

1                                   **TEACHER AND STUDENT SUCCESS ACT**

2   2019 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Ann Millner**

5   House Sponsor: Jefferson Moss

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7 **LONG TITLE**

8 **General Description:**

9           This bill creates the Teacher and Student Success Program.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ creates the Teacher and Student Success Program (program);
- 13           ▶ provides for the State Board of Education to distribute funds from the Teacher and
- 14 Student Success Account to the boards of local education agencies for the purposes
- 15 of the program;
- 16           ▶ requires the board of a local education agency to create guidelines for the creation of
- 17 school outcome-based program plans;
- 18           ▶ provides for the board of a local education agency to use and distribute program
- 19 money;
- 20           ▶ requires a school to make an outcome-based program plan for the use of program
- 21 money;
- 22           ▶ provides for oversight of school efforts to improve outcomes according to the
- 23 school's program plan;
- 24           ▶ repeals provisions related to school improvement plans;
- 25           ▶ replaces references to a school improvement plan with references to the
- 26 outcome-based school program plan required under the program;
- 27           ▶ repeals provisions related to reading achievement plans; and
- 28           ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **53F-5-203**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and  
36 amended by Laws of Utah 2018, Chapter 2

37 **53G-5-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3

38 **53G-7-1202**, as last amended by Laws of Utah 2018, Chapters 107 and 448

39 **53G-7-1203**, as last amended by Laws of Utah 2018, Chapter 448

40 **53G-7-1206**, as enacted by Laws of Utah 2018, Chapter 448

41 ENACTS:

42 **53F-2-415**, Utah Code Annotated 1953

43 **53G-7-1301**, Utah Code Annotated 1953

44 **53G-7-1302**, Utah Code Annotated 1953

45 **53G-7-1303**, Utah Code Annotated 1953

46 **53G-7-1304**, Utah Code Annotated 1953

47 **53G-7-1305**, Utah Code Annotated 1953

48 **53G-7-1306**, Utah Code Annotated 1953

49 REPEALS:

50 **53E-4-306**, as renumbered and amended by Laws of Utah 2018, Chapter 1

51 **53G-7-1204**, as renumbered and amended by Laws of Utah 2018, Chapter 3

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

54 Section 1. Section **53F-2-415** is enacted to read:

55 **53F-2-415. Appropriation and distribution for the Teacher and Student Success**

56 **Program.**

57 (1) The terms defined in Section 53G-7-1301 apply to this section.

58 (2) Subject to future budget constraints, the Legislature shall annually appropriate  
59 money from the Teacher and Student Success Account described in Section 53F-9-306 to the  
60 state board for the Teacher and Student Success Program.

61 (3) Except as provided in Subsection (5)(a), the state board shall calculate an amount to  
62 distribute to an LEA that is the product of:

63 (a) the percentage of weighted pupil units in the LEA compared to the total number of  
64 weighted pupil units for all LEAs in the state; and

65 (b) the amount of the appropriation described in Subsection (2), less the amount  
66 calculated, in accordance with state board rule, for:

67 (i) an LEA that is in the LEA's first year of operation; and

68 (ii) the Utah Schools for the Deaf and the Blind.

69 (4) The state board shall distribute to an LEA an amount calculated for the LEA as  
70 described in Subsection (3) if the LEA governing board of the LEA has submitted an LEA  
71 governing board student success framework as required by the program.

72 (5) In accordance with this section and Title 53G, Chapter 7, Part 13, Teacher and  
73 Student Success Program, the state board:

74 (a) shall make rules to calculate an LEA distribution for:

75 (i) an LEA that is in the LEA's first year of operation; and

76 (ii) the Utah Schools for the Deaf and the Blind, taking into account all students who  
77 receive services from the Utah Schools for the Deaf and the Blind, regardless of whether a  
78 student is enrolled in another LEA; and

79 (b) may make rules to distribute funds as described in this section.

80 Section 2. Section **53F-5-203** is amended to read:

81 **53F-5-203. Interventions for Reading Difficulties Pilot Program.**

82 (1) As used in this section:

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

84 (b) "Dyslexia" means a specific learning disability that is neurological in origin and  
85 characterized by difficulties with accurate or fluent word recognition and by poor spelling and  
86 decoding abilities that typically result from a deficit in the phonological component of language  
87 that is often unexpected in relation to other cognitive abilities and the provision of effective  
88 classroom instruction.

89 (c) "Local education agency" or "LEA" means:

90 (i) a school district;

91 (ii) a charter school; or

92 (iii) the Utah Schools for the Deaf and the Blind.

93 (d) "Multi-Tier System of Supports" or "MTSS" means a framework integrating  
94 assessment and intervention that:

95 (i) provides increasingly intensive interventions for students at risk for or experiencing  
96 reading difficulties, including:

97 (A) tier II interventions that, in addition to standard classroom reading, provide  
98 supplemental and targeted small group instruction in reading using evidence-based curricula;  
99 and

100 (B) tier III interventions that address the specific needs of students who are the most at  
101 risk or who have not responded to tier II interventions by providing frequent, intensive, and  
102 targeted small group instruction using evidence-based curricula; and

103 (ii) is developed to:

104 (A) maximize student achievement;

105 (B) reduce behavior problems; and

106 (C) increase long-term success.

107 (e) "Program" means the Interventions for Reading Difficulties Pilot Program.

