

DIGITAL TEACHING AND LEARNING PROGRAM

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Francis D. Gibson

LONG TITLE

General Description:

This bill creates a digital teaching and learning program for public schools.

Highlighted Provisions:

This bill:

▶ creates the Digital Teaching and Learning Program (program), a qualifying grant program for local education agencies (LEA), to improve student outcomes through the use of digital teaching and learning technology and educator professional development;

▶ requires the Utah Education and Telehealth Network Board (UETN board) to develop and implement the program by:

- designing a master plan;
- issuing requests for proposals for an education consultant, education technology providers, and an independent evaluator; and

- approving local education agencies' LEA plans;

▶ creates the Digital Teaching and Learning Advisory Committee to:

- assist the UETN board in developing selection criteria for and selecting an education consultant; and

- provide input on the development of the master plan;

▶ requires the UETN board to appoint certain members to the Digital Teaching and Learning Advisory Committee;



- 28 ▶ requires the UETN board to issue a request for proposals for software that monitors
- 29 student and teacher usage of technology in public schools;
- 30 ▶ requires a qualifying LEA to use software provided by the UETN board to monitor
- 31 student usage of technology;
- 32 ▶ requires a contract with an education technology provider to prohibit certain uses of
- 33 student data as part of the contract;
- 34 ▶ requires the State Board of Education to:
 - 35 • give final approval to a master plan developed by the UETN board;
 - 36 • distribute grant money to qualifying LEAs;
 - 37 • stop distributing certain program money to a qualifying LEA if the qualifying
 - 38 LEA fails to meet certain minimum improvement benchmarks in the school
 - 39 level outcomes set by the State Board of Education;
 - 40 • monitor and review the implementation of the program; and
 - 41 • select an independent evaluator to evaluate the program;
- 42 ▶ establishes requirements for the master plan and individual LEA plans;
- 43 ▶ establishes requirements for an LEA to qualify to participate in a grant program
- 44 related to the program;
- 45 ▶ requires the UETN board and the State Board of Education to jointly report annually
- 46 to the Education Interim Committee regarding the progress of the program;
- 47 ▶ repeals the Smart School Technology Program; and
- 48 ▶ makes technical changes.

49 **Money Appropriated in this Bill:**

50 This bill appropriates in fiscal year 2015:

- 51 ▶ to the Utah Education and Telehealth Network as a one-time appropriation:
 - 52 • from the Education Fund, \$907,500.

53 This bill appropriates in fiscal year 2016:

- 54 ▶ to the State Board of Education - Utah State Office of Education - Initiative
- 55 Programs as an ongoing appropriation:
 - 56 • from the Education Fund, \$16,350,000;
- 57 ▶ to the State Board of Education - Utah State Office of Education - Initiative

58 Programs as a one-time appropriation:

- 59 • from the Education Fund, \$50,000,000; and
- 60 ▶ to the Utah Education and Telehealth Network as an ongoing appropriation:
- 61 • from the Education Fund, \$8,650,000.

