Draft 1
May 24, 2022

R277. Education, Administration.

R277-920. School Improvement [~~- Implementation of the School Turnaround~~] and Leadership Development[~~ Act~~].

R277-920-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Title 53E, Chapter 5, Part 3, School [~~Turnaround~~]Improvement and Leadership Development[~~ Act~~], which requires the Board to make rules to establish:

(i) an appeal process for the denial of a school [~~turnaround~~]improvement plan;

(ii) provisions regarding funding distributed to a [~~low performing~~]springboard school or elevate school;

(iii) criteria for granting an extension to a [~~low performing~~]springboard school;

(iv) criteria for exiting a school that has demonstrated sufficient improvement;

[~~(v) criteria for approving a teacher recruitment and retention plan;~~]

[~~(vi)~~](v) implications for a [~~low performing~~]springboard school; and

[~~(vii)~~](vi) eligibility criteria, application procedures, selection criteria, and procedures for awarding incentive pay for the School Leadership Development Program.

(2) The purpose of this rule is to:

(a) enact provisions governing school improvement efforts; and

(b) implement and administer the provisions of Title 53E, Chapter 5, Part 3, School [~~Turnaround~~]Improvement and Leadership Development [~~Act~~].

R277-920-2. Definitions.

(1) "Appeal committee" means the committee established by Section R277-920-[~~5~~]6.

29 (2) "Baseline performance" means the percentage of possible points earned by a
30 school through the school accountability system in the year the school was identified as
31 a springboard[~~low performing~~] school.
32 (3) "Committee" means a school [~~turnaround~~]improvement committee established
33 in accordance with Subsections 53E-5-303(1) or 53E-5-304(4).
34 (4) "Continuous improvement expert" means the same as that term is defined in
35 Section 53E-5-301.
36 (5) "Elevate school" means the same as that term is defined in Section 53E-5-301.
37 ~~(4) "Eligible school" means a low performing school that:~~
38 ~~(a) was designated as a low performing school based on 2014-2015 school year~~
39 ~~performance; and~~
40 ~~(b)(i) improves the school's grade by at least one letter grade, as determined by~~
41 ~~comparing the school's letter grade for the school year prior to the initial remedial year to~~
42 ~~the school's letter grade for the final remedial year; or~~
43 ~~(ii)(A) has been granted an extension under Subsection 53E-5-306(3) and this~~
44 ~~Rule R277-920; and~~
45 ~~(B) improves the school's grade by at least one letter grade, as determined by~~
46 ~~comparing the school's letter grade for the school year prior to the initial remedial year to~~
47 ~~the school's letter grade for the last school year of the extension period.~~
48 ~~(5) "Low performing school" means a school that:~~
49 ~~(a) is for two consecutive school years in the lowest performing:~~
50 ~~(i) 3% of the high schools statewide according to the percentage of possible points~~
51 ~~earned under the school accountability system; or~~
52 ~~(ii) 3% of the elementary, middle, and junior high schools statewide according to~~
53 ~~the percentage of possible points earned under the school accountability system; and~~
54 ~~(b) participates in the school turnaround and leadership development program~~
55 ~~described in Title 53E, Chapter 5, Part 3.~~]
56

57 [~~(6)~~](6) "High performing charter school" means the same as that term is defined
58 in Section 53E-5-306.
59 (7) "Non-Title I school" means a school that does not receive funds under the
60 Elementary and Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.
61 [~~(7)~~](8) "School improvement grant" means a Title I grant under the Elementary
62 and Secondary Education Act, 20 U.S.C. Sec. 6303(g).
63 [~~(8)~~](9) "School[~~s~~] in critical needs status" means a school that[~~has been identified~~
64 ~~under Subsection R277-920-3(1).~~] is a:
65 (a) high school with a four-year adjusted cohort graduation rate of less than or
66 equal to 67% for three school years on average;
67 (b) Title I school that does not exit targeted needs status; or
68 (c) Title I school that:
69 (i) has not been identified as a school meeting the definition of Subsection (9)(a),
70 (9)(b), or (14); and
71 (ii) performed in the lowest 5% of Title I schools over the past three years on
72 average according to the percentage of points earned under the school accountability
73 system.
74 (10) "School in targeted needs status" means a school that is identified as a
75 targeted support and improvement school with one or more student groups as described
76 in Section R277-920-5.
77 [~~(9)~~](11) "School leader" means the same as that term is defined in Section 53E-
78 5-309.
79 (12) "School improvement plan" means a school improvement plan described in
80 Section R277-920-8.
81 [~~(10)~~](13) "School improvement[~~turnaround~~] program" [~~or "turnaround program"~~]
82 means the school improvement[~~turnaround~~] and leadership development program
83 described in Title 53G, Chapter 5, Part 3.
84 (14) "Springboard school" means the same as that term is defined in Section 53E-
85 5-301.

