

1 **R277. Education, Administration.**

2 **R277-920. School Improvement - Implementation of the School Turnaround and**
3 **Leadership Development Act.**

4 **R277-920-1. Authority and Purpose.**

5 (1) This rule is authorized by:

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

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

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

12 (i) an appeal process for the denial of a school turnaround plan;

13 (ii) provisions regarding funding distributed to a low performing school;

14 (iii) criteria for granting an extension to a low performing school;

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

16 (v) criteria for approving a teacher recruitment and retention plan;

17 (vi) implications for a low performing school; and

18 (vii) eligibility criteria, application procedures, selection criteria, and procedures for
19 awarding incentive pay for the School Leadership Development Program.

20 (2) The purpose of this rule is to:

21 (a) enact provisions governing school improvement efforts; and

22 (b) implement and administer the School Turnaround and Leadership
23 Development Act.

24

25 **R277-920-2. Definitions.**

26 (1) "Appeal committee" means the committee established by Section R277-920-5.

27 (2) "Baseline performance" means the percentage of possible points earned by a
28 school through the school accountability system in the year the school was identified as a
29 low performing school.

30 ~~(3)~~(3) "Committee" means a school turnaround committee established in
31 accordance with Subsections 53E-5-303(1) or 53E-5-304(4).

32 ~~(4)~~(4) "Eligible school" means ~~[the same as that term is defined in Section~~
33 ~~53E-5-307.]~~a low performing school that:

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

36 (b)(i) improves the school's grade by at least one letter grade, as determined by
37 comparing the school's letter grade for the school year prior to the initial remedial year to
38 the school's letter grade for the final remedial year; or

39 (ii)(A) has been granted an extension under Subsection 53E-5-306(3) and this
40 Rule R277-920; and

41 (B) improves the school's grade by at least one letter grade, as determined by
42 comparing the school's letter grade for the school year prior to the initial remedial year to
43 the school's letter grade for the last school year of the extension period.

44 ~~[(4)](5)~~ "Low performing school" means a school that:

45 (a) is for two consecutive school years in the lowest performing:

46 ~~[(a)](i)~~ 3% of the high schools statewide according to the percentage of possible
47 points earned under the school accountability system; or

48 ~~[(b)](ii)~~ 3% of the elementary, middle, and junior high schools statewide according
49 to the percentage of possible points earned under the school accountability system; and

50 (b) participates in the school turnaround and leadership development program
51 described in Title 53G, Chapter 5, Part 3.

52 ~~[(5)](5)~~ "High performing charter school" means the same as that term is defined
53 in Section 53E-5-306.

54 ~~[(6)]—"Local education board" means a local school board or charter school~~
55 ~~governing board.]~~

56 ~~[(7)](6)~~ "School improvement grant" means a Title I grant under the Elementary
57 and Secondary Education Act, 20 U.S.C. Sec. 6303(g).

58 ~~[(8)](7)~~ "Schools in critical needs status" means a school that has been identified
59 under Subsection R277-920-3(1).

60 ~~[(9)](8)~~ "School leader" means the same as that term is defined in Section
61 53E-5-309.

62 (9) "School turnaround program" or "school turnaround" means the school
63 turnaround and leadership development program described in Title 53G, Chapter 5, Part
64 3.

65 (10) "State review panel" means a state review panel appointed by the
66 Superintendent that includes at least three members who each have demonstrated

- 67 expertise in two or more of the following fields:
68 (a) leadership at the school district or school level;
69 (b) standards-based elementary or secondary curriculum instruction and
70 assessment;
71 (c) instructional data management and analysis;
72 (d) educational program evaluation;
73 (e) educational program management;
74 (f) teacher leadership;
75 (g) change management;
76 (h) organizational management; or
77 (i) school budgeting and finance.

78 ~~[(40)](11)~~ "Title I school" means a school that receives funds under the
79 Elementary and Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.
80

81 **R277-920-3. Superintendent's Identification of Schools for Critical Needs Status --**
82 **Readiness Review.**

83 (1) Subject to Subsection (2), on or before September 30, the Superintendent
84 shall identify schools for critical needs status if the school is a:

- 85 (a) low performing school;
86 (b) high school with a four-year adjusted cohort graduation rate of less than or
87 equal to 67% for ~~two consecutive~~ three school years on average;
88 (c) Title I school with chronically underperforming student groups as described in
89 Section R277-920-11; or
90 (d) Title I school that:
91 (i) has not been identified under Subsection (1)(a), (b), or (c); and
92 (ii) performed in the lowest 5% of Title I schools over the past three years on
93 average according to the percentage of points earned under the school accountability
94 system.