62 **Other Special Clauses:**

63 This bill provides a special effective date.

64 **Utah Code Sections Affected:**

65 AMENDS:

66 **63M-1-906**, as last amended by Laws of Utah 2012, Chapter 208

67 ENACTS:

68 **53A-1-1201**, Utah Code Annotated 1953

69 **53A-1-1202**, Utah Code Annotated 1953

70 **53A-1-1203**, Utah Code Annotated 1953

71 **53A-1-1204**, Utah Code Annotated 1953

72 **53A-1-1205**, Utah Code Annotated 1953

73 **53A-1-1206**, Utah Code Annotated 1953

74 **53A-1-1207**, Utah Code Annotated 1953

75 **53A-1-1208**, Utah Code Annotated 1953

76 **53A-1-1209**, Utah Code Annotated 1953

77 **53A-1-1210**, Utah Code Annotated 1953

78 REPEALS:

79 **53A-1-709**, as last amended by Laws of Utah 2013, Chapter 173

80 **63M-1-909.5**, as last amended by Laws of Utah 2013, Chapter 173



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

83 Section 1. Section **53A-1-1201** is enacted to read:

84 **Part 12. Digital Learning Technology Program Act**

85 **53A-1-1201. Title.**

86 This part is known as the "Digital Learning Technology Program Act."

87 Section 2. Section **53A-1-1202** is enacted to read:

88 **53A-1-1202. Definitions.**

89 As used in this part:

- 90 (1) "Advisory committee" means the Digital Teaching and Learning Program Advisory
91 Committee created in Section 53A-1-1204.
- 92 (2) "Board" means the State Board of Education.
- 93 (3) "Core subject areas" means the following subject areas:
94 (a) English language arts;
95 (b) mathematics;
96 (c) science; and
97 (d) social studies.
- 98 (4) "Education consultant" means the person selected by the UETN board under
99 Section 53A-1-1205.
- 100 (5) "Education technology provider" means a person selected by the UETN board
101 under Section 53A-1-1205.
- 102 (6) "Educator" means an individual who holds or is required to hold a license under
103 Title 53A, Chapter 6, Educator Licensing and Professional Practices Act.
- 104 (7) "High quality professional learning" means a comprehensive, sustained, and
105 intensive approach to improving educator effectiveness in raising student achievement and
106 improving the school level outcomes described in Subsections 53A-1-1209(1)(b) and
107 53A-1-1209(1)(c) that meets the professional learning standards described in Section
108 53A-3-701.
- 109 (8) "Independent evaluator" means the person selected by the board under Section
110 53A-1-1210.
- 111 (9) "LEA plan" means an LEA's plan to implement the program that meets the
112 requirements of Section 53A-1-1209.
- 113 (10) "Local education agency" or "LEA" means:
114 (a) a school district;
115 (b) a charter school; or
116 (c) the Utah Schools for the Deaf and the Blind.
- 117 (11) "Master plan" means the master plan developed by the UETN board, with final
118 approval of the board, under Section 53A-1-1206.
- 119 (12) "Program" means the Digital Teaching and Learning Program described in this
120 part.

121 (13) "Qualifying LEA" means an LEA identified by the UETN board as eligible to
122 receive a grant through the program.

123 (14) "Statewide assessment" means a criterion-referenced test of student achievement
124 in English language arts, mathematics, or science, including a test administered in a computer
125 adaptive format, which is administered statewide under Part 6, Achievement Tests.

126 (15) "Utah Education and Telehealth Network" or "UETN" means the Utah Education
127 and Telehealth Network created in Section [53B-17-105](#).

128 (16) "Utah Education and Telehealth Network Board" or "UETN board" means the
129 Utah Education and Telehealth Network Board created in Section [53B-17-105](#).

130 Section 3. Section **53A-1-1203** is enacted to read:

131 **53A-1-1203. Digital Teaching and Learning Program.**

132 There is created the Digital Teaching and Learning Program, a qualifying grant program
133 for qualifying LEAs, to improve student outcomes through the use of digital teaching and
134 learning technology and educator professional development.

135 Section 4. Section **53A-1-1204** is enacted to read:

136 **53A-1-1204. Digital Teaching and Learning Program Advisory Committee.**

137 (1) There is created the Digital Teaching and Learning Advisory Committee to:

138 (a) assist the UETN board with developing selection criteria for and selecting the
139 education consultant described in Section [53A-1-1205](#); and

140 (b) provide input on the development of the master plan described in Section
141 [53A-1-1206](#).

142 (2) The advisory committee shall consist of:

143 (a) the following members appointed by the UETN board:

144 (i) one member who has extensive digital educational content experience related to
145 curriculum and learning standards;

146 (ii) one member who is a current or former school district superintendent or principal
147 who has extensive experience with leading a technology program;

148 (iii) one member who is:

149 (A) an assistant superintendent for curriculum and instruction; or

150 (B) a principal who has extensive experience with a technology program;

151 (iv) one member who has extensive experience with mobile device and connectivity

152 infrastructure;

153 (v) one member with demonstrated change leadership or change management

154 expertise;

155 (vi) one member who is a teacher recognized as a leader in implementing a technology

156 program;

157 (vii) one member who has extensive experience in independent program evaluation of

158 technology initiatives;

159 (viii) one member who has extensive experience and demonstrated leadership in

160 college and career readiness;

161 (ix) one member who represents businesses with expertise in the state requirements for

162 a skilled workforce;

163 (x) one member who is a technology expert from an urban LEA;

164 (xi) one member who is a technology expert from a rural LEA;

165 (xii) one member of the Senate; and

166 (xiii) one member of the House of Representatives;

167 (b) the executive director of the UETN; and

168 (c) the state superintendent of public instruction.

169 (3) The UETN board shall weigh heavily an individual's reputation as a national leader

170 in the individual's area of expertise when appointing the members described in Subsections

171 (2)(a)(i), (iv), (v), (vii), and (viii).

172 (4) When a vacancy occurs in the membership of the advisory committee appointed

173 under Subsection (2)(a), for any reason, the UETN board shall appoint a replacement member

174 who meets the same criteria as the vacated member.

175 (5) The executive director of UETN and the state superintendent of public instruction

176 shall serve as co-chairs for the advisory committee.

177 (6) The advisory committee shall meet when a meeting of the advisory committee is

178 called by an advisory committee chair.

179 (7) (a) A quorum of the advisory committee is eight members.

180 (b) Approval by the greater of the following is required to constitute an action of the

181 advisory committee:

182 (i) a majority of the members present at an advisory committee meeting; or

183 (ii) seven members.

184 (8) A member may not receive compensation or benefits for the member's service, but
185 may receive per diem and travel expenses in accordance with:

186 (a) Section [63A-3-106](#);

187 (b) Section [63A-3-107](#); and

188 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
189 [63A-3-107](#).

190 (9) UETN staff shall staff the advisory committee.

191 Section 5. Section **53A-1-1205** is enacted to read:

192 **53A-1-1205. Education consultant -- Education technology providers --**

193 **Monitoring student usage of technology.**

194 (1) (a) On or before June 30, 2015, in consultation with the board and the advisory
195 committee, the UETN board shall select, through a request for proposals process, a single
196 education consultant with integrated whole-school learning and teaching technology
197 deployment experience.