86 [~~(11)~~](15) "State review panel" means a state review panel appointed by the
87 Superintendent that includes at least three members who each have demonstrated
88 expertise in two or more of the following fields:
89 (a) leadership at the school district or school level;
90 (b) standards-based elementary or secondary curriculum instruction and
91 assessment;
92 (c) instructional data management and analysis;
93 (d) educational program evaluation;
94 (e) educational program management;
95 (f) teacher leadership;
96 (g) change management;
97 (h) organizational management; or
98 (i) school budgeting and finance.
99 [~~(12)~~](16) "Title I school" means a school that receives funds under the Elementary
100 and Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.
101 (17) "ESSA state plan" means the Revised State Template for the Consolidated
102 State Plan: The Elementary and Secondary Education Act of 1965, Every Student
103 Succeeds Act incorporated by reference in Section R277-920-3.
104
105 **R277-920-3. Revised State Template for the Consolidated State Plan: The**
106 **Elementary and Secondary Education Act of 1965 Incorporated by Reference.**
107 (1) This rule incorporates by reference the Revised State Template for the
108 Consolidated State Plan: The Elementary and Secondary Education Act of 1965, Every
109 Student Succeeds Act, which provides clarification of the requirements and the state's
110 plan for seven federal Title programs including school improvement.
111 (2) A copy of the manual is located at:
112 (a) https://www.schools.utah.gov ; and
113 (b) the Utah State Board of Education.
114

R277-920-[~~3~~]4. Superintendent's Identification of Schools for Critical Needs Status and Springboard Schools -- Readiness Review.

(1) Subject to Subsection (2), on or before [~~September 30~~]October 31, the Superintendent shall identify schools for critical needs status [~~if the school is a:~~]and springboard schools.

[~~(a) low performing school;~~]

[~~(b) high school with a four-year adjusted cohort graduation rate of less than or equal to 67% for three school years on average;~~

~~(c) Title I school with chronically underperforming student groups as described in Section R277-920-11; or~~

~~(d) Title I school that:~~

~~(i) has not been identified under Subsection (1)(a), (b), or (c); and~~

~~(ii) performed in the lowest 5% of Title I schools over the past three years on average according to the percentage of points earned under the school accountability system.~~]

(2) The Superintendent shall make the identification under:

(a) consistent with the ESSA state plan, Subsection [~~(1)(b)~~]R277-920-2(9)(a) beginning with the [~~2018-2019~~]2021-22 school accountability results and every [~~two~~]three years thereafter;

(b) consistent with the ESSA state plan, Subsection [~~(1)(c)~~]R277-920-2(9)(b) beginning with the [~~2022-2023~~]2023-24 school accountability results and every [~~three years~~]year thereafter; [~~and~~]

(c) consistent with the ESSA state plan, Subsection [~~(1)(d)~~]R277-920-2(9)(c) beginning with the 2021-2022 school accountability results and every three years thereafter[~~.~~]; and

(d) consistent with Subsection 53E-5-302(1)(a), Subsection R277-920-2(14) beginning with the 2024-25 school accountability results and every four years thereafter.