95 (2) The Superintendent shall make the identification under:

- 96 (a) Subsection (1)(b) beginning with the 2018-2019 school accountability results
97 and every two years thereafter;
98 (b) Subsection (1)(c) beginning with the 2022-2023 school accountability results
99 and every three years thereafter; and

100 (c) Subsection (1)(d) beginning with the 2021-2022 school accountability results
101 and every three years thereafter.

102 (3)(a) Except as provided in Subsection (3)(b), schools in critical needs status are
103 required to comply with the provisions of Title 53E, Chapter 5, Part 3, School Turnaround
104 and Leadership Development Act.

105 (b) Schools that are identified under Subsections (1)(b), (1)(c), and (1)(d) are
106 exempt from the requirement to contract with an independent school turnaround expert
107 described in Section 53E-5-305.

108

109 **R277-920-4. Superintendent's Identification of Schools for Targeted Needs Status.**

110 (1) As used in this section, "student groups" means a group of 10 or more
111 students:

112 (a) who are economically disadvantaged;

113 (b) with disabilities;

114 (c) who are English learners;

115 (d) who are African American;

116 (e) who are American Indian;

117 (f) who are Asian;

118 (g) who are Hispanic;

119 (h) who are Multiple races;

120 (i) who are Pacific Islander; or

121 (j) who are White.

122 (2)(a) Subject to Subsection (2)(b), the Superintendent shall identify for targeted
123 needs status any school with one or more student groups who:

124 (i) for two consecutive years, is assigned a percentage of possible points in the
125 state's accountability system that is equal to or below the percentage of possible points
126 associated with the lowest rating in the state's accountability system; and

127 (ii) is not currently identified for critical needs status under Section R277-920-3.

128 (b) The Superintendent shall make the identification under Subsection (2)(a)
129 beginning with the 2018-2019 school accountability results and every year thereafter.

130 (3) A school identified under Subsection (2) shall develop and implement a plan to
131 improve performance of the student group that was the subject of the identification under
132 Subsection (2), in accordance with the Elementary and Secondary Education Act of 1965,

133 20 U.S.C. Sec. 6301 et seq.

134 (4) To exit targeted needs status, a school shall demonstrate that the school no
135 longer meets the criteria for which the school was identified for two consecutive years
136 within four school years after the month in which the school was identified.

137 (5) The Superintendent shall identify a school that does not meet the exit criteria
138 described in Subsection (4) as a school with chronically underperforming student groups
139 as described in Section R277-920-3.

140

141 **R277-920-5. Identification of New Schools due to Statewide Assessment System**
142 **Irregularities During the 2020 COVID-19 Pandemic.**

143 The Superintendent may not identify a new school for critical needs status based
144 on school accountability results from the 2019-20 school year due to the waiver to
145 administer assessments described in Section 53E-4-315.

146

147 **R277-920-~~4~~6. School Turnaround Plan Submission and Approval Process.**

148 (1) In addition to the requirements described in Subsection 53E-5-303(5), a plan
149 shall include at least the following:

150 (a) if the school in critical needs status is a district school, a request to the local
151 school board and district superintendent for:

152 (i) additional resources;

153 (ii) personnel; or

154 (iii) exemptions from district policy that may be contributing to the low performance
155 of the district school; and

156 (b) a plan for management of school personnel, including:

157 (i) recruitment of an educator or school leader; and

158 (ii) professional development for an educator or school leader.

159 (2) A local education board shall include in the plan a strategy for sustaining
160 school improvement efforts after a school exits critical needs status.

161 (3)(a) A local education board may approve or deny a plan in whole or in part, if
162 the part of the plan the board denies is severable from the part of the plan the board
163 approves.

164 (b) A local education board shall give a reason for a denial of each part of a plan.

165 (4) On or before January 15, a local education board of a low performing school

166 shall submit a proposal described in Subsection 53E-5-303(1) or Subsection 53E-5-304(4)
167 to the Superintendent for approval.

168 (5) A local education board shall submit a plan in accordance with Subsection
169 53E-5-303(7) or Subsection 53E-5-304(9) to the Board.

170 (6) In accordance with Subsection 53E-5-305(3), the Board may review and
171 approve or deny a plan in whole or in part, if the part of the plan the Board denies is
172 severable from the part of the plan the Board approves.