198 (b) The education consultant shall advise the board, the UETN board, and the advisory
199 committee as provided in this part, including consulting with the board, the UETN board, and
200 the advisory committee in:

201 (i) the development of the master plan under Section [53A-1-1206](#);

202 (ii) the selection of education technology providers under Subsection (2);

203 (iii) the development of LEA plans; and

204 (iv) the review and approval of LEA plans under Section [53A-1-1207](#).

205 (c) The education consultant may not be selected as an education technology provider
206 or assist any person in responding to a request for proposals described in Subsection (2).

207 (2) (a) In consultation with the board and the education consultant, the UETN board
208 shall, through a prequalification process described in Section [63G-6a-403](#), identify prequalified
209 education technology providers that a qualifying LEA may select to work with to implement
210 the program by providing the following goods or services:

211 (i) wireless network infrastructure or infrastructure related to digital teaching and
212 learning;

213 (ii) hardware related to digital teaching and learning, including laptop computers or

214 mobile devices;
215 (iii) digital licensed and unlicensed content, resources, and programs to accelerate
216 student learning in mobile digital teaching and learning;
217 (iv) software that provides a digital learning platform that:
218 (A) is modular and integrated via an open standards architecture;
219 (B) provides a classroom, school, and system-wide digital assessment system that
220 tracks student progress against the state standards of learning established by the board;
221 (C) includes comprehensive digital curriculum mapping, assessment, and performance
222 data aggregation and related reporting that is accessible to students, teachers, administrators,
223 and parents;
224 (D) includes collaboration and communication tools and integration via applicable
225 interoperability standards; and
226 (E) is capable of integrating with the state's or LEA's student information system;
227 (v) technology support services; or
228 (vi) professional learning for educators, administrators, and support staff related to the
229 program.
230 (b) A person who responds to the request for a statement of qualifications under the
231 prequalification process described in Subsection (2)(a) shall submit:
232 (i) a list of products and services the person can provide as an education technology
233 provider;
234 (ii) a proposal on how the person's products or services meet:
235 (A) the criteria described in Subsection (2)(a); and
236 (B) the goals and criteria of the state's master plan described in Section [53A-1-1206](#);
237 and
238 (iii) a disclosure of all exclusive financial arrangements with education publishers,
239 other education technology providers, or education companies.
240 (3) In evaluating a statement of qualifications under the prequalification process
241 described in Subsection (2)(a), the UETN board's evaluation criteria shall weigh heavily the
242 person's ability to prepare and customize the person's products or services to meet the
243 objectives of a participating LEA's LEA plan.
244 (4) In prequalifying the education technology providers under Subsection (2), the

245 UETN board shall prequalify education technology providers that allow an LEA to:

246 (a) select an education technology provider to assist in the development and
247 implementation of an LEA plan under Section 53A-1-1209; or

248 (b) select specific products or services provided by one or more education technology
249 providers.

250 (5) After identifying prequalified education technology providers as described in
251 Subsection (2), the UETN board shall follow the request for proposals process described in
252 Title 63G, Chapter 6a, Utah Procurement Code, to select education technology providers from
253 the prequalified education technology providers identified in Subsection (2).

254 (6) The UETN board shall ensure that:

255 (a) a contract with an education technology provider selected under this section will
256 include a performance accountability section; and

257 (b) the performance accountability section described in Subsection (6)(a) defines:

258 (i) penalties or consequences, if the qualifying LEA, using the services of the education
259 technology provider selected under this section, does not meet student performance outcome
260 benchmarks described in Subsection 53A-1-1208(6); and

261 (ii) requirements that a qualifying LEA shall meet for the education technology
262 provider selected under this section to receive compensation.

263 (7) Annually, within 30 days of the publication of results on a statewide assessment,
264 the UETN board shall publish a report detailing the correlation of the use of each education
265 technology provider's products and services selected under this section and the student
266 academic achievement, as measured by student results on a statewide assessment.

267 (8) (a) The UETN board shall select, through a request for proposals process, one or
268 more education technology providers to provide licenses for software that monitors student
269 usage of technology in qualifying LEA schools.

270 (b) In evaluating education technology provider proposals submitted in response to the
271 request for proposals described in Subsection (8)(a), the UETN board shall ensure that the
272 evaluation criteria weigh heavily the extent to which the software:

273 (i) monitors, in detail, application usage and website access of all student computing
274 devices that are purchased with program money;

275 (ii) allows public access to aggregate student device utilization data at the state, school

276 district, and school level;

277 (iii) protects student data from being accessed by unauthorized users; and

278 (iv) when used, is compliant with the requirements of the Family Educational Rights
279 and Privacy Act, 20 U.S.C. Sec. 1232g.

280 (9) (a) The UETN board shall distribute a license for the software described in
281 Subsection (8) to a qualifying LEA.

282 (b) A qualifying LEA shall install the software described in Subsection (8) on a device
283 used by a student.

284 (10) In a contract with an education technology provider described in this section, the
285 UETN board and a qualifying LEA shall:

286 (a) require an education technology provider to use student information received as
287 part of providing services to the UETN board, board, or qualifying LEA, strictly for the
288 purpose of providing the contracted services to the UETN board, board, or qualifying LEA; and

289 (b) prohibit an education technology provider from:

290 (i) using student information received as part of providing services to the UETN board,
291 board, or qualifying LEA, for a use not described in the contract;

292 (ii) collecting student information that is unrelated to the services the education
293 technology provider is required to perform pursuant to a contract with the UETN board, board,
294 or qualifying LEA; or

295 (iii) selling student information.