108 (f) "Reading difficulty" means an impairment, including dyslexia, that negatively  
109 affects a student's ability to learn to read.

110 (2) There is created the Interventions for Reading Difficulties Pilot Program to provide:

111 (a) specific evidence-based literacy interventions using an MTSS for students in  
112 kindergarten through grade 5 who are at risk for or experiencing a reading difficulty, including  
113 dyslexia; and

114 (b) professional development to educators who provide the literacy interventions  
115 described in Subsection (2)(a).

116 (3) (a) An LEA may submit a proposal to the board to participate in the program.

117 (b) An LEA proposal described in Subsection (3)(a) shall:

118 (i) specify:

119 (A) a range of current benchmark assessment in reading scores described in Section  
120 [53E-4-307](#) that the LEA will use to determine whether a student is at risk for a reading  
121 difficulty; and

122 (B) other reading difficulty risk factors that the LEA will use to determine whether a  
123 student is at risk for a reading difficulty;

124 (ii) describe the LEA's existing reading program;

125 (iii) describe the LEA's MTSS approach; and

126 (iv) include any other information requested by the board.

127 (c) The board may:

128 (i) specify the format for an LEA proposal; and

129 (ii) set a deadline for an LEA to submit a proposal.

130 (4) The board shall:

131 (a) define criteria for selecting an LEA to participate in the program;

132 (b) during fiscal year 2016, select five LEAs to participate in the program:

133 (i) on a competitive basis; and

134 (ii) using criteria described in Subsection (4)(a); and

135 (c) provide each LEA, selected as described in Subsection (4)(b), up to \$30,000 per  
136 school within the LEA.

137 (5) During fiscal years 2017, 2018, and 2019, if funding allows, the board may select  
138 additional LEAs to participate in the program.

139 (6) An LEA that participates in the program:

140 (a) shall, beginning with the 2016-17 school year, provide the interventions described  
141 in Subsection (7)(c) from the time the LEA is selected until the end of the 2018-19 school year;  
142 and

143 (b) may provide the professional development described in Subsections (8)(a) and (b)  
144 beginning in fiscal year 2016.

145 (7) An LEA that participates in the program shall:

146 (a) select at least one school in the LEA to participate in the program;

147 (b) identify students in kindergarten through grade 5 for participation in the program  
148 by:

149 (i) using current benchmark assessment in reading scores as described in Section  
150 [53E-4-307](#); and

151 (ii) considering other reading difficulty risk factors identified by the LEA;

152 (c) provide interventions for each student participating in the program using an MTSS  
153 implemented by an educator trained in evidence-based interventions; and

154 [~~(d) include the LEA's proposal submitted under Subsection (3)(b) in the reading  
155 achievement plan described in Section [53E-4-306](#) for each school in the LEA that participates  
156 in the program; and]~~

157 [~~(e)~~] (d) report annually to the board on:

158 (i) individual student outcomes in changes in reading ability;

159 (ii) school level outcomes; and

160 (iii) any other information requested by the board.

161 (8) Subject to funding for the program, an LEA may use the funds described in  
162 Subsection (4)(c) for the following purposes:

163 (a) to provide for ongoing professional development in evidence-based literacy

164 interventions;

165 (b) to support educators in earning a reading interventionist credential that prepares  
166 teachers to provide a student who is at risk for or experiencing reading difficulty, including  
167 dyslexia, with reading intervention that is:

168 (i) explicit;

169 (ii) systematic; and

170 (iii) targeted to a student's specific reading difficulty; and

171 (c) to implement the program.

172 (9) The board shall contract with an independent evaluator to evaluate the program on:

173 (a) whether the program improves reading outcomes for a student who receives the  
174 interventions described in Subsection (7)(c);

175 (b) whether the program may reduce future special education costs; and

176 (c) any other student or school achievement outcomes requested by the board.

177 (10) (a) The board shall make a final report on the program to the Education Interim  
178 Committee on or before November 1, 2018.

179 (b) In the final report described in Subsection (10)(a), the board shall include the  
180 results of the evaluation described in Subsection (9).

181 Section 3. Section **53G-5-405** is amended to read:

182 **53G-5-405. Application of statutes and rules to charter schools.**

183 (1) A charter school shall operate in accordance with its charter and is subject to this  
184 public education code and other state laws applicable to public schools, except as otherwise  
185 provided in this chapter and other related provisions.

186 (2) (a) Except as provided in Subsection (2)(b), State Board of Education rules  
187 governing the following do not apply to a charter school:

188 (i) school libraries;

189 (ii) required school administrative and supervisory services; and

190 (iii) required expenditures for instructional supplies.

191 (b) A charter school shall comply with rules implementing statutes that prescribe how  
192 state appropriations may be spent.

193 (3) The following provisions of this public education code, and rules adopted under  
194 those provisions, do not apply to a charter school:

195 (a) [~~Sections~~] Section 53G-7-1202 [~~and 53G-7-1204~~], requiring the establishment of a  
196 school community council [~~and school improvement plan~~];

197 (b) Section 53G-4-409, requiring the use of activity disclosure statements;

198 (c) Section 53G-7-606, requiring notification of intent to dispose of textbooks;

199 (d) Section 53G-10-404, requiring annual presentations on adoption;

200 (e) Sections 53G-7-304 and 53G-7-306 pertaining to fiscal procedures of school  
201 districts and local school boards; and

202 (f) Section 53E-4-408, requiring an independent evaluation of instructional materials.