173

174 ~~**[R277-920-5. Funding.**~~

175 ~~—— (1) The Superintendent shall annually designate an amount of funds available for~~
176 ~~distribution under this section, taking into consideration:~~

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

178 ~~—— (b) encumbered funds; and~~

179 ~~—— (c) other program obligations.~~

180 ~~—— (2) Subject to availability of funds, on or before January 30 of the school year in~~
181 ~~which a low performing school is identified, the Superintendent shall distribute at least~~
182 ~~\$240,000 per low performing school to each local education board of a low performing~~
183 ~~school.~~

184 ~~—— (3) Subject to availability of funds, in addition to the amount distributed under~~
185 ~~Subsection (2), the Superintendent shall distribute an amount equal to \$30,000 for each of~~
186 ~~the following criteria that a school meets:~~

187 ~~—— (a) the school is located in a county with a county seat that is over 100 miles away~~
188 ~~from Salt Lake City;~~

189 ~~—— (b) the school is located within San Juan County; or~~

190 ~~—— (c) the school:~~

191 ~~—— (i)(A) has over 75 full time equivalent educators; and~~

192 ~~—— (B) includes grade 12; or~~

193 ~~—— (ii)(A) has over 37 full time equivalent educators; and~~

194 ~~—— (B) does not include grade 12.~~

195 ~~—— (4) The Superintendent shall distribute any funds available for distribution under~~
196 ~~Subsection (1) after the allocation of funds described in Subsections (2) and (3) to local~~
197 ~~education boards of low performing schools on a prioritized basis taking need for the~~
198 ~~funds, as demonstrated by the needs assessment conducted in accordance with Section~~

199 ~~53E-5-302, into account.~~

200 ~~—— (5)(a) The local education board shall use the funding distributed under this~~
201 ~~section to contract with an independent school turnaround expert, including travel costs, in~~
202 ~~accordance with Sections 53E-5-303 and 53E-5-304.~~

203 ~~—— (b) A local education board shall use funding available after the allocation of funds~~
204 ~~under Subsection (5)(a) only for interventions identified in a school turnaround plan.~~

205 ~~—— (6) The Superintendent may review uses of funds and contracts with independent~~
206 ~~school turnaround experts.~~

207

208 **~~R277-920-6. Teacher Recruitment and Retention.~~**

209 ~~—— (1) As used in this section, "matching funds" means funds that are not allocated to~~
210 ~~a school under Section R277-920-5.~~

211 ~~—— (2) In accordance with Section 53E-5-308, a local education board of a low~~
212 ~~performing school may seek and receive matching funds from the state to implement~~
213 ~~strategies for teacher recruitment and retention identified in a plan described in Subsection~~
214 ~~(3).~~

215 ~~—— (3) To qualify for matching funds under this section, on or before January 15, a~~
216 ~~local education board of a low performing school shall submit a plan to the Superintendent~~
217 ~~that:~~

218 ~~—— (a) includes a strategy for teacher recruitment and retention for the school in~~
219 ~~critical needs status;~~

220 ~~—— (b)(i) except as provided in Subsection (3)(b)(ii), is responsive to the needs~~
221 ~~assessment conducted in accordance with Section 53E-5-302; or~~

222 ~~—— (ii) if the school was identified as a low performing school based on 2014-2015~~
223 ~~school accountability results, includes a root cause analysis of the school's teacher~~
224 ~~recruitment and retention challenges, including:~~

225 ~~—— (A) a clear definition of the problem to be solved;~~

226 ~~—— (B) hypotheses for the causes of the problem;~~

227 ~~—— (C) strategies to address the root causes of the problem;~~

228 ~~—— (D) current data on teacher retention rates; and~~

229 ~~—— (E) current recruitment and retention strategies;~~

230 ~~—— (c) includes the amount of matching funds the local education board is requesting~~
231 ~~from the state;~~

- 232 ~~_____ (d) includes assurances that the local education board will allocate matching~~
233 ~~funds; and~~
- 234 ~~_____ (e) may include a stipend for educators who work non-contract hours to develop~~
235 ~~or implement strategies identified in a school improvement plan.~~
- 236 ~~_____ (4) The Superintendent shall:~~
- 237 ~~_____ (a) approve a plan that meets the criteria described in Subsection (3); and~~
- 238 ~~_____ (b) on or before March 1, distribute matching funds to a local education agency~~
239 ~~that has submitted an approved plan in an amount not to exceed:~~
- 240 ~~_____ (i) \$1000 per teacher for schools identified based on 2014-2015 school~~
241 ~~accountability results; or~~
- 242 ~~_____ (ii) \$1500 per teacher for schools identified based on 2016-17 school~~
243 ~~accountability results and each year thereafter.]~~