296 Section 6. Section **53A-1-1206** is enacted to read:

297 **53A-1-1206. Master plan.**

298 (1) (a) In consultation with the board, the education consultant, and the advisory
299 committee, the UETN board shall develop a master plan for the program to integrate the
300 program into the state's public education system.

301 (b) The UETN board shall submit the master plan to the board for final approval.

302 (2) Consistent with this part, the master plan shall include:

303 (a) a statement of purpose that describes the objectives or goals the UETN board will
304 accomplish by implementing the program;

305 (b) a forecast for fundamental components of the program, including a forecast for:

306 (i) student and teacher devices;

- 307 (ii) Wi-Fi and wireless compatible technology;
308 (iii) curriculum software;
309 (iv) assessment solutions;
310 (v) technical support;
311 (vi) change management of LEAs;
312 (vii) professional development;
313 (viii) Internet delivery and capacity; and
314 (ix) security and privacy of users;
315 (c) a determination of the requirements for:
316 (i) statewide technology infrastructure; and
317 (ii) local LEA technology infrastructure;
318 (d) standards for high quality professional learning related to implementing and
319 maintaining the program;
320 (e) a detailed definition of at least one type of device to be used by LEAs and
321 distributed to educators and students;
322 (f) a statewide technical support plan that will guide the implementation and
323 maintenance of the program, including standards and competency requirements for technical
324 support personnel;
325 (g) a grant program for qualifying LEAs developed in accordance with Section
326 [53A-1-1207](#);
327 (h) specifications for an LEA plan that include:
328 (i) format and submission requirements; and
329 (ii) other LEA plan requirements, including the requirements described in Section
330 [53A-1-1209](#);
331 (i) an inventory of the state public education system's current technology resources,
332 including software, and a plan to integrate those resources into the program;
333 (j) an ongoing evaluation process that is:
334 (i) overseen by the board;
335 (ii) performed by the independent evaluator selected in Section [53A-1-1210](#); and
336 (iii) based on the criteria described in Section [53A-1-1210](#);
337 (k) proposed rules that incorporate the principles of the master plan into the state's

338 public education system as a whole; and

339 (1) a plan to ensure long-term sustainability that:

340 (i) accounts for the financial impacts of the program; and

341 (ii) facilitates the redirection of LEA savings that arise from implementing the

342 program.

343 (3) The UETN board shall integrate into the master plan privacy and security

344 requirements of:

345 (a) federal law;

346 (b) Sections [53A-13-301](#) and [53A-13-302](#); and

347 (c) rules developed by the board.

348 (4) The UETN board shall complete the master plan on or before December 1, 2015.

349 Section 7. Section **53A-1-1207** is enacted to read:

350 **53A-1-1207. Digital Teaching and Learning Grant Program -- Grant money uses.**

351 (1) (a) In accordance with this part, the UETN board, in consultation with the board

352 and the advisory committee, shall identify LEAs that qualify to receive a grant described in this

353 section.

354 (b) The board shall distribute grant money to a qualifying LEA:

355 (i) identified by the UETN board as a qualifying LEA; and

356 (ii) in accordance with the distribution requirements of Section [53A-1-1208](#).

357 (2) (a) The UETN board may only approve an LEA's grant application and designate

358 the LEA as a qualifying LEA if:

359 (i) the LEA's LEA plan complies with the requirements described in Section

360 [53A-1-1209](#);

361 (ii) the UETN board determines that the LEA's LEA plan is rigorous and complete; and

362 (iii) at least 11 members of the advisory committee vote in favor of approving the

363 LEA's plan.

364 (b) The advisory committee shall:

365 (i) keep a record of advisory committee member votes for and against approval of each

366 LEA plan, including the name of each advisory committee member who voted for or against

367 each LEA plan; and

368 (ii) publish the record of advisory committee member votes described in Subsection

- 369 (2)(b)(i) on a website accessible by:
- 370 (A) the UETN board;
- 371 (B) the board;
- 372 (C) an LEA; and
- 373 (D) a member of the public.
- 374 (3) The UETN board shall condition a grant on:
- 375 (a) UETN board approval of the LEA's plan;
- 376 (b) satisfactory progress toward achieving the participating LEA's LEA plan objectives,
- 377 goals, and outcomes;
- 378 (c) the LEA providing matching funds as described in Subsection (5); and
- 379 (d) completion by the qualifying LEA of any UETN board requirement specific to
- 380 receiving the grant award.
- 381 (4) (a) An LEA grant applicant shall submit an LEA plan to the UETN board for
- 382 approval.
- 383 (b) The UETN board shall:
- 384 (i) review applicant LEA plans;
- 385 (ii) identify qualifying LEAs to receive grant money; and
- 386 (iii) (A) approve the LEA plans of qualifying LEAs; or
- 387 (B) make recommendations to LEAs on how to improve LEA plans.
- 388 (5) (a) A qualifying LEA shall provide matching funds in an amount equal to the
- 389 difference between:
- 390 (i) the amount of funds distributed by the board to the qualifying LEA in accordance
- 391 with Section [53A-1-1208](#); and
- 392 (ii) the amount of funds needed to provide a certain amount per student:
- 393 (A) participating in the program;
- 394 (B) within the qualifying LEA; and
- 395 (C) as described in Subsection (5)(b).
- 396 (b) The UETN board will determine the amount per student that a qualifying LEA will
- 397 be required to match.
- 398 (c) The UETN board may consider a qualifying LEA's in-kind expenditures as part of
- 399 the qualifying LEA's matching funds required in Subsection (5)(a), including prior

400 expenditures in hardware, software, infrastructure, and technology related professional
401 development.