203 (4) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter  
204 school is considered an educational procurement unit as defined in Section 63G-6a-103.

205 (5) Each charter school shall be subject to:

206 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

207 (b) Title 63G, Chapter 2, Government Records Access and Management Act.

208 (6) A charter school is exempt from Section 51-2a-201.5, requiring accounting reports  
209 of certain nonprofit corporations. A charter school is subject to the requirements of Section  
210 53G-5-404.

211 (7) (a) The State Charter School Board shall, in concert with the charter schools, study  
212 existing state law and administrative rules for the purpose of determining from which laws and  
213 rules charter schools should be exempt.

214 (b) (i) The State Charter School Board shall present recommendations for exemption to  
215 the State Board of Education for consideration.

216 (ii) The State Board of Education shall consider the recommendations of the State  
217 Charter School Board and respond within 60 days.



218 Section 4. Section **53G-7-1202** is amended to read:

219 **53G-7-1202. School community councils -- Duties -- Composition -- Election**  
220 **procedures and selection of members.**

221 (1) As used in this section:

222 (a) "Digital citizenship" means the norms of appropriate, responsible, and healthy  
223 behavior related to technology use, including digital literacy, ethics, etiquette, and security.

224 (b) "District school" means a public school under the control of a local school board  
225 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School  
226 Boards.

227 (c) "Educator" means the same as that term is defined in Section **53E-6-102**.

228 (d) (i) "Parent or guardian member" means a member of a school community council  
229 who is a parent or guardian of a student who:

230 (A) is attending the school; or

231 (B) will be enrolled at the school during the parent's or guardian's term of office.

232 (ii) "Parent or guardian member" may not include an educator who is employed at the  
233 school.

234 (e) "School community council" means a council established at a district school in  
235 accordance with this section.

236 (f) "School employee member" means a member of a school community council who is  
237 a person employed at the school by the school or school district, including the principal.

238 (g) "School LAND Trust Program money" means money allocated to a school pursuant  
239 to Section **53F-2-404**.

240 (2) A district school, in consultation with the district school's local school board, shall  
241 establish a school community council at the school building level for the purpose of:

242 (a) involving parents or guardians of students in decision making at the school level;

243 (b) improving the education of students;

244 (c) prudently expending School LAND Trust Program money for the improvement of

245 students' education through collaboration among parents and guardians, school employees, and  
246 the local school board; and

247 (d) increasing public awareness of:

248 (i) school trust lands and related land policies;

249 (ii) management of the State School Fund established in Utah Constitution Article X,  
250 Section V; and

251 (iii) educational excellence.

252 (3) (a) Except as provided in Subsection (3)(b), a school community council shall:

253 ~~[(i) create a school improvement plan in accordance with Section 53G-7-1204;]~~

254 ~~[(ii)]~~ (i) create the School LAND Trust Program and LAND Trust plan in accordance  
255 with Section 53G-7-1206;

256 ~~[(iii)]~~ (ii) advise and make recommendations to school and school district  
257 administrators and the local school board regarding:

258 (A) the school and its programs;

259 (B) school district programs;

260 (C) a child access routing plan in accordance with Section 53G-4-402;

261 (D) safe technology utilization and digital citizenship; and

262 (E) other issues relating to the community environment for students;

263 ~~[(iv)]~~ (iii) provide for education and awareness on safe technology utilization and  
264 digital citizenship that empowers:

265 (A) a student to make smart media and online choices; and

266 (B) a parent or guardian to know how to discuss safe technology use with the parent's  
267 or guardian's child; and

268 ~~[(v)]~~ (iv) partner with the school's principal and other administrators to ensure that  
269 adequate on and off campus Internet filtering is installed and consistently configured to prevent  
270 viewing of harmful content by students and school personnel, in accordance with local school  
271 board policy and Subsection 53G-7-216(3).

272 (b) To fulfill the school community council's duties described in Subsections (3)(a)~~(iv)~~  
273 ~~and (v)~~(iii) and (iv), a school community council may:

- 274 (i) partner with one or more non-profit organizations; or
- 275 (ii) create a subcommittee.

276 (c) A school or school district administrator may not prohibit or discourage a school  
277 community council from discussing issues, or offering advice or recommendations, regarding  
278 the school and its programs, school district programs, the curriculum, or the community  
279 environment for students.

280 (4) (a) Each school community council shall consist of school employee members and  
281 parent or guardian members in accordance with this section.

282 (b) Except as provided in Subsection (4)(c) or (d):

283 (i) each school community council for a high school shall have six parent or guardian  
284 members and four school employee members, including the principal; and

285 (ii) each school community council for a school other than a high school shall have  
286 four parent or guardian members and two school employee members, including the principal.

287 (c) A school community council may determine the size of the school community  
288 council by a majority vote of a quorum of the school community council provided that:

289 (i) the membership includes two or more parent or guardian members than the number  
290 of school employee members; and

291 (ii) there are at least two school employee members on the school community council.

292 (d) (i) The number of parent or guardian members of a school community council who  
293 are not educators employed by the school district shall exceed the number of parent or guardian  
294 members who are educators employed by the school district.