244

245 **R277-920-7. Appeal Process for Denial of a School Turnaround Plan.**

- 246 (1) As used in this section "plan" means a school turnaround plan described in
247 Subsection [53E-5-303](#)(5).
- 248 (2) A committee or local education board may appeal the denial of a plan, in whole
249 or in part, by following the procedures and requirements of this section.
- 250 (3) An appeal authorized by this rule:
- 251 (a) is an informal adjudicative proceeding under Section [63G-4-203](#); and
- 252 (b) shall be resolved by the date specified in Subsection [53E-5-305](#)(6)(b).
- 253 (4)(a) A principal, on behalf of a committee, may request that the local education
254 board reconsider the denial of a plan:
- 255 (i) by electronically filing the request:
- 256 (A) with the chair of the local education board; and
- 257 (B) on a form provided on the Board website; and
- 258 (ii) within 5 calendar days of the denial.
- 259 (b) The reconsideration request may include a modification to the plan if the
260 committee approves the modification.
- 261 (c) The local education board shall respond to the request within 10 calendar days
262 by:
- 263 (i) refusing to reconsider its action;
- 264 (ii) approving a plan, in whole or in part; or

- 265 (iii) denying a plan modification.
- 266 (d) The principal may appeal the denial of a plan under this Subsection (3):
- 267 (i) by electronically filing an appeal with the Superintendent on a form provided on
- 268 the Board website; and
- 269 (ii) within 5 calendar days of the denial.
- 270 (e) An appeal filed under this subsection shall be resolved in accordance with
- 271 Subsections (5) and (6).
- 272 (5) A district superintendent, on behalf of a local school board, or a charter school
- 273 governing board chair, on behalf of a charter school governing board, may appeal the
- 274 Board's denial of a plan:
- 275 (a) by electronically filing an appeal with the Superintendent on a form provided on
- 276 the Board website; and
- 277 (b) within 5 calendar days of the denial.
- 278 (6)(a) At least three members of a Board committee, appointed by the Board as
- 279 the appeal committee, shall review the written appeal.
- 280 (b) The appeal committee may ask the principal, district superintendent, local
- 281 school board chair, or charter school governing board chair to:
- 282 (i) provide additional written information; or
- 283 (ii) appear personally and provide information.
- 284 (c) The appeal committee shall make a written recommendation within 5 business
- 285 days of receipt of the appeal request to the Board to accept, modify, or reject the plan and
- 286 give a reason for the recommendation.
- 287 (7) The Board may accept or reject the appeal committee's recommendation and
- 288 the Board's decision is the final administrative action.

289

290 **R277-920-8. [School Turnaround Program Funding](#).**

- 291 (1) The Superintendent shall annually designate an amount of funds available for
- 292 distribution [to low performing schools](#) under this section, taking into consideration:
- 293 (a) variability in the number of schools that are identified on an annual basis;
- 294 (b) encumbered funds; and
- 295 (c) other program obligations.
- 296 (2) [The Superintendent shall distribute any funds available for distribution under](#)
- 297 [Subsection \(1\) after the allocation of funds described in Subsections \(3\) and \(4\) to local](#)

298 education boards of low performing schools on a prioritized basis taking need for the
299 funds, as demonstrated by the needs assessment conducted in accordance with Section
300 53E-5-302, into account.

301 (3) Subject to availability of funds, on or before January 30 of the school year in
302 which a low performing school is identified, the Superintendent shall distribute at least
303 \$240,000 per low performing school to each local education board of a low performing
304 school.

305 (4) Subject to availability of funds, in addition to the amount distributed under
306 Subsection (3), the Superintendent shall distribute an amount equal to \$30,000 for each of
307 the following criteria that a school meets:

308 (a) the school is located in a county with a county seat that is over 100 miles away
309 from Salt Lake City;

310 (b) the school is located within San Juan County; or

311 (c) the school:

312 (i)(A) has over 75 full time equivalent educators; and

313 (B) includes grade 12; or

314 (ii)(A) has over 37 full time equivalent educators; and

315 (B) does not include grade 12.