402 (6) (a) A qualifying LEA shall use grant money to contract with one or more of the
403 technology providers identified by the UETN board in Section [53A-1-1205](#).

404 (b) A qualifying LEA may contract with an education technology provider that was not
405 identified by the UETN board as a prequalified education technology provider under Section
406 [53A-1-1205](#) if:

407 (i) the education technology provider proposed in the LEA's LEA plan meets the
408 criteria described in Subsection [53A-1-1205](#)(2);

409 (ii) the LEA had a contract or other relationship with the education technology provider
410 prior to the LEA submitting the LEA's LEA plan; and

411 (iii) the LEA's contract or other relationship with the education technology provider
412 proposed in the LEA plan was created in compliance with Title 63G, Chapter 6a, Utah
413 Procurement Code.

414 (7) A qualifying LEA may not use grant money:

415 (a) to supplant money previously used for the LEA's existing technology program;

416 (b) to fund nontechnology programs;

417 (c) to purchase mobile telephones; or

418 (d) to fund voice or data plans for mobile telephones.

419 Section 8. Section **53A-1-1208** is enacted to read:

420 **53A-1-1208. Distribution of grant money to qualifying LEAs.**

421 (1) The board shall distribute money appropriated for the program to qualifying LEAs
422 as described in this section.

423 (2) (a) The amount available to distribute to qualifying charter schools is an amount
424 equal to the product of:

425 (i) enrollment on October 1 in the prior year at charter schools statewide, divided by
426 enrollment on October 1 in the prior year in public schools statewide; and

427 (ii) the total amount available for distribution under this section.

428 (b) The board shall distribute to qualifying charter schools the amount available for
429 distribution to qualifying charter schools:

430 (i) in proportion to each qualifying charter school's enrollment as a percentage of the

431 total enrollment in qualifying charter schools; or
432 (ii) as determined by the State Charter School Board and approved by the board.
433 (3) The board shall distribute grant money to the Utah Schools for the Deaf and the
434 Blind in an amount equal to the product of:
435 (a) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the
436 Blind, divided by enrollment on October 1 in the prior year in public schools statewide; and
437 (b) the total amount available for distribution under this section.
438 (4) Of the funds available for distribution under this section after the allocation of
439 funds for the Utah Schools for the Deaf and the Blind and qualifying charter schools, the board
440 shall distribute grant money to qualifying LEAs that are school districts as follows:
441 (a) the board shall distribute two-thirds of the total funding available for qualifying
442 LEAs that are school districts to the qualifying LEAs according to a funding formula adopted
443 by the board that considers:
444 (i) the property tax effort of the school district, giving more funding to a school district
445 making a high tax effort; and
446 (ii) the school district's ability to generate property tax revenue based on the
447 per-student taxable value of property within the boundary of the school district, giving more
448 funding to a school district with low taxable value per-student; and
449 (b) the board shall distribute one-third of the total funding available for qualifying
450 LEAs that are school districts to the qualifying LEAs as follows:
451 (i) 10% of the funds shall be distributed on an equal basis; and
452 (ii) the remaining 90% of the funds shall be distributed to the qualifying LEAs on a
453 per-student basis.
454 (5) (a) Subject to the provisions of Subsections (5)(b) and (c), each LEA has an
455 opportunity to receive an amount of money equal to the amount of money that the LEA would
456 receive in year one of the program if the LEA's LEA plan had been approved in year one as
457 described in Section [53A-1-1207](#).
458 (b) If an LEA's LEA plan is not approved during year one of the program, the board
459 shall deposit the LEA's allocation of program money described in Subsection (5)(a) into a
460 separate account that is non-lapsing.
461 (c) The board shall award an LEA the LEA's allocation of the year one program money

462 in a subsequent year of the program if:

463 (i) the LEA's LEA plan was not approved during year one of the program; and

464 (ii) in the subsequent year, the LEA's LEA plan is approved as described in Section
465 53A-1-1207.

466 (6) (a) The board shall set minimum improvement benchmark standards in the school
467 level outcomes described in Subsection 53A-1-1209(1) that an LEA shall use to establish the
468 LEA's minimum improvement benchmarks described in Subsection 53A-1-1209(4).

