

R277. Education, Administration.

R277-920. School Improvement and Leadership Development.

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 Improvement and Leadership Development, which requires the Board to make rules to establish:

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

(ii) provisions regarding funding distributed to a springboard school or elevate school;

(iii) criteria for granting an extension to a springboard school;

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

(v) implications for a springboard school; and

(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 Title 53E, Chapter 5, Part 3, School Improvement and Leadership Development.

R277-920-2. Definitions.

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

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

(3) "Committee" means a school improvement committee established in accordance with Subsection 53E-5-303(1) or 53E-5-304(4).

(4) "Continuous improvement expert" means the same as that term is defined in Section 53E-5-301.

(5) "Elevate school" means the same as that term is defined in Section 53E-5-301.

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

(7) "Non-Title I school" means a school that does not receive funds under the Elementary and Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.

(8) "School improvement grant" means a Title I grant under the Elementary and Secondary Education Act, 20 U.S.C. Sec. 6303(g).

(9) "School in critical needs status" means a school that is a:

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

(b) Title I school that does not exit targeted needs status; or

(c) Title I school that:

(i) has not been identified as a school meeting the definition of Subsection (9)(a), (9)(b), or (14); 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.

(10) "School in targeted needs status" means a school that is identified as a targeted support and improvement school with one or more student groups as described in Section R277-920-5.

(11) "School leader" means the same as that term is defined in Section 53E-5-309.

(12) "School improvement plan" means a school improvement plan described in Section R277-920-8.

(13) "School improvement program" means the school improvement and leadership development program described in Title 53E, Chapter 5, Part 3, School Improvement and Leadership Development.

(14) "Springboard school" means the same as that term is defined in Section 53E-5-301.

(15) "State review panel" means a state review panel appointed by the Superintendent that includes at least three members who each have demonstrated expertise in two or more of the following fields:

- (a) leadership at the school district or school level;
- (b) standards-based elementary or secondary curriculum instruction and assessment;
- (c) instructional data management and analysis;
- (d) educational program evaluation;
- (e) educational program management;
- (f) teacher leadership;
- (g) change management;
- (h) organizational management; or
- (i) school budgeting and finance.

(16) "Title I school" means a school that receives funds under the Elementary and Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.

(17) "ESSA state plan" means the Revised State Template for the Consolidated State Plan: The Elementary and Secondary Education Act of 1965, Every Student Succeeds Act incorporated by reference in Section R277-920-3.

R277-920-3. Revised State Template for the Consolidated State Plan: The Elementary and Secondary Education Act of 1965 Incorporated by Reference.

(1) This rule incorporates by reference the Revised State Template for the Consolidated State Plan: The Elementary and Secondary Education Act of 1965, Every Student Succeeds Act, which provides clarification of the requirements and the state's plan for seven federal Title programs including school improvement.

(2) A copy of the manual is located at:

(a) <https://www.schools.utah.gov/file/e803c7a4-3c13-459c-97a6-da92b4579c52>;

and

(b) the Utah State Board of Education.

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

(1) Subject to Subsection (2), on or before October 31, the Superintendent shall identify schools for critical needs status and springboard schools.

(2) The Superintendent shall make the identification under:

(a) Subsection R277-920-2(9)(a) beginning with the 2021-22 school accountability results and every three years thereafter, consistent with the ESSA state plan;

(b) Subsection R277-920-2(9)(b) beginning with the 2023-24 school accountability results and every year thereafter, consistent with the ESSA state plan;

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

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

(3)(a) Except as provided in Subsection (3)(b), schools in critical needs status are required to comply with Title 53E, Chapter 5, Part 3, School Improvement and Leadership Development.

(b) A school in critical needs status is exempt from the requirement to contract with continuous improvement expert described in Section 53E-5-305.

R277-920-5. Superintendent's Identification of Schools for Targeted Needs Status and Elevate Schools.

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

(a) who are economically disadvantaged;

(b) with disabilities;

(c) who are English learners;

(d) who are African American;

(e) who are American Indian;

- (f) who are Asian;
- (g) who are Hispanic;
- (h) who are Multiple races;
- (i) who are Pacific Islander; or
- (j) who are White.

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

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

(ii) is not currently identified for critical needs status under Section R277-920-4.

