school leader serves;
- 371 (e) may include training on using student achievement data to drive decisions;
- 372 (f) may develop skills in implementing and evaluating evidence-based instructional
373 practices; and
- 374 (g) may develop skills in leading collaborative school improvement structures,
375 including professional learning communities.
- 376 (4) Subject to legislative appropriations, the State Board of Education shall provide
377 incentive pay to a school leader who:
- 378 (a) completes leadership development training under this section; and
- 379 (b) agrees to work, for at least five years, in a school that received an "F" grade or "D"
380 grade under the school grading system in the school year previous to the first year the school
381 leader:
- 382 (i) completes leadership development training; and
- 383 (ii) begins to work, or continues to work, in a school described in this Subsection
384 (4)(b).
- 385 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
386 board shall make rules specifying:
- 387 (a) eligibility criteria for a school leader to participate in the School Leadership
388 Development Program;
- 389 (b) application procedures for the School Leadership Development Program;
- 390 (c) criteria for selecting school leaders from the application pool; and
- 391 (d) procedures for awarding incentive pay under Subsection (4).
- 392 Section 10. Section **53A-1-1210** is enacted to read:
- 393 **53A-1-1210. Reporting requirement.**

394 On or before November 30 of each year, the board shall report to the Education Interim
395 Committee on the provisions of this part.

396 Section 11. Section **53A-1a-108.5** is amended to read:

397 **53A-1a-108.5. School improvement plan.**

398 (1) (a) Each school community council shall annually evaluate the school's [~~U-PASS~~]
399 statewide achievement test results and use the evaluations in developing a school improvement
400 plan.

401 (b) In evaluating [~~U-PASS~~] statewide achievement test results and developing a school
402 improvement plan, a school community council may not have access to data that reveal the
403 identity of students.

404 (2) [~~Each~~] A school community council shall develop a school improvement plan
405 [~~shall~~] that:

406 (a) [~~identify~~] identifies the school's most critical academic needs;

407 (b) [~~recommend~~] recommends a course of action to meet the identified needs;

408 (c) [~~list~~] lists any programs, practices, materials, or equipment that the school will need
409 to implement its action plan to have a direct impact on the instruction of students and result in
410 measurable increased student performance; and

411 (d) [~~describe~~] describes how the school intends to enhance or improve academic
412 achievement, including how financial resources available to the school, such as School LAND
413 Trust Program money received under Section **53A-16-101.5** and state and federal grants, will
414 be used to enhance or improve academic achievement.

415 (3) [~~The~~] Although a school improvement plan [~~shall focus~~] focuses on the school's
416 most critical academic needs [~~but~~], the plan may include other actions to enhance or improve
417 academic achievement and the community environment for students.

418 (4) The school principal shall make available to the school community council the
419 school budget and other data needed to develop the school improvement plan.

420 (5) The school improvement plan [~~shall be~~] is subject to the approval of the local
421 school board of the school district in which the school is located.

422 (6) A school community council may develop a multiyear school improvement plan,
423 but the plan must be presented to and approved annually by the local school board.

424 (7) Each school shall:

425 (a) implement the school improvement plan as developed by the school community
426 council and approved by the local school board;

427 (b) provide ongoing support for the council's plan; and

428 (c) meet local school board reporting requirements regarding performance and
429 accountability.

430 (8) The school community council of a low performing school, as defined in Section
431 53A-1-1202, shall develop a school improvement plan that is consistent with the school
432 turnaround plan developed by the school turnaround committee under Chapter 1, Part 12,
433 School Turnaround and Leadership Development Act.

434 Section 12. Section **53A-1a-510** is amended to read:

435 **53A-1a-510. Termination of a charter.**

436 (1) Subject to the requirements of Subsection (3), a charter school authorizer may
437 terminate a school's charter for any of the following reasons:

438 (a) failure of the charter school to meet the requirements stated in the charter;

439 (b) failure to meet generally accepted standards of fiscal management;

440 (c) subject to Subsection (8), failure to make adequate yearly progress under the No
441 Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.;

442 (d) (i) designation as a low performing school under Chapter 1, Part 11, School
443 Grading Act; and

444 (ii) failure to improve the school's grade under the conditions described in Chapter 1,
445 Part 12, School Turnaround and Leadership Development Act;

446 ~~(e)~~ (e) violation of requirements under this part or another law; or

447 ~~(f)~~ (f) other good cause shown.