469 (b) The board may only distribute the following money to a qualifying LEA in year two
470 and subsequent years if the qualifying LEA meets the minimum improvement benchmarks set
471 in the qualifying LEA's LEA plan:

472 (i) for a qualifying LEA that is a charter school, one-third of the money the qualifying
473 LEA would receive from a distribution described in Subsection (2);

474 (ii) for a qualifying LEA that is the Utah Schools for the Deaf and the Blind, one-third
475 of the money the Utah Schools for the Deaf and the Blind would receive from a distribution
476 described in Subsection (3); and

477 (iii) for a qualifying LEA that is a school district, the money the qualifying LEA would
478 receive from a distribution described in Subsection (4)(b).

479 (c) When setting the minimum improvement benchmark standards described in
480 Subsection (6)(a) for year two, the board shall require an LEA to give substantially equal
481 weight to:

482 (i) the extent to which the qualifying LEA follows, and complies with, the qualifying
483 LEA's LEA plan; and

484 (ii) the extent to which the school level and student academic outcomes described in
485 Subsections 53A-1-1209(1)(b) and 53A-1-1209(1)(c) were met.

486 (d) When setting the minimum improvement benchmark standards described in
487 Subsection (6)(a) for year three and subsequent years, the board shall require an LEA's
488 minimum improvement benchmarks to be based solely on the school level outcomes as defined
489 in Subsections 53A-1-1209(1)(b) and 53A-1-1209(1)(c).

490 (7) If a qualifying LEA fails to meet the minimum improvement benchmarks included
491 in the qualifying LEA's LEA plan and loses the qualifying LEA's distribution described in
492 Subsection (6)(b), the qualifying LEA may resubmit the qualifying LEA's LEA plan for

493 approval, including goals to improve student performance and meet the minimum improvement
494 benchmarks in the LEA plan.

495 (8) Beginning with year four of the program, the board shall proportionately decrease a
496 qualifying LEA's funding under this section:

497 (a) if only a percentage of the qualifying LEA's students participate in the program; and

498 (b) by an amount equal to the percentage of the qualifying LEA's students that do not
499 participate in the program.

500 Section 9. Section **53A-1-1209** is enacted to read:

501 **53A-1-1209. LEA plans.**

502 (1) An LEA plan submitted to the UETN board for participation in the program shall
503 include:

504 (a) a statement of purpose that describes the learning objectives, goals, and measurable
505 outcomes the LEA will accomplish by implementing the program;

506 (b) design criteria that enable the LEA to improve the following school level outcomes:

507 (i) student achievement on statewide assessments; and

508 (ii) cost savings and improved efficiency relating to instructional materials, facilities,
509 and maintenance;

510 (c) in addition to the required school level outcomes described in Subsection (1)(b),

511 design criteria that enable the LEA to improve other school level outcomes, including:

512 (i) attendance;

513 (ii) discipline incidents;

514 (iii) parental involvement;

515 (iv) citizen involvement;

516 (v) graduation rates;

517 (vi) student enrollment in higher education;

518 (vii) dropout rates;

519 (viii) student technology proficiency for college and career readiness; and

520 (ix) teacher satisfaction and engagement;

521 (d) an implementation process structured to yield the desired outcomes;

522 (e) a plan for infrastructure acquisition;

523 (f) a process for procurement and distribution of the goods and services the LEA

524 intends to use as part of the LEA's implementation of the program;
525 (g) a description of necessary high quality, digital instructional materials aligned with
526 UETN board standards;
527 (h) a detailed plan for student engagement in personalized learning;
528 (i) technical support standards for implementation and maintenance of the program
529 that:
530 (i) include support for hardware and Internet access; and
531 (ii) remove technical support burdens from the classroom teacher;
532 (j) proposed security policies, including security audits and remediation of identified
533 lapses;
534 (k) an inventory of the LEA's current technology resources, including software, and a
535 description of how the LEA will integrate those resources into the LEA's implementation of the
536 program;
537 (l) a disclosure by the LEA of the LEA's current technology expenditures;
538 (m) a description of how the LEA will:
539 (i) provide high quality professional learning for educators, administrators, and support
540 staff participating in the program, including ongoing periodic coaching;
541 (ii) provide special education students with appropriate software; and
542 (iii) meet other criteria established by the UETN board; and
543 (n) except as provided in Subsection (3), an assurance that the LEA will implement the
544 program in an entire school at a time and not introduce the program into schools in a partial
545 manner.
546 (2) An LEA shall include the LEA's proposed implementation of the program over
547 multiple years in the LEA plan.
548 (3) (a) An LEA is not required to implement the program an entire school at a time in
549 an elementary school.
550 (b) An LEA is not required to implement the program in kindergarten through grade 4.
551 (4) An LEA plan shall include minimum improvement benchmarks in the school level
552 outcomes described in Subsections (1)(b) and (1)(c):
553 (a) that the LEA will be required to meet for the LEA to continue to:
554 (i) receive funding described in Subsection [53A-1-1208\(6\)\(b\)](#); and

555 (ii) participate in the program in years three and on; and
556 (b) in accordance with the minimum improvement benchmark standards developed by
557 the board in Subsection 53A-1-1208(6).