142 (3)(a) Except as provided in Subsection (3)(b), schools in critical needs status are
143 required to comply with the provisions of Title 53E, Chapter 5, Part 3, School
144 [~~Turnaround~~]Improvement and Leadership Development[~~ Act~~].
145 (b) [~~Schools that are identified under Subsections (1)(b), (1)(c), and (1)(d) are~~]A
146 school in critical needs status is exempt from the requirement to contract with [~~an~~
147 ~~independent school turnaround~~]continuous improvement expert described in Section
148 53E-5-305.
149
150 **R277-920-[4]5. Superintendent's Identification of Schools for Targeted Needs**
151 **Status.**
152 (1) As used in this section, "student groups" means a group of 10 or more
153 students:
154 (a) who are economically disadvantaged;
155 (b) with disabilities;
156 (c) who are English learners;
157 (d) who are African American;
158 (e) who are American Indian;
159 (f) who are Asian;
160 (g) who are Hispanic;
161 (h) who are Multiple races;
162 (i) who are Pacific Islander; or
163 (j) who are White.
164 (2)(a) Subject to Subsection (2)(b), the Superintendent shall identify for targeted
165 needs status any school with one or more student groups who:
166 (i) for two consecutive years, is assigned a percentage of possible points in the
167 state's accountability system that is equal to or below the percentage of possible points
168 associated with the lowest rating in the state's accountability system; and
169 (ii) is not currently identified for critical needs status under Section R277-920-[~~3~~]4.

170 (b) The Superintendent shall make the identification under Subsection (2)(a)
171 beginning with the 2018-2019 school accountability results and every year thereafter.
172 (3) A school identified under Subsection (2) shall develop and implement a plan
173 to improve performance of the student group that was the subject of the identification
174 under Subsection (2), in accordance with the Elementary and Secondary Education Act of
175 1965, 20 U.S.C. Sec. 6301 et seq.
176 (4) To exit targeted needs status, a school shall demonstrate that the school no
177 longer meets the criteria for which the school was identified for two consecutive years within
178 four school years after the month in which the school was identified.
179 (5) The Superintendent shall identify a Title I school that does not meet the exit
180 criteria described in Subsection (4) as a school with chronically underperforming student
181 groups as described in Section R277-920-[~~3~~]4.
182
183 **R277-920-[~~5~~]6. Identification of New Schools due to Statewide Assessment System**
184 **Irregularities During the 2020 COVID-19 Pandemic.**
185 The Superintendent may not identify a new school for critical needs status based on
186 school accountability results from the 2019-20 school year due to the waiver to administer
187 assessments described in Section 53E-4-315.
188
189 **R277-920-7. Superintendent Review of Continuous Improvement Expert Proposals**
190 **for Springboard and Elevate Schools.**
191 (1) The Superintendent shall review and approve a springboard or elevate school's
192 proposal described in Subsection 53E-5-303(1)(d).
193 (2) On or before January 15, a local education board of a springboard or elevate
194 school shall submit a proposal described in Subsection 53E-5-303(1) or Subsection 53E-5-
195 304(4) to the Superintendent for approval.
196
197 **R277-920-[~~6~~]8. School [~~Turnaround~~]Improvement Plan Submission and Approval**
198 **Process.**

199 (1) In addition to the requirements described in Subsection 53E-5-303(5), a
200 springboard school, elevate school, or school in critical needs status shall create a school
201 improvement plan and[~~plan shall~~] include at least the following:
202 (a) [~~if the school in critical needs status is a district school,~~] a request to the local
203 school board and district superintendent for:
204 (i) additional resources;
205 (ii) personnel; or
206 (iii) exemptions from district policy that may be contributing to the low performance
207 of the district school; and
208 (b) a plan for management of school personnel, including:
209 (i) recruitment of an educator or school leader; and
210 (ii) professional development for an educator or school leader.
211 (2) A local education board shall include in the plan a strategy for sustaining school
212 improvement efforts after a school exits critical needs status.
213 (3)(a) A local education board may approve or deny a plan in whole or in part, if the
214 part of the plan the board denies is severable from the part of the plan the board approves.
215 (b) A local education board shall give a reason for a denial of each part of a plan.
216 [~~(4) On or before January 15, a local education board of a low performing school~~
217 ~~shall submit a proposal described in Subsection 53E-5-303(1) or Subsection 53E-5-304(4)~~
218 ~~to the Superintendent for approval.~~]
219 [~~(5)~~](4) A local education board shall submit a school improvement plan in
220 accordance with Subsection 53E-5-303(7) or Subsection 53E-5-304(9) to the Board.
221 [~~(6)~~](5) In accordance with Subsection 53E-5-305(3), the Board may review and
222 approve or deny a school improvement plan in whole or in part, if the part of the school
223 improvement plan the Board denies is severable from the part of the school improvement
224 plan the Board approves.
225
226 **R277-920-[~~7~~]9. Appeal Process for Denial of a School [~~Turnaround~~]Improvement**
227 **Plan.**