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

(3) A school identified under Subsection (2) shall develop and implement a plan to improve performance of the student group that was the subject of the identification under Subsection (2), in accordance with the Elementary and Secondary Education Act of 1965, 20 U.S.C. Sec. 6301 et seq.

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

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

(6) For each year the Board is required to identify elevate schools as described in Section 53E-5-302.1, the Superintendent shall:

- (a) accept applications as described in Subsection 53E-5-302.1(1)(a);
- (b) identify elevate schools as described in Subsection 53E-5-302.1(1)(b); and
- (c) conduct a needs assessment for each elevate school as described in Subsection 53E-5-302.1(1)(c).

R277-920-6. Identification of New Schools due to Statewide Assessment System Irregularities During the 2020 COVID-19 Pandemic.

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

R277-920-7. Superintendent Review of Continuous Improvement Expert Proposals for Springboard and Elevate Schools.

(1) The Superintendent shall review and approve a springboard or elevate school's proposal described in Subsection 53E-5-303(1)(d).

(2) On or before January 15, a local education board of a springboard or elevate school shall submit a proposal described in Subsection 53E-5-303(1) or Subsection 53E-5-304(4) to the Superintendent for approval.

R277-920-8. School Improvement Plan Submission and Approval Process.

(1) In addition to the requirements described in Subsection 53E-5-303(5), a springboard school, elevate school, or school in critical needs status shall create a school improvement plan and include at least the following:

(a) a request to the local school board and district superintendent for:

(i) additional resources;

(ii) personnel; or

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

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

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

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

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

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

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

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

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

R277-920-9. Appeal Process for Denial of a School Improvement Plan.

(1) A committee or local education board may appeal the denial of a plan, in whole or in part, by following the procedures and requirements of this section.

(2) An appeal authorized by this rule:

(a) is an informal adjudicative proceeding under Section 63G-4-203; and

(b) shall be resolved by the date specified in Subsection 53E-5-305(6)(b).

(3)(a) A principal, on behalf of a committee, may request that the local education board reconsider the denial of a plan:

(i) by electronically filing the request:

(A) with the chair of the local education board; and

(B) on a form provided on the Board website; and

(ii) within five calendar days of the denial.

(b) The reconsideration request may include a modification to the plan if the committee approves the modification.

(c) The local education board shall respond to the request within ten calendar days by:

(i) refusing to reconsider its action;

(ii) approving a plan, in whole or in part; or

(iii) denying a plan modification.

(d) The principal may appeal the denial of a plan under this Subsection (3):

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

(ii) within five calendar days of the denial.

(e) An appeal filed under this subsection shall be resolved in accordance with Subsections (4) and (5).

(4) A district superintendent, on behalf of a local school board, or a charter school governing board chair, on behalf of a charter school governing board, may appeal the 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 five calendar days of the denial.

(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 five 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.

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

R277-920-10. Springboard and Elevate School Program Funding.

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

(a) encumbered funds; and

(b) other program obligations.

(2) On or before January 30 of the school year in which a springboard or elevate school is identified, the Superintendent shall distribute at least \$375,000 per springboard or elevate school to each local education board of a springboard or elevate school.

(3) The Superintendent shall distribute any funds available for distribution under Subsection (1) after the allocation of funds described in Subsection (2) to local education boards of springboard and elevate 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.

(4)(a) The local education board shall use at least a portion of the funding distributed under Subsections (2) and (3) to contract with a continuous improvement expert, including travel costs, in accordance with Sections 53E-5-303 and 53E-5-304.

(b) A local education board shall use funding available after the allocation of funds under Subsection (4)(a) only for interventions identified in a school improvement plan.

(5) The Superintendent may review uses of funds and contracts with continuous improvement experts.

(6) The Superintendent may provide funding to a school that remains in the school improvement program beyond the school's identified exit year.

R277-920-11. School Leadership Development Program.

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

- (a) is assigned to a school in critical needs status; or
- (b) is nominated by the school leader's district superintendent or charter school governing board to participate.

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

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

- (i) first priority shall be given to a school leader who is assigned to a springboard school or elevate school;

(ii) second priority is given to a school leader who is assigned to a school in critical needs status that is not a springboard school or elevate school; and

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

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

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

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

(ii) the school leader's LEA verifies that the school leader entered into a written agreement as described in Subsection 53E-5-309(4).

(b) The Superintendent shall distribute \$400 per session to a school leader who completes at least 75% of the School Leadership Development Program sessions.