448 (2) (a) The authorizer shall notify the following of the proposed termination in writing,
449 state the grounds for the termination, and stipulate that the governing board may request an

450 informal hearing before the authorizer:

451 (i) the governing board of the charter school; and

452 (ii) if the charter school is a qualifying charter school with outstanding bonds issued in
453 accordance with Chapter 20b, Part 2, Charter School Credit Enhancement Program, the Utah
454 Charter School Finance Authority.

455 (b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in
456 accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after
457 receiving a written request under Subsection (2)(a).

458 (c) If the authorizer, by majority vote, approves a motion to terminate a charter school,
459 the governing board of the charter school may appeal the decision to the State Board of
460 Education.

461 (d) (i) The State Board of Education shall hear an appeal of a termination made
462 pursuant to Subsection (2)(c).

463 (ii) The State Board of Education's action is final action subject to judicial review.

464 (e) (i) If the authorizer proposes to terminate the charter of a qualifying charter school
465 with outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit
466 Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b)
467 120 days or more after notifying the following of the proposed termination:

468 (A) the governing board of the qualifying charter school; and

469 (B) the Utah Charter School Finance Authority.

470 (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School
471 Finance Authority shall meet with the authorizer to determine whether the deficiency may be
472 remedied in lieu of termination of the qualifying charter school's charter.

473 (3) An authorizer may not terminate the charter of a qualifying charter school with
474 outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit
475 Enhancement Program, without mutual agreement of the Utah Charter School Finance
476 Authority and the authorizer.

477 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

478 the State Board of Education shall make rules that require a charter school to report any threats
479 to the health, safety, or welfare of its students to the State Charter School Board in a timely
480 manner.

481 (b) The rules under Subsection (4)(a) shall also require the charter school report to
482 include what steps the charter school has taken to remedy the threat.

483 (5) Subject to the requirements of Subsection (3), the authorizer may terminate a
484 charter immediately if good cause has been shown or if the health, safety, or welfare of the
485 students at the school is threatened.

486 (6) If a charter is terminated during a school year, the following entities may apply to
487 the charter school's authorizer to assume operation of the school:

488 (a) the school district where the charter school is located;

489 (b) the governing board of another charter school; or

490 (c) a private management company.

491 (7) (a) If a charter is terminated, a student who attended the school may apply to and
492 shall be enrolled in another public school under the enrollment provisions of Chapter 2, Part 2,
493 District of Residency, subject to space availability.

494 (b) Normal application deadlines shall be disregarded under Subsection (7)(a).

495 (8) Subject to the requirements of Subsection (3), an authorizer may terminate a charter
496 pursuant to Subsection (1)(c) under the same circumstances that local educational agencies are
497 required to implement alternative governance arrangements under 20 U.S.C. Sec. 6316.

498 Section 13. Section **53A-17a-105** is amended to read:

499 **53A-17a-105. Powers and duties of State Board of Education to adjust Minimum**
500 **School Program allocations -- Use of remaining funds at the end of a fiscal year.**

501 (1) For purposes of this section:

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

503 (b) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C.

504 Sec. 6301 et seq.

505 (c) "LEA" means:

506 (i) a school district; or

507 (ii) a charter school.

508 (d) "Program" means a program or allocation funded by a line item appropriation or
509 other appropriation designated as:

510 (i) Basic Program;

511 (ii) Related to Basic Programs;

512 (iii) Voted and Board Levy Programs; or

513 (iv) Minimum School Program.

514 [(+)] (2) Except as provided in Subsection [(2)] (3) or [(4)] (5), if the number of
515 weighted pupil units in a program is underestimated, the [~~State Board of Education~~] board shall
516 reduce the value of the weighted pupil unit in that program so that the total amount paid for the
517 program does not exceed the amount appropriated for the program.

518 [(2)] (3) If the number of weighted pupil units in a program is overestimated, the [~~State~~
519 ~~Board of Education~~] board shall spend excess money appropriated for the following purposes
520 giving priority to the purpose described in Subsection [(2)] (3)(a):

521 (a) to support the value of the weighted pupil unit in a program within the basic
522 state-supported school program in which the number of weighted pupil units is underestimated;

523 (b) to support the state guarantee per weighted pupil unit provided under the voted
524 local levy program established in Section 53A-17a-133 or the board local levy program
525 established in Section 53A-17a-164, if:

526 (i) local contributions to the voted local levy program or board local levy program are
527 overestimated; or

528 (ii) the number of weighted pupil units within school districts qualifying for a
529 guarantee is underestimated;

530 (c) to support the state supplement to local property taxes allocated to charter schools,
531 if the state supplement is less than the amount prescribed by Subsection 53A-1a-513(4); or

532 (d) to support a school district with a loss in student enrollment as provided in Section
533 53A-17a-139.