295 (ii) If, after an election, the number of parent or guardian members who are not  
296 educators employed by the school district does not exceed the number of parent or guardian  
297 members who are educators employed by the school district, the parent or guardian members of  
298 the school community council shall appoint one or more parent or guardian members to the

299 school community council so that the number of parent or guardian members who are not  
300 educators employed by the school district exceeds the number of parent or guardian members  
301 who are educators employed by the school district.

302 (5) (a) Except as provided in Subsection (5)(f), a school employee member, other than  
303 the principal, shall be elected by secret ballot by a majority vote of the school employees and  
304 serve a two-year term. The principal shall serve as an ex officio member with full voting  
305 privileges.

306 (b) (i) Except as provided in Subsection (5)(f), a parent or guardian member shall be  
307 elected by secret ballot at an election held at the school by a majority vote of those voting at the  
308 election and serve a two-year term.

309 (ii) (A) Except as provided in Subsection (5)(b)(ii)(B), only a parent or guardian of a  
310 student attending the school may vote in, or run as a candidate in, the election under Subsection  
311 (5)(b)(i).

312 (B) If an election is held in the spring, a parent or guardian of a student who will be  
313 attending the school the following school year may vote in, and run as a candidate in, the  
314 election under Subsection (5)(b)(i).

315 (iii) Any parent or guardian of a student who meets the qualifications of this section  
316 may file or declare the parent's or guardian's candidacy for election to a school community  
317 council.

318 (iv) (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the  
319 election of parent or guardian members of a school community council shall be established by  
320 a local school board for the schools within the school district.

321 (B) An election for the parent or guardian members of a school community council  
322 shall be held near the beginning of the school year or held in the spring and completed before  
323 the last week of school.

324 (C) Each school shall establish a time period for the election of parent or guardian  
325 members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at

326 least a four-year period.

327 (c) (i) At least 10 days before the date that voting commences for the elections held  
328 under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee,  
329 shall provide notice to each school employee, parent, or guardian, of the opportunity to vote in,  
330 and run as a candidate in, an election under this Subsection (5).

331 (ii) The notice shall include:

332 (A) the dates and times of the elections;

333 (B) a list of council positions that are up for election; and

334 (C) instructions for becoming a candidate for a community council position.

335 (iii) The principal of the school, or the principal's designee, shall oversee the elections  
336 held under Subsections (5)(a) and (5)(b).

337 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a  
338 secure ballot box.

339 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made  
340 available to the public upon request.

341 (e) (i) If a parent or guardian position on a school community council remains unfilled  
342 after an election is held, the other parent or guardian members of the council shall appoint a  
343 parent or guardian who meets the qualifications of this section to fill the position.

344 (ii) If a school employee position on a school community council remains unfilled after  
345 an election is held, the other school employee members of the council shall appoint a school  
346 employee to fill the position.

347 (iii) A member appointed to a school community council under Subsection (5)(e)(i) or  
348 (ii) shall serve a two-year term.

349 (f) (i) If the number of candidates who file for a parent or guardian position or school  
350 employee position on a school community council is less than or equal to the number of open  
351 positions, an election is not required.

352 (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent or guardian

353 position remains unfilled, the other parent or guardian members of the council shall appoint a  
354 parent or guardian who meets the qualifications of this section to fill the position.

355 (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee  
356 position remains unfilled, the other school employee members of the council shall appoint a  
357 school employee who meets the qualifications of this section to fill the position.

358 (g) The principal shall enter the names of the council members on the School LAND  
359 Trust website on or before October 20 of each year, pursuant to Section [53G-7-1203](#).

360 (h) Terms shall be staggered so that approximately half of the council members stand  
361 for election each year.

362 (i) A school community council member may serve successive terms provided the  
363 member continues to meet the definition of a parent or guardian member or school employee  
364 member as specified in Subsection (1).

365 (j) Each school community council shall elect:

366 (i) a chair from its parent or guardian members; and

367 (ii) a vice chair from either its parent or guardian members or school employee  
368 members, excluding the principal.

369 (6) (a) A school community council may create subcommittees or task forces to:

370 (i) advise or make recommendations to the council; or

371 (ii) develop all or part of a plan listed in Subsection (3).

372 (b) Any plan or part of a plan developed by a subcommittee or task force shall be  
373 subject to the approval of the school community council.

374 (c) A school community council may appoint individuals who are not council members  
375 to serve on a subcommittee or task force, including parents or guardians, school employees, or  
376 other community members.

377 (7) (a) A majority of the members of a school community council is a quorum for the  
378 transaction of business.

379 (b) The action of a majority of the members of a quorum is the action of the school

380 community council.

381 (8) A local school board shall provide training for a school community council each  
382 year, including training:

383 (a) for the chair and vice chair about their responsibilities;

384 (b) on resources available on the School LAND Trust website; and

385 (c) on this part.

386 Section 5. Section **53G-7-1203** is amended to read:

387 **53G-7-1203. School community councils -- Open and public meeting**  
388 **requirements.**

389 (1) As used in this section:

390 (a) (i) "Charter trust land council" means a council established by a charter school  
391 governing board under Section [53G-7-1205](#).

392 (ii) "Charter trust land council" does not include a charter school governing board  
393 acting as a charter trust land council.

394 (b) "School community council" means a council established at a school within a  
395 school district under Section [53G-7-1202](#).

396 (c) "Council" means a school community council or a charter trust land council.