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

R277-920-12. Exit Criteria for a Springboard School and Schools in Critical Needs Status -- Extensions -- More Rigorous Interventions.

(1) To exit the springboard school program, a springboard school shall demonstrate, in the third or fourth year after which the school was identified as a springboard school, that the school:

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

(b) exceeds the lowest 5% of all schools in the ranking of schools from the year the school was identified.

(2) In determining whether a school has met the criteria described in Subsection (1), the Superintendent shall apply the indicators, weightings, and threshold scores

described in the version of Title 53E, Chapter 5, Part 2, School Accountability System that was in place when the school was identified.

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

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

(B) exceeds at least the lowest 3% of all schools in the ranking of schools from the year the school was scheduled to exit; or

(ii) has met only one of the exit criteria described in Subsection (1); and

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

(4) If a school identified as a springboard school does not meet the exit criteria described in Subsection (1) or qualify for an extension as described in Subsection (3) the following groups shall make a recommendation to the Board on what action the Board should take:

(a) a state review panel, described in Subsection (6);

(b) if the school is a district school, the local school board, with input from the community as described in Subsection (7); and

(c) if the school is a charter school, the charter school authorizer with input from the community as described in Subsection (7).

(5) The groups described in Subsection (4) shall make a recommendation within 90 days of the release of school accountability results on whether the Board should:

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

(b) if the school is a district school:

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

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

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

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

(c) if the school is a charter school:

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

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

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

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

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

(A) a high performing charter school; or

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

(iii) close the school; or

(e) take other action.

(6)(a) The Superintendent shall appoint members of a state review panel.

(b) The state review panel shall critically evaluate at least:

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

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

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

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

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

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

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

(7) An LEA and charter school authorizer shall develop recommendations under this section in collaboration with:

- (a) parents of students currently attending the springboard school;
 - (b) teachers, principals, and other school leaders at the school;
 - (c) stakeholders representing the interests of students with disabilities, English learners, and other vulnerable student populations; and
 - (d) other community members and community partners.
- (8) A school in critical needs status that does not exit critical needs status shall engage in more rigorous interventions consistent with the ESSA state plan.

R277-920-13. Exit Criteria for a Schools in Critical Needs Status and Elevate Schools.

- (1) A school in critical needs status may exit critical needs status as described in the ESSA state plan.
- (2) An elevate school may exit after successful completion of four years participating in the implementation of a continuous improvement cycle, including working with the elevate school's continuous improvement expert.

R277-920-14. 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 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 springboard school program.
- (2) A state review panel described in Subsection (1) shall review the following questions to inform the state review panel's recommendation:
- (a) whether the school provides evidence of substantial progress and growth;
- and

(b) whether the school has qualitative or quantitative data from the implementation of the school's 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 springboard school program:

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

(b) the state 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

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

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

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

(a) local student performance data, including formative assessment data;

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

(i) credit earned;

(ii) graduation rate; and

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

(c) increased attendance;

(d) student engagement or school climate;

(e) parent engagement;

(f) criteria presented by the school being reviewed;

(g) if the springboard school is a charter school, whether the charter school is meeting all minimum standards described in Section 53G-5-303 in the school's charter agreement with the authorizer, including:

(i) minimum financial standards for operating the charter school;

(ii) minimum standards for student achievement;

(iii) the mission statement and purpose of the charter school;

- (iv) the grade levels served;
- (v) the maximum number of students; and
- (vi) the charter school governing board and structure; and
- (h) additional criteria established by the Superintendent.

(6)(a) Notwithstanding other provisions in this Section R277-920-14, for a school year where there are statewide assessment system irregularities or a suspension of the administration of statewide assessments, a school eligible to be considered for exit at the conclusion of the applicable year may elect to remain in the springboard school program an additional year.

(b) For a school that elects to remain in the program an additional year as described in Subsection (6)(a), the Superintendent may provide a different standard of review of the school's data by the state review panel.

(7) For a school that elects to remain in the program an additional year as described in Subsection (6):

(a) the Superintendent may provide a different standard of review of the school's data by the state review panel; and

(b) in addition to the information described in Subsection (5), the school shall provide a request for resources to the Superintendent, including the proposed uses of the resources, for the school's additional year in the springboard school program.

KEY: principals, school improvements, school leaders

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