558 (5) As part of the LEA's LEA plan, an LEA may propose to contract with an education
559 technology provider that was not identified by the UETN board as a prequalified education
560 technology provider under Subsection 53A-1-1205(2) if:

561 (a) the education technology provider proposed in the LEA's LEA plan meets the
562 criteria described in Subsection 53A-1-1205(2);

563 (b) the LEA had a contract or other relationship with the education technology provider
564 prior to the LEA submitting the LEA's LEA plan; and

565 (c) the LEA's contract or other relationship with the education technology provider
566 proposed in the LEA plan was created in compliance with Title 63G, Chapter 6a, Utah
567 Procurement Code.

568 (6) (a) As part of the LEA's LEA plan, an LEA may propose to:

569 (i) scale the LEA's program implementation; or

570 (ii) limit the number of students within the LEA who will participate in the program.

571 (b) If the LEA scales the LEA's program implementation or limits the number of
572 students within the LEA who will participate in the program as described in Subsection (6)(a),
573 beginning with year four of the program, the board shall proportionately decrease the LEA's
574 program money as described in Subsection 53A-1-1208(8).

575 (7) In preparing an LEA plan, an LEA shall encourage participation and input from
576 parents, educators, technology support personnel, and school community councils.

577 (8) An LEA may subject an LEA plan to a peer review.

578 Section 10. Section 53A-1-1210 is enacted to read:

579 **53A-1-1210. Board evaluation of program -- Selection of an independent**
580 **evaluator -- UETN board and State Board of Education reporting requirements.**

581 (1) In accordance with this section, the board shall oversee the ongoing review and
582 evaluation of the program by an independent evaluator for each school year.

583 (2) (a) The board shall select, through a request for proposals process, an independent
584 evaluator to act as an independent contractor in assisting the board in the evaluation process
585 under this section.

586 (b) The independent evaluator may not be a technology provider selected by the UETN
587 board under this part or assist any person in responding to a request for proposals issued by the
588 UETN board or by an LEA using money received under this part.

589 (c) The independent evaluator shall comply with the rules developed by the board and
590 the UETN board under this part.

591 (3) Under the direction of the board, the independent evaluator shall:

592 (a) review and evaluate the program using the criteria described in Subsection (4);

593 (b) report to the board on the criteria described in Subsection (4) annually;

594 (c) identify best practices within the program as required in Subsection (5); and

595 (d) perform other related tasks assigned to the independent evaluator by the board.

596 (4) The independent evaluator shall review and evaluate the program as required by
597 this section using the following criteria:

598 (a) student achievement in core subject areas as measured by statewide assessments
599 administered pursuant to Section [53A-1-603](#);

600 (b) student learning growth on statewide assessments in core subject areas
601 administered pursuant to Section [53A-1-603](#);

602 (c) the high school graduation rate;

603 (d) student performance on the ACT;

604 (e) student attendance levels; and

605 (f) other criteria determined by the board.

606 (5) The independent evaluator shall:

607 (a) identify best practices for program implementation based on:

608 (i) the independent evaluator's overall review of the program; and

609 (ii) independent research;

610 (b) share the best practices identified in Subsection (5)(a) with:

611 (i) participating LEAs;

612 (ii) the board through the independent evaluator's annual report to the board; and

613 (iii) the UETN board; and

614 (c) make recommendations to the board and the UETN board on modifications of LEA
615 plans for qualifying LEAs both individually and collectively.

616 (6) The board and the UETN board shall jointly report annually to the Education

617 Interim Committee on or before the committee's November meeting regarding:

618 (a) the status of the program, including the level of technology integration in individual
619 qualifying LEAs; and

620 (b) the results of the ongoing review and evaluation conducted under this section.

621 Section 11. Section **63M-1-906** is amended to read:

622 **63M-1-906. Qualification for assistance.**

623 (1) Except as provided in Section **63M-1-908**[;] or **63M-1-909**[, ~~or 63M-1-909.5~~], the
624 administrator shall determine which industries, companies, and individuals qualify to receive
625 money from the Industrial Assistance Account. Except as provided by Subsection (2), to
626 qualify for financial assistance from the restricted account, an applicant shall:

627 (a) demonstrate to the satisfaction of the administrator that the applicant will expend
628 funds in Utah with employees, vendors, subcontractors, or other businesses in an amount
629 proportional with money provided from the restricted account at a minimum ratio of 2 to 1 per
630 year or other more stringent requirements as established from time to time by the board for a
631 minimum period of five years beginning with the date the loan or grant was approved;

632 (b) demonstrate to the satisfaction of the administrator the applicant's ability to sustain
633 economic activity in the state sufficient to repay, by means of cash or appropriate credits, the
634 loan provided by the restricted account; and

635 (c) satisfy other criteria the administrator considers appropriate.

636 (2) (a) The administrator may exempt an applicant from the requirements of Subsection
637 (1)(a) or (b) if:

638 (i) the financial assistance is provided to an applicant for the purpose of locating all or
639 any portion of its operations to an economically disadvantaged rural area;

640 (ii) the applicant is part of a targeted industry;

641 (iii) the applicant is a quasi-public corporation organized under Title 16, Chapter 6a,
642 Utah Revised Nonprofit Corporation Act, or Title 63E, Chapter 2, Independent Corporations
643 Act, and its operations, as demonstrated to the satisfaction of the administrator, will provide
644 significant economic stimulus to the growth of commerce and industry in the state; or

645 (iv) the applicant is an entity offering an economic opportunity under Section
646 **63M-1-909**.