397 (d) "Teacher and student success plan" means the same as that term is defined in  
398 Section [53G-7-1301](#).

399 (2) A school community council or a charter trust land council:

400 (a) shall conduct deliberations and take action openly as provided in this section; and

401 (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.

402 (3) (a) As required by Section [53G-7-1202](#), a local school board shall provide training  
403 for the members of a school community council on this section.

404 (b) A charter school governing board shall provide training for the members of a  
405 charter trust land council on this section.

406 (4) (a) A meeting of a council is open to the public.

- 407 (b) A council may not close any portion of a meeting.
- 408 (5) A council shall, at least one week prior to a meeting, post the following information
- 409 on the school's website:
- 410 (a) a notice of the meeting, time, and place;
- 411 (b) an agenda for the meeting; and
- 412 (c) the minutes of the previous meeting.
- 413 (6) (a) On or before October 20, a principal shall post the following information on the
- 414 school website and in the school office:
- 415 (i) the proposed council meeting schedule for the year;
- 416 (ii) a telephone number or email address, or both, where each council member can be
- 417 reached directly; and
- 418 (iii) a summary of the annual report required under Section [53G-7-1206](#) on how the
- 419 school's School LAND Trust Program money was used to enhance or improve academic
- 420 excellence at the school and implement a component of the school's ~~[improvement plan]~~
- 421 teacher and student success plan.
- 422 (b) (i) A council shall identify and use methods of providing the information listed in
- 423 Subsection (6)(a) to a parent or guardian who does not have Internet access.
- 424 (ii) Money allocated to a school under the School LAND Trust Program under Section
- 425 [53F-2-404](#) may not be used to provide information as required by Subsection (6)(b)(i).
- 426 (7) (a) The notice requirement of Subsection (5) may be disregarded if:
- 427 (i) because of unforeseen circumstances it is necessary for a council to hold an
- 428 emergency meeting to consider matters of an emergency or urgent nature; and
- 429 (ii) the council gives the best notice practicable of:
- 430 (A) the time and place of the emergency meeting; and
- 431 (B) the topics to be considered at the emergency meeting.
- 432 (b) An emergency meeting of a council may not be held unless:
- 433 (i) an attempt has been made to notify all the members of the council; and



- 434 (ii) a majority of the members of the council approve the meeting.
- 435 (8) (a) An agenda required under Subsection (5)(b) shall provide reasonable specificity
- 436 to notify the public as to the topics to be considered at the meeting.
- 437 (b) Each topic described in Subsection (8)(a) shall be listed under an agenda item on
- 438 the meeting agenda.
- 439 (c) A council may not take final action on a topic in a meeting unless the topic is:
- 440 (i) listed under an agenda item as required by Subsection (8)(b); and
- 441 (ii) included with the advance public notice required by Subsection (5).
- 442 (9) (a) Written minutes shall be kept of a council meeting.
- 443 (b) Written minutes of a council meeting shall include:
- 444 (i) the date, time, and place of the meeting;
- 445 (ii) the names of members present and absent;
- 446 (iii) a brief statement of the matters proposed, discussed, or decided;
- 447 (iv) a record, by individual member, of each vote taken;
- 448 (v) the name of each person who:
- 449 (A) is not a member of the council; and
- 450 (B) after being recognized by the chair, provided testimony or comments to the
- 451 council;
- 452 (vi) the substance, in brief, of the testimony or comments provided by the public under
- 453 Subsection (9)(b)(v); and
- 454 (vii) any other information that is a record of the proceedings of the meeting that any
- 455 member requests be entered in the minutes.
- 456 (c) The written minutes of a council meeting:
- 457 (i) are a public record under Title 63G, Chapter 2, Government Records Access and
- 458 Management Act; and
- 459 (ii) shall be retained for three years.
- 460 (10) (a) As used in this Subsection (10), "rules of order and procedure" means a set of

461 rules that govern and prescribe in a public meeting:

462 (i) parliamentary order and procedure;

463 (ii) ethical behavior; and

464 (iii) civil discourse.

465 (b) A council shall:

466 (i) adopt rules of order and procedure to govern a public meeting of the council;

467 (ii) conduct a public meeting in accordance with the rules of order and procedure

468 described in Subsection (10)(b)(i); and

469 (iii) make the rules of order and procedure described in Subsection (10)(b)(i) available

470 to the public:

471 (A) at each public meeting of the council; and

472 (B) on the school's website.

473 Section 6. Section **53G-7-1206** is amended to read:

474 **53G-7-1206. School LAND Trust Program.**

475 (1) As used in this section:

476 (a) "Charter agreement" means an agreement made in accordance with Section

477 [53G-5-303](#) that authorizes the operation of a charter school.

478 (b) "Charter school authorizer" means the same as that term is defined in Section

479 [53G-5-102](#).

480 (c) "Charter trust land council" means a council established by a charter school

481 governing board under Section [53G-7-1205](#).

482 (d) "Council" means a school community council or a charter trust land council.

483 (e) "District school" means a public school under the control of a local school board

484 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School

485 Boards.

486 (f) "LAND trust plan" means a school's plan to use School LAND Trust Program

487 money to implement a component of the school's success plan.

488            ~~[(f)]~~ (g) "School community council" means a council established at a district school in  
489 accordance with Section [53G-7-1202](#).

