

Regulatory Sandbox in Education Overview

The following is intended to explain the provisions of the Regulatory Sandbox in Education for interested public schools and local approving bodies. This overview is not intended to replace the provisions of the full bill and related rule.

Full Text: <https://le.utah.gov/~2022/bills/static/SB0191.html>

Related rule: [R277-919](#)

Overview

Broadly, the Regulatory Sandbox in Education allows a school to develop an innovation plan, obtain local approval for the plan, and apply to the State Board (state board) of Education for a waiver of state board rule to support that plan.

In addition, this bill allows schools to apply for budgetary flexibility in support of approved plans. Approved plans are submitted to the state board, who monitors progress and may terminate plans. The state board reports on approved plans to the Education Interim Committee annually.

Innovation Plans

A plan to implement an innovative education program in any area of education may be approved by the school's local approving body.

An "innovation education program" or "program" means a research-based innovation in a public school including:

- School staffing
- Curriculum and assessment
- Class scheduling
- Use of financial or other resources
- Faculty recruitment
- Employment
- Employee evaluations or compensation

Innovation Plan Components

An innovation plan must include:

- A statement of the public school’s mission and an explanation of how the innovation plan will enhance the school’s ability to achieve its mission.
- A description of the innovative education program the public school will implement.
- A list and description of the research or scientific basis supporting the innovative education program.
- A list of the public school’s programs, policies, or operations the innovation plan impacts, including:
 - the length of the school day,
 - student graduation policies,
 - the public school’s assessment plan,
 - the public school’s proposed budget, or
 - the public school’s staffing plan.
- A description of the improvements in academic performance the public school expects the innovation plan to achieve.
 - The time period, between 1-3 years, in which the public school will demonstrate the results of the program.
 - A description of the method the public school will use to measure outcomes and demonstrate whether the innovation school achieves the improvements described.
- An estimate of cost savings or increased efficiencies, if any, the public school expects implementing the innovation plan will achieve.
- Evidence that the following agree to the innovation plan:
 - a majority of administrators employed at the public school;
 - a majority of teachers employed at the public school; and
 - a majority of the public school’s council.
- A statement demonstrating the level of support for the innovation plan from other members of the public school community, including:
 - school employees other than teachers;
 - students
 - parents; and
 - the surrounding community.
- A request for waiver of any state board rule required for the public school to implement the innovation plan, if any.
- Any additional information the local approving body requires.

In addition to the stated requirements of the bill, the related [Board Rule R277-919](#) states plans will include:

- A detailed budget for successful implementation.
- A detailed plan of benchmarked progress including the projected timeline for each benchmark that has been agreed upon by the innovation school and local approving body.
- A suggested reporting schedule between the approved innovation school and the Superintendent.
- Any additional information as requested by the Superintendent at the time of plan submission.

Approving an Innovation Plan

A local approving body must approve the innovation plan. The local school board is the local approving body for a local school district and a charter school's authorizer is the local approving body for a charter school.

The local approving body shall:

- Review the innovation plan and approve or reject the innovation plan within 60 days of submission.
- If rejected, provide an explanation in writing for the basis of the rejection within 30 days.

Plans cannot be approved if the innovation plan would cause a public school to violate federal or state laws, other than state board rules that are included in the innovation plan's request for waiver.

See [53G-7-221\(4c\)](#) for a list of topic areas given preference.

Charter School Agreements

If a charter school governing board approves an innovation plan, the charter school's charter agreement should be modified to:

- include an approved innovation plan;
- include amendments to an approved innovation plan that the charter school authorizer approves; and
- remove an approved innovation plan at the end of the plan end date.

Submitting Plans to the State Board of Education

Within 30 days of approval, the plan must be submitted to the State Board of Education and the state board must maintain a copy of the approved plan.

Amending an Approved Plan

An approved innovation plan may be amended by submitting proposed amendments to the local approving body.

There must be submitted evidence that the proposed amendments are agreed to by:

- a majority of administrators employed at the innovation school;
- a majority of teachers employed at the innovation school; and
- a majority of the innovation school's council.

The local approving body reviews and approves or rejects the proposed amendments. A full innovation plan including approved amendments must be submitted to the state board within 30 days of approval.

Waiver from Board Rule

If an approved innovation plan submitted to the state board includes a request for waiver of state board rule, the state board shall grant the requested waiver unless the waiver would:

- cause the innovation school to be in violation of state or federal law;
- threaten the health, safety, or welfare of students in the innovation schools;
- or
- waive a rule related to:
 - employee criminal background checks; or
 - accounting principles.

The state board may grant requests for additional or modified waiver of state board rule if the waiver would enhance the innovative education program's educational opportunities, standards, quality.

See Board Rule [R277-121](#). Board Waiver of Administrative Rules for required documentation.

Budget Flexibility

An innovation LEA may accept private grants, loans, gifts, endowments, devises, or bequests which are made to support an innovation education program.

Additionally, each fiscal year, an LEA with an innovation school may:

- apply to the state board for approval to expend up to 35% of the LEA's state restricted funding for each formula-based program to support an innovative education program, and
- transfer fund balances between funds as necessary to expend those funds.

Expending of these funds is included in annual progress reporting and the LEA must demonstrate how the requirements of each formula-based program has been met. An innovation LEA may *not* transfer funds related to the school LAND Trust Program or a qualified grant program.

Section [53G-7-222](#) Budget Flexibility for Innovation LEAs and Board Rule [R277-919](#) Section 4. Flexibility of Restricted Funds offer further information on budgetary allowances.

Reporting & Sufficient Progress

Innovation schools report annually to the local approving body on the innovation's progress in achieving improvements described in the plan. The local approving body submits the annual report to the state board.

The state board may send a notice of remediation or terminate an innovation plan if the state board determines that the innovation plan does not demonstrate sufficient progress.

Refer to State Board Rule [R277-919](#) Section 3. Reporting Requirements, Progress Monitoring, and Plan Termination for more specific guidance.