316 ~~(4) The Superintendent shall distribute any funds available for distribution under~~
317 ~~Subsection (1) after the allocation of funds described in Subsections (2) and (3) to local~~
318 ~~education boards of low performing schools on a prioritized basis taking need for the~~
319 ~~funds, as demonstrated by the needs assessment conducted in accordance with Section~~
320 ~~53E-5-302, into account.]~~

321 (5)(a) The local education board shall use the funding distributed under ~~this~~
322 section] Subsections (3) and (4) to contract with an independent school turnaround expert,
323 including travel costs, in accordance with Sections 53E-5-303 and 53E-5-304.

324 (b) A local education board shall use funding available after the allocation of funds
325 under Subsection (5)(a) only for interventions identified in a school turnaround plan.

326 (6) The Superintendent may review uses of funds and contracts with independent
327 school turnaround experts.

328

329 **R277-920-9. Teacher Recruitment and Retention.**

330 (1) As used in this section, "matching funds" means funds that are not allocated to

331 a school under Section R277-920-~~5~~8.

332 (2) In accordance with Section 53E-5-308, a local education board of a low
333 performing school may seek and receive matching funds from the state to implement
334 strategies for teacher recruitment and retention identified in a plan described in Subsection
335 (3).

336 (3) To qualify for matching funds under this section, on or before January 15, a
337 local education board of a low performing school shall submit a plan to the Superintendent
338 that:

339 (a) includes a strategy for teacher recruitment and retention for the school in
340 critical needs status;

341 (b)(i) except as provided in Subsection (3)(b)(ii), is responsive to the needs
342 assessment conducted in accordance with Section 53E-5-302; or

343 (ii) if the school was identified as a low performing school based on 2014-2015
344 school accountability results, includes a root cause analysis of the school's teacher
345 recruitment and retention challenges, including:

346 (A) a clear definition of the problem to be solved;

347 (B) hypotheses for the causes of the problem;

348 (C) strategies to address the root causes of the problem;

349 (D) current data on teacher retention rates; and

350 (E) current recruitment and retention strategies;

351 (c) includes the amount of matching funds the local education board is requesting
352 from the state;

353 (d) includes assurances that the local education board will allocate matching
354 funds; and

355 (e) may include a stipend for educators who work non-contract hours to develop
356 or implement strategies identified in a school improvement plan.

357 (4) The Superintendent shall:

358 (a) approve a plan that meets the criteria described in Subsection (3); and

359 (b) on or before March 1, distribute matching funds to a local education agency
360 that has submitted an approved plan in an amount not to exceed:

361 (i) \$1000 per teacher for schools identified based on 2014-2015 school
362 accountability results; or

363 (ii) \$1500 per teacher for schools identified based on 2016-17 school

364 accountability results and each year thereafter.

365

366 **R277-920-10. School Leadership Development Program.**

367 (1) A school leader may apply to participate in the School Leadership
368 Development Program if the school leader:

369 (a) is assigned to a school in critical needs status; or

370 (b) is nominated by the school leader's district superintendent or charter school
371 governing board to participate.

372 (2) A school leader who meets the requirements of Subsection (1) may apply to
373 participate in the School Leadership Development Program by electronically submitting an
374 application to the Superintendent on a form provided on the Board website by the date
375 specified on the Board website.

376 (3)(a) The Superintendent shall select a school leader to participate in the School
377 Leadership Development Program based on the following selection criteria:

378 (i) First priority shall be given to a school leader who is assigned to a low
379 performing school;

380 (ii) second priority is given to a school leader who is assigned to a school in critical
381 needs status that is not a low performing school; and

382 (iii) third priority is given to a school leader who is nominated by the school
383 leader's district superintendent or charter school governing board.

384 (b) Notwithstanding Subsection (3)(a), the Superintendent may give priority to a
385 school leader who has not received prior leadership training before selecting a school
386 leader who has received prior leadership training.

387 (4)(a) In accordance with Subsection [53E-5-309\(4\)](#), the Superintendent shall
388 award incentive pay to a school leader within 30 days after:

389 (i) the school leader completes the School Leadership Development Program; and

390 (ii) ~~submits~~ the school leader's LEA verifies that the school leader entered into a
391 written agreement ~~[to the Superintendent to work]~~ as described in Subsection
392 [53E-5-309\(4\)](#).

393 (b) The Superintendent shall evenly divide the appropriation among the school
394 leaders who meet the requirements of this Subsection (4).