490            (h) "Teacher and student success plan" or "success plan" means the same as that term is  
491 defined in Section [53G-7-1301](#).

492            (2) There is established the School LAND (Learning And Nurturing Development)  
493 Trust Program under the State Board of Education to:

494            (a) provide financial resources to public schools to enhance or improve student  
495 academic achievement and implement a component of a [~~district school's school improvement~~  
496 ~~plan or a charter school's charter agreement~~] district school or charter school's teacher and  
497 student success plan; and

498            (b) involve parents and guardians of a school's students in decision making regarding  
499 the expenditure of School LAND Trust Program money allocated to the school.

500            (3) To receive an allocation under Section [53F-2-404](#):

501            (a) a district school shall have established a school community council in accordance  
502 with Section [53G-7-1202](#);

503            (b) a charter school shall have established a charter trust land council in accordance  
504 with Section [53G-7-1205](#); and

505            (c) the school's principal shall provide a signed, written assurance that the school is in  
506 compliance with Subsection (3)(a) or (b).

507            (4) (a) A council shall create a program to use the school's allocation distributed under  
508 Section [53F-2-404](#) to implement a component of the school's[~~improvement plan or charter~~  
509 ~~agreement~~] success plan, including:

510            (i) the school's identified most critical academic needs;

511            (ii) a recommended course of action to meet the identified academic needs;

512            (iii) a specific listing of any programs, practices, materials, or equipment that the  
513 school will need to implement a component of [~~its school improvement plan~~] the school's  
514 success plan to have a direct impact on the instruction of students and result in measurable

515 increased student performance; and

516 (iv) how the school intends to spend [its] the school's allocation of funds under this  
517 section to enhance or improve academic excellence at the school.

518 (b) (i) A council shall create and vote to adopt a [~~plan for the use of School LAND~~  
519 ~~Trust Program money~~] LAND trust plan in a meeting of the council at which a quorum is  
520 present.

521 (ii) If a majority of the quorum votes to adopt a [~~plan for the use of School LAND~~  
522 ~~Trust Program money~~] LAND trust plan, the LAND trust plan is adopted.

523 (c) A council shall:

524 (i) post a [~~plan for the use of School LAND Trust Program money~~] LAND trust plan  
525 that is adopted in accordance with Subsection (4)(b) on the School LAND Trust Program  
526 website; and

527 (ii) include with the LAND trust plan a report noting the number of council members  
528 who voted for or against the approval of the LAND trust plan and the number of council  
529 members who were absent for the vote.

530 (d) (i) The local school board of a district school shall approve or disapprove a [~~plan~~  
531 ~~for the use of School LAND Trust Program money~~] LAND trust plan.

532 (ii) If a local school board disapproves a [~~plan for the use of School LAND Trust~~  
533 ~~Program money~~] LAND trust plan:

534 (A) the local school board shall provide a written explanation of why the LAND trust  
535 plan was disapproved and request the school community council who submitted the LAND  
536 trust plan to revise the LAND trust plan; and

537 (B) the school community council shall submit a revised LAND trust plan in response  
538 to a local school board's request under Subsection (4)(d)(ii)(A).

539 (iii) Once a LAND trust plan has been approved by a local school board, a school  
540 community council may amend the LAND trust plan, subject to a majority vote of the school  
541 community council and local school board approval.

542 (e) A charter trust land council's [~~plan for the use of School LAND Trust Program~~  
543 ~~money~~] School LAND trust plan is subject to approval by the:

- 544 (i) charter school governing board; and
- 545 (ii) charter school's charter school authorizer.

546 (5) (a) A district school or charter school shall:

- 547 (i) implement the program as approved;
- 548 (ii) provide ongoing support for the council's program; and
- 549 (iii) meet State Board of Education reporting requirements regarding financial and  
550 performance accountability of the program.

551 (b) (i) A district school or charter school shall prepare and post an annual report of the  
552 program on the School LAND Trust Program website each fall.

553 (ii) The report shall detail the use of program funds received by the school under this  
554 section and an assessment of the results obtained from the use of the funds.

555 (iii) A summary of the report shall be provided to parents or guardians of students  
556 attending the school.

557 (6) On or before October 1 of each year, a school district shall record the amount of the  
558 program funds distributed to each school under Section [53F-2-404](#) on the School LAND Trust  
559 Program website to assist schools in developing the annual report described in Subsection  
560 (5)(b).

561 (7) The president or chair of a local school board or charter school governing board  
562 shall ensure that the members of the local school board or charter school governing board are  
563 provided with annual training on the requirements of this section.

564 (8) (a) The School LAND Trust Program shall provide training to the entities described  
565 in Subsection (8)(b) on:

- 566 (i) the School LAND Trust Program; and
- 567 (ii) (A) a school community council; or
- 568 (B) a charter trust land council.

- 569 (b) The School LAND Trust Program shall provide the training to:  
570 (i) a local school board or a charter school governing board;  
571 (ii) a school district or a charter school; and  
572 (iii) a school community council.

573 (9) The School LAND Trust Program shall annually review each school's compliance  
574 with applicable law, including rules adopted by the State Board of Education, by:

- 575 (a) reading each [~~School LAND Trust Program plan~~] LAND trust plan submitted; and  
576 (b) reviewing expenditures made from School LAND Trust Program money.