228 [~~(1) As used in this section "plan" means a school [turnaround]improvement plan~~
229 ~~described in Subsection 53E-5-303(5).~~]
230 [~~(2)~~](1) A committee or local education board may appeal the denial of a plan, in
231 whole or in part, by following the procedures and requirements of this section.
232 [~~(3)~~](2) An appeal authorized by this rule:
233 (a) is an informal adjudicative proceeding under Section 63G-4-203; and
234 (b) shall be resolved by the date specified in Subsection 53E-5-305(6)(b).
235 [~~(4)~~](3) (a) A principal, on behalf of a committee, may request that the local education
236 board reconsider the denial of a plan:
237 (i) by electronically filing the request:
238 (A) with the chair of the local education board; and
239 (B) on a form provided on the Board website; and
240 (ii) within 5 calendar days of the denial.
241 (b) The reconsideration request may include a modification to the plan if the
242 committee approves the modification.
243 (c) The local education board shall respond to the request within 10 calendar days
244 by:
245 (i) refusing to reconsider its action;
246 (ii) approving a plan, in whole or in part; or
247 (iii) denying a plan modification.
248 (d) The principal may appeal the denial of a plan under this Subsection (3):
249 (i) by electronically filing an appeal with the Superintendent on a form provided on
250 the Board website; and
251 (ii) within 5 calendar days of the denial.
252 (e) An appeal filed under this subsection shall be resolved in accordance with
253 Subsections [~~(5)~~](4) and [~~(6)~~](5).
254 [~~(5)~~](4) A district superintendent, on behalf of a local school board, or a charter school
255 governing board chair, on behalf of a charter school governing board, may appeal the
256 Board's denial of a plan:

(a) by electronically filing an appeal with the Superintendent on a form provided on the Board website; and

(b) within 5 calendar days of the denial.

[~~(6)~~](5) (a) At least three members of a Board committee, appointed by the Board as the appeal committee, shall review the written appeal.

(b) The appeal committee may ask the principal, district superintendent, local school board chair, or charter school governing board chair to:

(i) provide additional written information; or

(ii) appear personally and provide information.

(c) The appeal committee shall make a written recommendation within 5 business days of receipt of the appeal request to the Board to accept, modify, or reject the plan and give a reason for the recommendation.

[~~(7)~~](6) The Board may accept or reject the appeal committee's recommendation and the Board's decision is the final administrative action.

R277-920-[~~8~~]10. [~~School Turnaround~~]Springboard and Elevate School Program Funding.

(1) The Superintendent shall annually designate an amount of funds available for distribution to [~~low performing~~]springboard and elevate schools under this section, taking into consideration:

[~~(a) variability in the number of schools that are identified on an annual basis;~~]

(b)(a) encumbered funds; and

(c)(b) other program obligations.

[~~(2) The Superintendent shall distribute any funds available for distribution under Subsection (1) after the allocation of funds described in Subsections (3) [and (4)]to local education boards of low performing schools on a prioritized basis taking need for the funds, as demonstrated by the needs assessment conducted in accordance with Section 53E-5-302, into account.~~]