395 (5) The Superintendent may award incentive pay to a school leader described in
396 Subsection (5) for up to five years.

397

398 **R277-920-[8]11. Exit Criteria for a Low Performing School ~~[in Critical Needs Status]~~**

399 **-- Extensions -- More Rigorous Interventions.**

400 (1)(a) Except as provided in Subsection (1)(b), to exit~~[critical needs status, a]~~ the
401 school turnaround program, a low performing school shall demonstrate ~~[that the school no~~
402 ~~longer meets the criteria for which the school was identified:]~~

403 ~~[(i) for]~~, in the ~~[second and]~~ third or fourth year~~[s, consecutively,]~~ after which the
404 school was identified as a low performing school ~~[for critical needs status; or]~~, that the
405 school:

406 (i) meets individualized exit criteria that is calculated by reducing the gap in
407 performance between the school's baseline performance and the threshold score for a 'B'
408 letter grade, as described in R277-497-2, by one-third; and

409 (ii) exceeds the lowest 5% of all schools in the ranking of schools from the year the
410 school was identified ~~[for two consecutive years by the end of the extension period~~
411 ~~described in Subsection (3)].~~

412 (b) A low performing school that was identified based on 2014-15 school
413 accountability results is required to improve performance by at least one letter grade, as
414 determined by comparing the school's letter grade for the 2014-15 school year to the
415 school's letter grade for the 2017-18 school year.

416 (2) In determining whether a school has met the criteria described in Subsection
417 (1), the Superintendent shall apply the indicators, weightings, and threshold scores
418 described in the version of Title 53E, Chapter 5, Part 2, School Accountability System that
419 was in place at the time the school was identified.

420 (3) If a school does not meet the exit criteria described in Subsection (1)(a) in the
421 fourth year after which the school was identified as a low performing school, the school
422 may qualify for an extension to continue current school improvement efforts for up to two
423 years if the school:

424 (a)(i) reduced the gap in performance between the school's baseline performance
425 and the threshold for a 'B' letter grade, as described in R277-497-2, by at least one-fourth;

426 (ii) exceeds at least the lowest 3% of all schools in the ranking of schools from the
427 year the school was identified; or~~[has cut the difference by 50% between:~~

428 ~~—— (A) the percentage of points earned in the school year in which the school was~~
429 ~~identified; and~~

430 ~~——(B) the percentage of points necessary to meet the exit criteria described in~~
431 ~~Subsection (1)(a); or]~~

432 ~~[(ii)](iii)~~ has met only one of the exit criteria described in Subsection (1)(a)~~[for only~~
433 ~~one year]~~; and

434 (b) electronically files an extension request with the Superintendent within 15 days
435 of the release of school accountability results, that provides rationale justifying an
436 extension.

437 (4)(a) The Superintendent shall conduct an in-depth analysis of the alignment of
438 the school's curriculum to the Utah core standards:

439 (i) in each school that qualifies for an extension under Subsection (3); and

440 (ii) that is individualized to each teacher.

441 (b) The Superintendent may require a local education board or school to:

442 (i) take actions to remedy issues identified in the analysis described in Subsection
443 (4)(a); or

444 (ii) revise the school turnaround plan.

445 (5) If a school identified as a low performing school ~~[for critical needs status]~~ does
446 not meet the exit criteria described in Subsection (1) or qualify for an extension as
447 described in Subsection (3) the following groups shall make a recommendation to the
448 Board on what action the Board should take:

449 (a) a state review panel, described in Subsection (7);

450 (b) if the school is a district school, the local school board, with input from the
451 community as described in Subsection (8); and

452 (c) if the school is a charter school, the charter school authorizer with input from
453 the community as described in Subsection (8).

454 (6) The groups described in Subsection (5) shall make a recommendation within
455 90 days of the release of school accountability results on whether the Board should:

456 (a) require personnel changes, including replacement of school leaders or
457 teachers;

458 (b) if the school is a district school:

459 (i) require involuntary transfers of school leaders or teachers;

460 (ii) require the local school board to change school boundaries;

461 (iii) temporarily appoint a public or non-profit entity other than the local school
462 board to manage and operate the school; or

463 (iv) permanently transfer control of a school to a public or non-profit entity other
464 than the local education board;

465 (c) if the school is a charter school:

466 (i) require that the charter school governing board be replaced; or

467 (ii) require that the charter school authorizer close the school; or

468 (c) if the school is a charter school, require that the charter school authorizer:

469 (i) replace some or all members of the charter school governing board;

470 (ii) transfer operation and control of the charter school to:

471 (A) a high performing charter school; or

472 (B) the school district in which the charter school is located; or

473 (iii) close the school; or

474 (d) take other action.