577 (10) The board shall designate a staff member who administers the School LAND  
578 Trust Program:

579 (a) to serve as a member of the Land Trusts Protection and Advocacy Committee  
580 created under Section [53D-2-202](#); and

581 (b) who may coordinate with the Land Trusts Protection and Advocacy Office director,  
582 appointed under Section [53D-2-203](#), to attend meetings or events within the School and  
583 Institutional Trust System, as defined in Section [53D-2-102](#), that relate to the School LAND  
584 Trust Program.

585 Section 7. Section **53G-7-1301** is enacted to read:

586 **Part 13. Teacher and Student Success Program**

587 **53G-7-1301. Definitions.**

588 As used in this part:

589 (1) "LEA distribution" means the money distributed by the state board to an LEA as  
590 described in Section [53G-7-1303](#).

591 (2) "LEA governing board student success framework" means an LEA governing board  
592 student success framework described in Section [53G-7-1304](#).

593 (3) "Principal" means the chief administrator at a school, including:

- 594 (a) a school principal;  
595 (b) a charter school director; or

596 (c) the superintendent of the Utah Schools for the Deaf and the Blind.

597 (4) "School allocation" means the amount of money allocated to a school or the Utah  
598 Schools for the Deaf and the Blind by an LEA governing board, as described in Section  
599 53G-7-1304.

600 (5) "School personnel" means an individual who:

601 (a) is employed by an LEA; and

602 (b) in an academic role, works directly with and supports students in a school.

603 (6) "Statewide accountability system" means the statewide school accountability  
604 system described in Title 53E, Chapter 5, Part 2, School Accountability System.

605 (7) "Teacher and student success plan" or "success plan" means a school performance  
606 and student academic achievement improvement plan described in Section 53G-7-1305.

607 (8) "Teacher and Student Success Program" or "program" means the Teacher and  
608 Student Success Program described in this part.

609 Section 8. Section **53G-7-1302** is enacted to read:

610 **53G-7-1302. Teacher and Student Success Program created.**

611 There is created the Teacher and Student Success Program to improve school  
612 performance and student academic achievement, as described in this part.

613 Section 9. Section **53G-7-1303** is enacted to read:

614 **53G-7-1303. State funding distribution.**

615 The state board shall distribute program funding to an LEA as described in Section  
616 53F-2-415.

617 Section 10. Section **53G-7-1304** is enacted to read:

618 **53G-7-1304. Program requirements -- LEA governing board student success**  
619 **framework -- LEA distribution -- School allocation -- Reporting.**

620 (1) (a) To receive an LEA distribution, an LEA governing board shall:

621 (i) adopt an LEA governing board student success framework to provide guidelines and  
622 processes for a school within the LEA governing board's LEA to follow in developing a teacher

623 and student success plan; and

624 (ii) submit the adopted LEA governing board student success framework to the state  
625 board.

626 (b) An LEA governing board may include in the LEA governing board's student  
627 success framework any means reasonably designed to improve school performance or student  
628 academic achievement, including:

629 (i) school personnel stipends for taking on additional responsibility outside of a typical  
630 work assignment;

631 (ii) professional learning;

632 (iii) additional school employees, including counselors, social workers, mental health  
633 workers, tutors, media specialists, information technology specialists, or other specialists;

634 (iv) technology;

635 (v) before- or after-school programs;

636 (vi) summer school programs;

637 (vii) community support programs or partnerships;

638 (viii) early childhood education;

639 (ix) class size reduction strategies;

640 (x) augmentation of existing programs; or

641 (xi) other means.

642 (c) An LEA governing board student success framework may not support the use of  
643 program money:

644 (i) to supplant funding for existing public education programs;

645 (ii) for district administration costs; or

646 (iii) for capital expenditures.

647 (2) (a) An LEA governing board shall use an LEA distribution as follows:

648 (i) for increases to base salary and salary driven benefits for school personnel that,  
649 except as provided in Subsection (2)(c)(i), total 25% or less of the LEA distribution; and



650 (ii) except as provided in Subsection (2)(b)(ii) and in accordance with Subsection (3),  
651 for each school within the LEA governing board's LEA, an allocation that is equal to the  
652 product of:

653 (A) the percentage of the school's prior year average daily membership compared to the  
654 total prior year average daily membership for all schools in the LEA; and

655 (B) the remaining amount of the LEA governing board's LEA distribution after  
656 subtracting the amounts described in Subsections (2)(a)(i) and (2)(b)(ii).

657 (b) (i) The state board shall make rules for an LEA governing board to calculate and  
658 distribute a school allocation for a school in the school's first year of operation.

659 (ii) In accordance with Subsection (3) and the rules described in Subsection (2)(b)(i),  
660 an LEA governing board shall distribute a school allocation for a school in the school's first  
661 year of operation.

662 (c) Except as provided in Subsection (2)(d), the LEA governing board of a school  
663 district may use up to 40% of an LEA distribution for the purposes described in Subsection  
664 (2)(a)(i), if:

665 (i) the LEA governing board has:

666 (A) approved a board local levy for the maximum amount allowed under Section  
667 [53F-8-302](#); or

668 (B) after the LEA governing board has submitted an LEA governing board student  
669 success framework to the state board, increased the board local levy described in Section  
670 [53F-8-302](#) by at least .0001 per dollar of taxable value; and

671 (ii) the school district's average teacher salary is below the state average teacher salary  
672 described in Subsection (2)(f).