534 ~~[(3)]~~ (4) If local contributions from the minimum basic tax rate imposed under Section
535 53A-17a-135 are overestimated, the ~~[State Board of Education]~~ board shall reduce the value of
536 the weighted pupil unit for all programs within the basic state-supported school program so the
537 total state contribution to the basic state-supported school program does not exceed the amount
538 of state funds appropriated.

539 ~~[(4)]~~ (5) If local contributions from the minimum basic tax rate imposed under Section
540 53A-17a-135 are underestimated, the ~~[State Board of Education]~~ board shall:

541 (a) spend the excess local contributions for the purposes specified in Subsection ~~[(2)]~~
542 (3), giving priority to supporting the value of the weighted pupil unit in programs within the
543 basic state-supported school program in which the number of weighted pupil units is
544 underestimated; and

545 (b) reduce the state contribution to the basic state-supported school program so the
546 total cost of the basic state-supported school program does not exceed the total state and local
547 funds appropriated to the basic state-supported school program plus the local contributions
548 necessary to support the value of the weighted pupil unit in programs within the basic
549 state-supported school program in which the number of weighted pupil units is underestimated.

550 ~~[(5)]~~ (6) Except as provided in Subsection ~~[(2)]~~ (3) or ~~[(4)]~~ (5), the ~~[State Board of~~
551 ~~Education]~~ board shall reduce the guarantee per weighted pupil unit provided under the voted
552 local levy program established in Section 53A-17a-133 or board local levy program established
553 in Section 53A-17a-164, if:

554 (a) local contributions to the voted local levy program or board local levy program are
555 overestimated; or

556 (b) the number of weighted pupil units within school districts qualifying for a
557 guarantee is underestimated.

558 (7) (a) The board may use program funds as described in Subsection (7)(b) if:

559 (i) the state loses flexibility due to the U.S. Department of Education's rejection of the
560 state's renewal application for flexibility under the ESEA; and

561 (ii) the state is required to fully implement the requirements of Title I of the ESEA, as

562 amended by the No Child Left Behind Act of 2001.

563 (b) Subject to the requirements of Subsections (7)(a) and (c), for fiscal year 2016, after
564 any transfers or adjustments described in Subsections (2) through (6) are made, the board may
565 use up to \$15,000,000 of excess money appropriated to a program, remaining at the end of
566 fiscal year 2015, to mitigate a budgetary impact to an LEA due to the LEA's loss of flexibility
567 related to implementing the requirements of Title I of the ESEA, as amended by the No Child
568 Left Behind Act of 2001.

569 (c) In addition to the reporting requirement described in Subsection (9), the board shall
570 report actions taken by the board under this Subsection (7) to the Executive Appropriations
571 Committee.

572 ~~[(6)]~~ (8) Money appropriated to the ~~[State Board of Education]~~ board is nonlapsing.

573 ~~[(7)]~~ (9) The ~~[State Board of Education]~~ board shall report actions taken by the board
574 under this section to the Office of the Legislative Fiscal Analyst and the Governor's Office of
575 Management and Budget.

576 **Section 14. Appropriation.**

577 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
578 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money
579 are appropriated from resources not otherwise appropriated, or reduced from amounts
580 previously appropriated, out of the funds or accounts indicated. These sums of money are in
581 addition to any amounts previously appropriated for fiscal year 2016.

582 To State Board of Education - State Office of Education - Initiative Programs

583 From Education Fund \$7,000,000

584 From Education Fund, One-time \$1,000,000

585 Schedule of Programs:

586 Contracts and Grants - Low Performing Schools \$8,000,000

587 The Legislature intends that:

588 (1) the State Board of Education:

589 (a) may use up to \$500,000 of the appropriation under this section for the School

590 Leadership Development Program created under Section [53A-1-1209](#);

591 (b) shall use, or set aside for future use, at least \$1,000,000 of the appropriation under
592 this section for the School Recognition and Reward Program created under Section
593 [53A-1-1208](#); and

594 (c) shall use the remaining funds in accordance with the direction provided in
595 Subsection [53A-1-1206\(6\)](#); and

596 (2) \$7,000,000 of the appropriation under this section is:

597 (a) ongoing; and

598 (b) non-lapsing.

599 Section 15. **Effective date.**

600 Uncodified Section 14, Appropriation, takes effect on July 1, 2015.