285 [~~(3)~~](2) [~~Subject to availability of funds, on~~]On or before January 30 of the school
286 year in which a [~~low performing~~]springboard or elevate school is identified, the
287 Superintendent shall distribute at least [~~$240,000 per low performing~~]$375,000 per
288 springboard or elevate school to each local education board of a [~~low~~
289 ~~performing~~]springboard or elevate school.
290 (3) The Superintendent shall distribute any funds available for distribution under
291 Subsection (1) after the allocation of funds described in Subsection (2) to local education
292 boards of springboard and elevate schools on a prioritized basis taking need for the funds,
293 as demonstrated by the needs assessment conducted in accordance with Section 53E-5-
294 302, into account.
295 [~~(4) Subject to availability of funds, in addition to the amount distributed under~~
296 ~~Subsection (3), the Superintendent shall distribute an amount equal to $30,000 for each of~~
297 ~~the following criteria that a school meets:~~
298 ~~(a) the school is located in a county with a county seat that is over 100 miles away~~
299 ~~from Salt Lake City;~~
300 ~~(b) the school is located within San Juan County; or~~
301 ~~(c) the school:~~
302 ~~(i)(A) has over 75 full time equivalent educators; and~~
303 ~~(B) includes grade 12; or~~
304 ~~(ii)(A) has over 37 full time equivalent educators; and~~
305 ~~(B) does not include grade 12.~~]
306 [~~(5)~~](4)(a) The local education board shall use at least a portion of the funding
307 distributed under Subsections (2) and (3) [~~and (4)~~] to contract with [~~an independent school~~
308 ~~turnaround~~]a continuous improvement expert, including travel costs, in accordance with
309 Sections 53E-5-303 and 53E-5-304.
310 (b) A local education board shall use funding available after the allocation of funds
311 under Subsection [~~(5)~~](4)(a) only for interventions identified in a school
312 [~~turnaround~~]improvement plan.

313 [~~(6)~~](5) The Superintendent may review uses of funds and contracts with
314 [~~independent school turnaround~~]continuous improvement experts.
315 [~~(7)~~](6) The Superintendent may provide funding to a school that remains in the
316 [~~turnaround~~]school improvement program beyond the school's identified exit year.
317
318 **[~~R277-920-9. Teacher Recruitment and Retention.~~**
319 ~~(1) As used in this section, "matching funds" means funds that are not allocated to a~~
320 ~~school under Section R277-920-8.~~
321 ~~(2) In accordance with Section 53E-5-308, a local education board of a low~~
322 ~~performing school may seek and receive matching funds from the state to implement~~
323 ~~strategies for teacher recruitment and retention identified in a plan described in Subsection~~
324 ~~(3).~~
325 ~~(3) To qualify for matching funds under this section, on or before January 15, a local~~
326 ~~education board of a low performing school shall submit a plan to the Superintendent that:~~
327 ~~(a) includes a strategy for teacher recruitment and retention for the school in critical~~
328 ~~needs status;~~
329 ~~(b)(i) except as provided in Subsection (3)(b)(ii), is responsive to the needs~~
330 ~~assessment conducted in accordance with Section 53E-5-302; or~~
331 ~~(ii) if the school was identified as a low performing school based on 2014-2015~~
332 ~~school accountability results, includes a root cause analysis of the school's teacher~~
333 ~~recruitment and retention challenges, including:~~
334 ~~(A) a clear definition of the problem to be solved;~~
335 ~~(B) hypotheses for the causes of the problem;~~
336 ~~(C) strategies to address the root causes of the problem;~~
337 ~~(D) current data on teacher retention rates; and~~
338 ~~(E) current recruitment and retention strategies;~~
339 ~~(c) includes the amount of matching funds the local education board is requesting~~
340 ~~from the state;~~

341 ~~(d) includes assurances that the local education board will allocate matching funds;~~
342 ~~and~~
343 ~~(e) may include a stipend for educators who work non-contract hours to develop or~~
344 ~~implement strategies identified in a school improvement plan.~~
345 ~~(4) The Superintendent shall:~~
346 ~~(a) approve a plan that meets the criteria described in Subsection (3); and~~
347 ~~(b) on or before March 1, distribute matching funds to a local education agency that~~
348 ~~has submitted an approved plan in an amount not to exceed:~~
349 ~~(i) $1000 per teacher for schools identified based on 2014-2015 school~~
350 ~~accountability results; or~~
351 ~~(ii) $1500 per teacher for schools identified based on 2016-17 school accountability~~
352 ~~results and each year thereafter.~~]
353
354 **R277-920-[~~10~~]11. School Leadership Development Program.**
355 (1) A school leader may apply to participate in the School Leadership Development
356 Program if the school leader:
357 (a) is assigned to a school in critical needs status; or
358 (b) is nominated by the school leader's district superintendent or charter school
359 governing board to participate.
360 (2) A school leader who meets the requirements of Subsection (1) may apply to
361 participate in the School Leadership Development Program by electronically submitting an
362 application to the Superintendent on a form provided on the Board website by the date
363 specified on the Board website.
364 (3)(a) The Superintendent shall select a school leader to participate in the School
365 Leadership Development Program based on the following selection criteria:
366 (i) First priority shall be given to a school leader who is assigned to a [~~low performing~~]
367 springboard school or elevate school;
368 (ii) second priority is given to a school leader who is assigned to a school in critical
369 needs status that is not a [~~low performing~~] springboard school or elevate school; and