673 (d) The LEA governing board of a school district in a county of the fourth, fifth, or  
674 sixth class or the LEA governing board of a charter school may use up to 40% of an LEA  
675 distribution for the purposes described in Subsection (2)(a)(i), if the LEA's average teacher  
676 salary is below the state average teacher salary described in Subsection (2)(f).

677 (e) An LEA governing board shall annually report information as requested by the state  
678 board for the state board to calculate a state average teacher salary.

679 (f) The state board shall use the information described in Subsection (2)(c)(ii) to  
680 calculate a state average teacher salary amount and a state average teacher benefit amount.

681 (3) An LEA governing board shall allocate a school allocation to a school with a  
682 teacher and student success plan that is approved as described in Section [53G-7-1305](#).

683 (4) (a) Except as provided in Subsection (4)(b), a school shall use a school allocation to  
684 implement the school's success plan.

685 (b) A school may use up to 5% of the school's school allocation to fund school  
686 personnel retention at the principal's discretion, not including uniform salary increases.

687 (c) A school may not use a school allocation for:

688 (i) capital expenditures; or

689 (ii) a purpose that is not supported by the LEA governing board student success  
690 framework for the school's LEA.

691 (5) A school that receives a school allocation shall annually:

692 (a) submit to the school's LEA governing board a description of:

693 (i) the budgeted and actual expenditures of the school's school allocation;

694 (ii) how the expenditures relate to the school's success plan; and

695 (iii) how the school measures the success of the school's participation in the program;

696 and

697 (b) post on the school's website:

698 (i) the school's approved success plan;

699 (ii) a description of the school's school allocation budgeted and actual expenditures and  
700 how the expenditures help the school accomplish the school's success plan; and

701 (iii) the school's current level of performance, as described in Section [53G-7-1306](#),

702 according to the indicators described in Section [53E-5-205](#) or [53E-5-206](#).

703 Section 11. Section **53G-7-1305** is enacted to read:

704 **53G-7-1305. Teacher and student success plans -- Plan review and approval.**

705 (1) (a) The principal of a school shall develop the school's teacher and student success  
706 plan:

707 (i) in accordance with the LEA governing board student success framework for the  
708 school's LEA;

709 (ii) by integrating school-specific goals and criteria for improving the school's  
710 performance within the state accountability system; and

711 (iii) if the school has a school turnaround plan as defined in Section [53E-5-301](#), in  
712 accordance with the school's school turnaround plan.

713 (b) A principal shall solicit input on developing a success plan from:

714 (i) for a district school or charter school:

715 (A) the school community council, as defined in Section [53G-7-1202](#); or

716 (B) the charter trust land council, as described in Section [53G-7-1205](#);

717 (ii) school-level educators;

718 (iii) parents of students at the school; and

719 (iv) school-level administrators.

720 (c) A principal may solicit input on developing a success plan from:

721 (i) students;

722 (ii) support professionals; or

723 (iii) other community stakeholders.

724 (2) (a) The principal of a school shall submit a proposed success plan to the school's  
725 LEA governing board.

726 (b) An LEA governing board shall:

727 (i) annually review each success plan submitted for a school within the LEA governing  
728 board's LEA;

729 (ii) in a regularly scheduled LEA governing board meeting, approve or disapprove each  
730 submitted success plan; and

731 (iii) upon disapproval of a success plan:  
732 (A) explain in writing the reason for disapproval;  
733 (B) make recommendations for revision; and  
734 (C) allow the principal who submitted the success plan to resubmit a revised plan for  
735 review and approval.

736 (3) An LEA governing board shall make the LEA governing board's best efforts to help  
737 a school complete the approval process described in Subsection (2) on or before June 30 of  
738 each year.

739 (4) A council, as defined in Section [53G-7-1206](#), shall select a component of the  
740 approved success plan for the council's school to address within the council's School LAND  
741 Trust Program, in accordance with Section [53G-7-1206](#).

742 Section 12. Section **53G-7-1306** is enacted to read:

743 **53G-7-1306. School improvement oversight -- Performance standards.**

744 (1) The state board shall make rules that:

745 (a) using a criteria-setting process, determine a threshold of points under the statewide  
746 school accountability system that designates a school as succeeding in school performance and  
747 student academic achievement; and

748 (b) determine performance standards for a school described in Section [53E-5-203](#).

749 (2) (a) For each year following the year in which a school received approval for a  
750 success plan, an LEA governing board shall determine if the school:

751 (i) meets or exceeds the threshold of points described in Subsection (1);

752 (ii) has demonstrated at least a 1% increase in the school's total points received under  
753 the statewide school accountability system compared to the previous school year; or

754 (iii) qualifies for and satisfies the performance standards described in Subsection

755 (1)(b).

756 (b) If the LEA governing board determines that a school does not satisfy Subsection

757 (2)(a)(i), (ii), or (iii), the LEA governing board shall:

758            (i) work with the school's principal to modify the school's success plan to address the  
759 school's performance; and

760            (ii) oversee and adjust the school's allocation expenditures until the LEA governing  
761 board determines the school satisfies Subsection (2)(a)(i), (ii), or (iii).

762            Section 13. **Repealer.**

763            This bill repeals:

764            Section **53E-4-306**, State reading goal -- Reading achievement plan.

765            Section **53G-7-1204**, School improvement plan.