475 (7)(a) The Superintendent shall appoint members of ~~the~~ a state review panel
476 ~~[subject to Subsection (7)(b)].~~

477 ~~[(b) The state review panel shall include at least three members who each have~~
478 ~~demonstrated expertise in two or more of the following fields:~~

479 ~~—— (i) leadership at the school district or school level;~~

480 ~~—— (ii) standards-based elementary or secondary curriculum instruction and~~
481 ~~assessment;~~

482 ~~—— (iii) instructional data management and analysis;~~

483 ~~—— (iv) educational program evaluation;~~

484 ~~—— (v) educational program management;~~

485 ~~—— (vi) teacher leadership;~~

486 ~~—— (vii) change management;~~

487 ~~—— (viii) organizational management; or~~

488 ~~—— (ix) school budgeting and finance.]~~

489 ~~[(e)](b)~~ The state review panel shall critically evaluate at least:

490 (i) whether the local education agency has the capacity to implement the changes
491 necessary to improve school performance;

492 (ii) whether the school leadership is adequate to implement change to improve
493 school performance;

494 (iii) whether the school has sufficient authority to implement change;

495 (iv) whether the plan is being implemented with fidelity;

496 (v) whether the state and local education board provided sufficient resources to
497 the school to support school improvement efforts, including whether the local school board
498 prioritized school district funding and resources to the school in accordance with Section
499 53E-5-303;

500 (vi) the likelihood that performance can be improved within the current
501 management structure and staffing; and

502 (vii) the necessity that the school remain in operation to serve students.

503 (8) A local school board and charter school authorizer shall develop
504 recommendations under this section in collaboration with:

505 (a) parents of students currently attending the school;

506 (b) teachers, principals, and other school leaders at the school;

507 (c) stakeholders representing the interests of students with disabilities, English
508 learners, and other vulnerable student populations; and

509 (d) other community members and community partners.

510

511 **R277-920-12. Exit Criteria for Schools in a year with Statewide Assessment System**
512 **Irregularities.**

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

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

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

519 (2) A state review panel described in Subsection (1) shall review the following
520 questions to inform the state review panel's recommendation:

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

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

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

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

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

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

535 (b) the state review panel shall review the data of the school whose data are
536 impacted by the statewide assessment system irregularities or suspension of statewide
537 assessment; and

538 (c) the state review panel shall make a recommendation to the Board whether the
539 school demonstrated substantial improvement.

540 (4) A state review panel described in Subsection (3) shall review qualitative and
541 quantitative data from the implementation of the school's turnaround plan.

542 (5) The qualitative and quantitative data described in Subsection (4) may include:

543 (a) local student performance data;

544 (b) for a school that is a high school:

545 (i) credit earned;

546 (ii) graduation rate; and

547 (iii) other types of successful completion, such as earning a GED;

548 (c) increased attendance;

549 (d) student engagement or school climate;

550 (e) parent engagement;

551 (f) criteria presented by the school being reviewed; and

552 (g) additional criteria established by the Superintendent.

553

554 **~~[R277-920-9. School Leadership Development Program.~~**

555 ~~—— (1) A school leader may apply to participate in the School Leadership~~
556 ~~Development Program if the school leader:~~

557 ~~—— (a) is assigned to a school in critical needs status; or~~

558 ~~—— (b) is nominated by the school leader's district superintendent or charter school~~
559 ~~governing board to participate.~~

560 ~~—— (2) A school leader who meets the requirements of Subsection (1) may apply to~~
561 ~~participate in the School Leadership Development Program by electronically submitting an~~

562 application to the Superintendent on a form provided on the Board website by the date
563 specified on the Board website.