370 (iii) third priority is given to a school leader who is nominated by the school leader's
371 district superintendent or charter school governing board.
372 (b) Notwithstanding Subsection (3)(a), the Superintendent may give priority to a
373 school leader who has not received prior leadership training before selecting a school leader
374 who has received prior leadership training.
375 (4)(a) In accordance with Subsection 53E-5-309(4), the Superintendent shall award
376 incentive pay to a school leader within 30 days after:
377 (i) the school leader completes the School Leadership Development Program; and
378 (ii) the school leader's LEA verifies that the school leader entered into a written
379 agreement as described in Subsection 53E-5-309(4).
380 (b) The Superintendent shall distribute $400 per session to a school leader who
381 completes at least 75% of the School Leadership Development Program sessions.
382 (5) The Superintendent may award incentive pay to a school leader described in
383 Subsection (5) for up to five years.
384
385 **R277-920-[~~11~~]12. Exit Criteria for a [~~Low performing~~]Springboard School --**
386 **Extensions -- More Rigorous Interventions.**
387 (1)[~~(a) Except as provided in Subsection (1)(b), to~~]To exit the [~~school turnaround~~]
388 springboard school program, a [~~low performing~~]springboard school school shall
389 demonstrate, in the third or fourth year after which the school was identified as a springboard
390 school, that the school:
391 [~~(i)~~](a) meets individualized exit criteria that is calculated by reducing the gap in
392 performance between the springboard school's baseline performance and the threshold
393 score for a 'B' letter grade, as described in R277-497-2, by one-third; and
394 [~~(ii)~~](b) exceeds the lowest 5% of all schools in the ranking of schools from the year
395 the school was identified.
396 [~~(b) A low performing school that was identified based on 2014-15 school~~
397 ~~accountability results is required to improve performance by at least one letter grade, as~~

398 ~~determined by comparing the school's letter grade for the 2014-15 school year to the~~
399 ~~school's letter grade for the 2017-18 school year.~~]
400 (2) In determining whether a school has met the criteria described in Subsection (1),
401 the Superintendent shall apply the indicators, weightings, and threshold scores described in
402 the version of Title 53E, Chapter 5, Part 2, School Accountability System that was in place
403 at the time the school was identified.
404 (3) If a school does not meet the exit criteria described in Subsection (1)[~~(a)~~] in the
405 fourth year after which the school was identified as a [~~low performing~~]springboard school,
406 the school may qualify for an extension to continue current school improvement efforts for
407 up to two years if the school:
408 (a)(i)(A) reduced the gap in performance between the school's baseline performance
409 and the threshold for a 'B' letter grade, as described in R277-497-2, by at least one-fourth;
410 and
411 (B) exceeds at least the lowest 3% of all schools in the ranking of schools from the
412 year the school was scheduled to exit; or
413 (ii) has met only one of the exit criteria described in Subsection (1)[~~(a)~~]; and
414 (b) electronically files an extension request with the Superintendent within 15 days
415 of the release of school accountability results, that provides rationale justifying an extension.
416 [~~(4)(a) The Superintendent shall conduct an in-depth analysis of the alignment of the~~
417 ~~school's curriculum to the Utah core standards:~~
418 ~~(i) in each school that qualifies for an extension under Subsection (3); and~~
419 ~~(ii) that is individualized to each teacher.~~
420 ~~(b) The Superintendent may require a local education board or school to:~~
421 ~~(i) take actions to remedy issues identified in the analysis described in Subsection~~
422 ~~(4)(a); or~~
423 ~~(ii) revise the school turnaround plan.~~]
424 [~~(5)~~](4) If a school identified as a [~~low performing~~]springboard school does not meet
425 the exit criteria described in Subsection (1) or qualify for an extension as described in