647 (b) The administrator may not exempt the applicant from the requirement under

648 Subsection 63M-1-905(2)(b) that the loan be structured so that the repayment or return to the
649 state equals at least the amount of the assistance together with an annual interest charge.

650 (3) The administrator shall:

651 (a) for applicants not described in Subsection (2)(a):

652 (i) make findings as to whether or not each applicant has satisfied each of the
653 conditions set forth in Subsection (1); and

654 (ii) monitor the continued compliance by each applicant with each of the conditions set
655 forth in Subsection (1) for five years;

656 (b) for applicants described in Subsection (2)(a), make findings as to whether the
657 economic activities of each applicant has resulted in the creation of new jobs on a per capita
658 basis in the economically disadvantaged rural area or targeted industry in which the applicant is
659 located;

660 (c) monitor the compliance by each applicant with the provisions of any contract or
661 agreement entered into between the applicant and the state as provided in Section 63M-1-907;
662 and

663 (d) make funding decisions based upon appropriate findings and compliance.

664 Section 12. **Repealer.**

665 This bill repeals:

666 Section 53A-1-709, **Smart School Technology Program.**

667 Section 63M-1-909.5, **Selection of educational technology provider to implement
668 whole-school one-to-one mobile device technology deployment plan for schools.**

669 Section 13. **Appropriation for fiscal year 2014-15.**

670 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
671 the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following sums of money
672 are appropriated from resources not otherwise appropriated, or reduced from amounts
673 previously appropriated, out of the funds or accounts indicated. These sums of money are in
674 addition to any amounts previously appropriated for fiscal year 2015.

675 To the Utah Education and Telehealth Network

676 From Education Fund, one-time

\$907,500

677 Schedule of Programs:

678 Digital Teaching and Learning Program

\$907,500

679 The Legislature intends that:

680 (1) the Utah Education and Telehealth Network use the appropriation under this
681 section to immediately begin implementation of the Digital Teaching and Learning Program
682 created in Title 53A, Chapter 1, Part 12, Digital Teaching and Learning Program; and

683 (2) the appropriation under this section be:

684 (a) one-time; and

685 (b) non-lapsing.

686 **Section 14. Appropriation for fiscal year 2015-16.**

687 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
688 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money
689 are appropriated from resources not otherwise appropriated, or reduced from amounts
690 previously appropriated, out of the funds or accounts indicated. These sums of money are in
691 addition to any amounts previously appropriated for fiscal year 2016.

692 To State Board of Education - Utah State Office of Education - Initiative Programs

693 From Education Fund \$16,350,000

694 From Education Fund, one-time \$50,000,000

695 Schedule of Programs:

696 Contracts and Grants -- Digital Teaching and

697 Learning Program \$66,350,000

698 To the Utah Education and Telehealth Network

699 From Education Fund \$8,650,000

700 Schedule of Programs:

701 Digital Teaching and Learning Program \$8,650,000

702 The Legislature intends that:

703 (1) the State Board of Education:

704 (a) shall use \$65,000,000 of the appropriation to the State Board of Education under
705 this section to distribute grant money to qualifying LEAs as described in Sections [53A-1-1207](#)
706 and [53A-1-1208](#);

707 (b) may use up to \$1,000,000 of the appropriation to the State Board of Education to
708 contract with an independent evaluator to conduct an evaluation of the Digital Teaching and
709 Learning Program as required by Section [53A-1-1210](#); and

710 (c) may use up to \$350,000 of the appropriation to the State Board of Education to
711 oversee and evaluate the Digital Teaching and Learning Program created in Title 53A, Chapter
712 1, Part 12, Digital Teaching and Learning Program;

713 (2) the Utah Education and Telehealth Network:

714 (a) may use up to \$6,700,000 of the appropriation to the Utah Education and Telehealth
715 Network for infrastructure and technology support for the Digital Teaching and Learning
716 Program created in Title 53A, Chapter 1, Part 12, Digital Teaching and Learning Program;

717 (b) may use up to \$750,000 of the appropriation to the Utah Education and Telehealth
718 Network to contract with an education consultant as required by Section [53A-1-1205](#);

719 (c) may use up to \$850,000 of the appropriation to the Utah Education and Telehealth
720 Network to administer and implement the Digital Teaching and Learning Program created in
721 Title 53A, Chapter 1, Part 12, Digital Teaching and Learning Program; and

722 (d) may use up to \$350,000 of the appropriation to the Utah Education and Telehealth
723 Network to contract with one or more technology providers to provide software to monitor
724 student and teacher usage of technology in qualifying LEA schools as required in Section
725 [53A-1-1205](#); and

726 (3) the appropriations under this section be:

727 (a) ongoing; and

728 (b) non-lapsing.

729 Section 15. **Effective date.**

730 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
731 elected to each house, this bill takes effect upon approval by the governor, or the day following
732 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
733 signature, or in the case of a veto, the date of veto override.

734 (2) Uncodified Section 14, Appropriation, takes effect on July 1, 2015.

Legislative Review Note
as of 1-8-15 8:44 AM

Office of Legislative Research and General Counsel