564 ~~—— (3)(a) The Superintendent shall select a school leader to participate in the School~~
565 ~~Leadership Development Program based on the following selection criteria:~~

566 ~~—— (i) First priority shall be given to a school leader who is assigned to a low~~
567 ~~performing school;~~

568 ~~—— (ii) second priority is given to a school leader who is assigned to a school in critical~~
569 ~~needs status that is not a low performing school; and~~

570 ~~—— (iii) third priority is given to a school leader who is nominated by the school~~
571 ~~leader's district superintendent or charter school governing board.~~

572 ~~—— (b) Notwithstanding Subsection (3)(a), the Superintendent may give priority to a~~
573 ~~school leader who has not received prior leadership training before selecting a school~~
574 ~~leader who has received prior leadership training.~~

575 ~~—— (4)(a) In accordance with Subsection 53E-5-309(4), the Superintendent shall~~
576 ~~award incentive pay to a school leader within 30 days after the school leader:~~

577 ~~—— (i) completes the School Leadership Development Program; and~~

578 ~~—— (ii) submits a written agreement to the Superintendent to work as described in~~
579 ~~Subsection 53E-5-309(4).~~

580 ~~—— (b) The Superintendent shall evenly divide the appropriation among the school~~
581 ~~leaders who meet the requirements of this Subsection (4).~~

582 ~~—— (5) The Superintendent may award incentive pay to a school leader described in~~
583 ~~Subsection (5) for up to five years.]~~

584

585 **R277-920-1[0]3. School Recognition and Reward Program.**

586 (1) The Superintendent shall distribute school recognition and reward program
587 money to an LEA with ~~[the principal of]~~ an eligible school[~~:~~

588 ~~—— (a) in accordance with Section 53E-5-307; and~~

589 ~~—— (b)]~~ within 30 days of the Board's official release of school grades for the year the
590 eligible school is eligible for an award of money.

591 (2) The Superintendent shall notify the LEA and principal of an eligible school
592 within 15 days of the Board's official release of school grades:

593 (a) that the eligible school is eligible for an award of money[~~pursuant to Section~~
594 ~~53E-5-307]; and~~

595 (b) of the amount of the award that the eligible school will receive.

596 (3) ~~[In accordance with Section 53E-5-307, the]~~ The LEA, in consultation with the
597 principal of the eligible school shall distribute the money received under Subsection (1):

598 (a) to each educator assigned to the school for all of the years the school was
599 identified as a low performing school; and

600 (b) in a pro-rated manner to each educator assigned to the school for less time
601 than the school was identified as a low performing school.

602

603 ~~[R277-920-11. Superintendent's Identification of Schools for Targeted Needs~~
604 ~~Status.~~

605 ~~_____ (1) As used in this section, "student groups" means a group of 10 or more~~
606 ~~students:~~

607 ~~_____ (a) who are economically disadvantaged;~~

608 ~~_____ (b) with disabilities;~~

609 ~~_____ (c) who are English learners;~~

610 ~~_____ (d) who are African American;~~

611 ~~_____ (e) who are American Indian;~~

612 ~~_____ (f) who are Asian;~~

613 ~~_____ (g) who are Hispanic;~~

614 ~~_____ (h) who are Multiple races;~~

615 ~~_____ (i) who are Pacific Islander; or~~

616 ~~_____ (j) who are White.~~

617 ~~_____ (2)(a) Subject to Subsection (2)(b), the Superintendent shall identify for targeted~~
618 ~~needs status any school with one or more student groups who:~~

619 ~~_____ (i) for two consecutive years, is assigned a percentage of points in the state's~~
620 ~~accountability system that is equal to or below the percentage of points associated with the~~
621 ~~lowest rating in the state's accountability system; and~~

622 ~~_____ (ii) is not currently identified for critical needs status under Section R277-920-3.~~

623 ~~_____ (b) The Superintendent shall make the identification under Subsection (2)(a)~~
624 ~~beginning with the 2018-2019 school accountability results and every year thereafter.~~

625 ~~_____ (3) A school identified under Subsection (2) shall develop and implement a plan to~~
626 ~~improve performance of the student group that was the subject of the identification under~~
627 ~~Subsection (2), in accordance with the Elementary and Secondary Education Act of 1965,~~

628 ~~20 U.S.C. Sec. 6301 et seq.~~

629 ~~—— (4) To exit targeted needs status, a school shall demonstrate that the school no~~
630 ~~longer meets the criteria for which the school was identified for two consecutive years~~
631 ~~within four school years after the month in which the school was identified.~~

632 ~~—— (5) The Superintendent shall identify a school that does not meet the exit criteria~~
633 ~~described in Subsection (4) as a school with chronically underperforming student groups~~
634 ~~as described in Section R277-920-3.]~~

635

636 **KEY: principals, school improvements, school leaders**

637 **Date of Enactment or Last Substantive Amendment: January 9, 2018**

638 **Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401(4); Title**
639 **53E, Chapter 5, Part 3**

640

641