426 Subsection (3) the following groups shall make a recommendation to the Board on what
427 action the Board should take:
428 (a) a state review panel, described in Subsection [~~(7)~~](6);
429 (b) if the school is a district school, the local school board, with input from the
430 community as described in Subsection [~~(8)~~](7); and
431 (c) if the school is a charter school, the charter school authorizer with input from the
432 community as described in Subsection [~~(8)~~](7).
433 [~~(6)~~](5) The groups described in Subsection [~~(5)~~](4) shall make a recommendation
434 within 90 days of the release of school accountability results on whether the Board should:
435 (a) require personnel changes, including replacement of school leaders or teachers;
436 (b) if the school is a district school:
437 (i) require involuntary transfers of school leaders or teachers;
438 (ii) require the local school board to change school boundaries;
439 (iii) temporarily appoint a public or non-profit entity other than the local school board
440 to manage and operate the school; or
441 (iv) permanently transfer control of a school to a public or non-profit entity other than
442 the local education board;
443 (c) if the school is a charter school:
444 (i) require that the charter school governing board be replaced; or
445 (ii) require that the charter school authorizer close the school; or
446 (d) if the school is a charter school, require that the charter school authorizer:
447 (i) replace some or all members of the charter school governing board;
448 (ii) transfer operation and control of the charter school to:
449 (A) a high performing charter school; or
450 (B) the school district in which the charter school is located; or
451 (iii) close the school; or
452 (e) take other action.
453 [~~(7)~~](6) (a) The Superintendent shall appoint members of a state review panel.
454 (b) The state review panel shall critically evaluate at least:

455 (i) whether the local education agency has the capacity to implement the changes
456 necessary to improve school performance;
457 (ii) whether the school leadership is adequate to implement change to improve
458 school performance;
459 (iii) whether the school has sufficient authority to implement change;
460 (iv) whether the plan is being implemented with fidelity;
461 (v) whether the state and local education board provided sufficient resources to the
462 school to support school improvement efforts, including whether the local school board
463 prioritized school district funding and resources to the school in accordance with Section
464 53E-5-303;
465 (vi) the likelihood that performance can be improved within the current management
466 structure and staffing; and
467 (vii) the necessity that the school remain in operation to serve students.
468 [~~(8)~~](7) A local school board and charter school authorizer shall develop
469 recommendations under this section in collaboration with:
470 (a) parents of students currently attending the springboard school;
471 (b) teachers, principals, and other school leaders at the school;
472 (c) stakeholders representing the interests of students with disabilities, English
473 learners, and other vulnerable student populations; and
474 (d) other community members and community partners.
475
476 **R277-920-13. Exit Criteria for a Schools in Critical Needs Status and Elevate Schools.**
477 (1) A school in critical needs status may exit critical needs status as described in the
478 ESSA state plan.
479 (2) An elevate school may exit after successful completion of four years participating
480 in the implementation of a continuous improvement cycle, including working with the elevate
481 school's continuous improvement expert.
482

R277-920-[~~12~~]14. Exit Criteria for Schools in a year with Statewide Assessment System Irregularities.

(1) For a school year where there are statewide assessment system irregularities or a suspension of the administration of statewide assessments:

(a) the Superintendent shall appoint a state review panel; and

(b) ~~the~~ state [~~exit~~] review panel shall review the data of a school eligible to be considered for exit at the conclusion of the applicable year and make a recommendation to the Board on whether the school demonstrated adequate progress to exit the [~~turnaround~~]springboard school program.

(2) A state [~~exit~~] review panel described in Subsection (1) shall review the following questions to inform the state [~~exit~~] review panel's recommendation:

[~~(a)(i) for a school identified based on school accountability results from the 2014-15 or 2015-16 school year, whether the school achieved above the lowest 3% threshold based on the school accountability data and measures from the 2018-19 school year; or~~

~~(ii) for a school identified based on school accountability results from the 2017-18 school year or later, whether the school achieved above the lowest 3% threshold based on the school accountability data and measures from a combination of two consecutive years;~~]

[~~(b)~~](a) whether the school provides evidence of substantial progress and growth[~~ in addition to the data described in Subsection (2)(a)~~]; and

[~~(c)~~](b) whether the school has qualitative or quantitative data from the implementation of the school's [~~turnaround~~]school improvement plan that also demonstrate substantial improvement.

