

1 **R277. Education, Administration.**

2 **R277-919. Regulatory Sandbox Innovation Schools.**

3 **R277-919-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

7 (b) Subsection 53G-7-221(9), which requires the Board to make rules
8 establishing the reporting and monitoring requirements for an approved innovation
9 school program;

10 (c) Subsection 53G-7-222(4), which requires the Board to make rules
11 establishing the approval criteria and process for the use of restricted funds in funding
12 an approved innovation school program; and

13 (d) Section 53E-3-401(4), which allows the Board to make rules to execute the
14 Board's duties and responsibilities under the Utah Constitution and state law.

15 (2) The purpose of this rule is to provide:

16 (a) criteria the state board will use to:

17 (i) evaluate an innovation plan's progress; and

18 (ii) terminate an innovation plan;

19 (b) requirements and process for reporting on a plan's progress; and

20 (c) the approval process for a plan's funding if using the flexible funds option
21 outlined in Section 53G-7-222.

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23 **R277-919-2. Definitions.**

24 (1) "Approved innovation plan" or "plan" means the same as the term is defined
25 in Subsection 53G-7-221(1).

26 (2) "Innovation school" means the same as the term is defined in Subsection
27 53G-7-221(1).

28 (3) "Local approving body" means the same as the term is defined in Subsection
29 53G-7-221(1).

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R277-919-3. Reporting Requirements, Progress Monitoring, and Plan Termination.

(1) A local approving body that submits an approved innovation plan to the Board as described in Subsection [53G-7-221\(7\)](#) shall:

(a) provide the information in a form and method prescribed by the Superintendent;

(b) include the information described in Subsection [53G-7-221\(3\)](#) and a detailed budget for successful implementation;

(c) provide a detailed plan of benchmarked progress including the projected timeline for each benchmark that has been agreed upon by the innovation school and local approving body;

(d) provide a suggested reporting schedule between the approved innovation school and the Superintendent; and

(e) provide additional information as requested by the Superintendent at the time of plan submission.

(2) The Superintendent may request changes to the reporting scheduled described in Subsection (1)(d) if a different schedule is needed to facilitate adequate monitoring of all approved innovation school plans.

(3) The Superintendent shall use the following to determine if sufficient progress is being made

(a) data and metrics described in Subsection [53G-7-221\(3\)\(e\)](#);

(b) the agreed upon benchmarks and performance outcome measures; and

(c) appropriate use of funds if budgetary flexibility has been granted pursuant to this rule and Section [53G-7-222](#).

(4) If the Superintendent determines sufficient progress is not being made, a notice of remediation will be sent to the local approving body and the approved innovation school.

(5) The notice of remediation shall include:

59 (a) the benchmarks or general progress that has not been made and how that
60 determination was made using the approved performance metrics and agreed upon
61 benchmarks;

62 (b) the required corrections needed to no longer be in remediation and a
63 remediation timeline which may not be shorter than ~~45~~ 180 days; and

64 (c) the form and method in which the remediation monitoring shall be reported to
65 the Superintendent.

66 (6) If an approved innovation school fails to meet the requirements and timeline
67 outlined in the notice of remediation, the approved innovation school and the local
68 approval body will be notified within 15 days after the required remediation deadline and
69 be subject to an innovation plan termination review by the Board.

70 (7) The Board's innovation plan termination review shall take place in a Board
71 meeting no later than 30 days after the approved innovation school has been notified of
72 the innovation school's failure to remediate.

73 (8) The Board shall consider all elements of the innovation plan when conducting
74 its review including:

75 (a) the approved innovation plan application including outcomes and
76 performance metrics;

77 (b) the agreed upon benchmarks and timelines;

78 (c) implementation efforts of the innovation school for the plan;

79 (d) efforts made to adhere to the remediation requirements and timelines;

80 (e) any efforts made by the innovation school to amend the plan; and

81 (f) any waived Board rule or LEA policies that were intended to facilitate
82 successful implementation of the plan.

83 (9) As part of the innovation plan termination review, the Superintendent shall
84 provide a recommendation to the Board to:

85 (a) provide an additional remediation period with additional or new requirements
86 and timelines; or

87 (b) terminate the approved innovation school's plan including a timeline for the

88 innovation school to return to regular compliance and budgetary requirements that may
89 have been waived or made flexible as part of the innovation plan.

90 (10) The Superintendent shall provide notice of the Board's decision to the
91 innovation school and the local approving body within 10 days of the decision being
92 made.

93 (11) The local approving body shall ensure that the approved innovation school
94 returns to regular compliance and budgetary requirements in the timeline approved by
95 the Board and notify the Board when this has been achieved.

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97 **R277-919-4. Flexibility of Restricted Funds.**

98 (1) An innovation school with an approved innovation plan may apply to the
99 Board for budgetary flexibility as described in Section [53G-7-222](#).

100 (2) The application for budgetary flexibility shall be created by the Superintendent
101 and include:

102 (a) an itemized budget detailing the expenditures needed to fund the innovation
103 plan;

104 (b) the current restricted funds that will be used including how much of each fund
105 will be used for the innovation plan; and

106 (c) a detailed description of how the originating programs supported by the
107 restricted funds will remain in operation and not be [unduly](#) hindered by the budgetary
108 flexibility;

109 (d) if the innovation plan will positively impact any outcomes related to the
110 originating programs the restricted funds support; and

111 (e) a plan for regular reporting to the Superintendent regarding budgetary
112 expenditures from restricted funds to ensure compliance.

113 (3) The Board shall approve [an application for budgetary flexibility unless the](#)
114 [application is in violation of state law on budget and funding matters](#) ~~or deny an~~
115 ~~application for budgetary flexibility.~~

116 (4) If an approved innovation school receives approval from the Board for

117 budgetary flexibility, the approved innovation school shall report expenditures and
118 evidence in form prescribed by the Superintendent.

119 (5) The Board may terminate an innovation plan for violation of the approved
120 budget including

121 (a) the failure of any originating program from which restricted funds have been
122 diverted [as defined by state law](#);

123 (b) failure to match expenditures with approved budget; and

124 (c) failure to provide evidence of expenditures in the format required by the
125 Superintendent.

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127 **KEY: innovation; regulatory sandbox; restricted funds**

128 **Date of Enactment or Last Substantive Amendment: 2022**

129 **Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); [53G-7-221\(9\)](#);**

130 **[53G-7-222\(4\)](#); [53E-3-401\(4\)](#)**