(3) For a school whose data are impacted by statewide assessment system irregularities or a suspension of the administration of statewide assessments during one or more of the school's designated years in the [~~turnaround~~]springboard school program:

(a) the Superintendent shall appoint a state review panel;

(b) the state [~~exit~~] review panel shall review the data of the school whose data are impacted by the statewide assessment system irregularities or suspension of statewide assessment; and

512 (c) the state [~~exit~~] review panel shall make a recommendation to the Board whether
513 the school demonstrated substantial improvement.
514 (4) A state [~~exit~~] review panel described in Subsection (3) shall review qualitative
515 and quantitative data from the [~~I~~]implementation of the school's [~~turnaround~~]improvement
516 plan.
517 (5) The qualitative and quantitative data described in Subsection (4) may include:
518 (a) local student performance data, including formative assessment data;
519 (b) for a springboard school that is a high school:
520 (i) credit earned;
521 (ii) graduation rate; and
522 (iii) other types of successful completion, such as earning a GED;
523 (c) increased attendance;
524 (d) student engagement or school climate;
525 (e) parent engagement;
526 (f) criteria presented by the school being reviewed;
527 (g) if the springboard school is a charter school, whether the charter school is
528 meeting all minimum standards described in Section 53G-5-303 in the school's charter
529 agreement with the authorizer, including:
530 (i) minimum financial standards for operating the charter school;
531 (ii) minimum standards for student achievement;
532 (iii) the mission statement and purpose of the charter school;
533 (iv) the grade levels served;
534 (v) the maximum number of students; and
535 (vi) the charter school governing board and structure; and
536 (h) additional criteria established by the Superintendent.
537 (6)(a) Notwithstanding other provisions in this Section R277-920-[~~12~~]14, for a school
538 year where there are statewide assessment system irregularities or a suspension of the
539 administration of statewide assessments, a school eligible to be considered for exit at the

540 conclusion of the applicable year may elect to remain in the [~~turnaround~~]springboard school
541 program an additional year.
542 (b) For a school that elects to remain in the program an additional year as described
543 in Subsection (6)(a), the Superintendent may provide a different standard of review of the
544 school's data by the state review panel.
545 (7) For a school that elects to remain in the program an additional year as
546 described in Subsection (6):
547 (a) the Superintendent may provide a different standard of review of the school's
548 data by the state [~~exit~~] review panel; and
549 (b) in addition to the information described in Subsection (5), the school shall
550 provide a request for resources to the Superintendent, including the proposed uses of the
551 resources, for the school's additional year in the [~~turnaround~~]springboard school program.
552
553 **[~~77-920-13. School Recognition and Reward Program.~~**
554 ~~(1) The Superintendent shall distribute school recognition and reward program~~
555 ~~money to an LEA with an eligible school within 30 days of the Board's official release of~~
556 ~~school grades for the year the eligible school is eligible for an award of money.~~
557 ~~(2) The Superintendent shall notify the LEA and principal of an eligible school within~~
558 ~~15 days of the Board's official release of school grades:~~
559 ~~(a) that the eligible school is eligible for an award of money; and~~
560 ~~(b) of the amount of the award that the eligible school will receive.~~
561 ~~(3) The LEA, in consultation with the principal of the eligible school shall distribute~~
562 ~~the money received under Subsection (1):~~
563 ~~(a) to each educator assigned to the school for all of the years the school was~~
564 ~~identified as a low performing school; and~~
565 ~~(b) in a pro-rated manner to each educator assigned to the school for less time than~~
566 ~~the school was identified as a low performing school.~~]
567
568 **KEY: principals, school improvements, school leaders**

569 **Date of Enactment or Last Substantive Amendment: August 12, 2021**

570 **Notice of Continuation: June 4, 2021**

571 **Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401(4); Title**

572 **53E, Chapter 5, Part 3**