

DIGITAL TEACHING AND LEARNING PROGRAM

2015 GENERAL SESSION

STATE OF UTAH

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, a competitive grant program for local education agencies, 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 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
 - awarding grants to certain local education agencies;
- ▶ creates the Digital Teaching and Learning Advisory Committee to:
 - assist the Utah Education and Telehealth Network Board in developing selection criteria for and selecting an education consultant; and
 - provide input on the development of the master plan;
- ▶ establishes requirements for the master plan and individual local education agency plans;
- ▶ establishes requirements for a local education agency (LEA) to participate in a grant program related to the program;
- ▶ limits the amount of funding an LEA may receive from the grant program to the lesser of an amount equal to:
 - 25% of the cost of the implementation of the program within the LEA; or
 - 1% of the LEA's overall budget;
- ▶ provides for ongoing review and evaluation of the program;
- ▶ requires the Utah Education and Telehealth Network Board to report annually to the

- 33 Education Interim Committee regarding the progress of the program;
- 34 ▶ repeals the Smart School Technology Program; and
- 35 ▶ makes technical changes.

36 **Money Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 AMENDS:

42 **63M-1-906**, as last amended by Laws of Utah 2012, Chapter 208

43 ENACTS:

44 **53A-1-1201**, Utah Code Annotated 1953

45 **53A-1-1202**, Utah Code Annotated 1953

46 **53A-1-1203**, Utah Code Annotated 1953

47 **53A-1-1204**, Utah Code Annotated 1953

48 **53A-1-1205**, Utah Code Annotated 1953

49 **53A-1-1206**, Utah Code Annotated 1953

50 **53A-1-1207**, Utah Code Annotated 1953

51 **53A-1-1208**, Utah Code Annotated 1953

52 **53A-1-1209**, Utah Code Annotated 1953

53 REPEALS:

54 **53A-1-709**, as last amended by Laws of Utah 2013, Chapter 173

55 **63M-1-909.5**, as last amended by Laws of Utah 2013, Chapter 173



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

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

59 **53A-1-1201. Title.**

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

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

62 **53A-1-1202. Definitions.**

63 As used in this part:

- 64 (1) "Advisory committee" means the Program Advisory Committee created in Section
65 53A-1-1204.
- 66 (2) "Board" means the State Board of Education.
- 67 (3) "Core subject areas" means the following subject areas:
68 (a) English language arts;
69 (b) mathematics;
70 (c) science; and
71 (d) social studies.
- 72 (4) "Education consultant" means the person selected by the UETN board under
73 Subsection 53A-1-1205.
- 74 (5) "Education technology provider" means a person selected by the UETN board
75 under Subsection 53A-1-1205.
- 76 (6) "Educator" means an individual who holds or is required to hold a license under
77 Title 53A, Chapter 6, Educator Licensing and Professional Practices Act.
- 78 (7) "High quality professional learning" means a comprehensive, sustained, and
79 intensive approach to improving educator effectiveness in raising student achievement and
80 improving the school level outcomes described in Subsection 53A-1-1208(1)(b) that meets the
81 professional learning standards described in Subsection 53A-3-701(2).
- 82 (8) "Independent evaluator" means the person selected by the UETN board under
83 Subsection 53A-1-1209.
- 84 (9) "LEA plan" means an LEA's plan to implement the program that meets the
85 requirements of Section 53A-1-1208.
- 86 (10) "Local education agency" or "LEA" means:
87 (a) a school district;
88 (b) a charter school; or
89 (c) the Utah Schools for the Deaf and the Blind.
- 90 (11) "Master plan" means the master plan developed by the UETN board under Section
91 53A-1-1206.
- 92 (12) "Participating LEA" means an LEA awarded a grant through the program.
- 93 (13) "Program" means the Digital Teaching and Learning Program described in this
94 part.

95 (14) "Utah Education and Telehealth Network" or "UETN" means the Utah Education
96 and Telehealth Network created in Section 53B-17-105.

97 (15) "Utah Education and Telehealth Network Board" or "UETN board" means the
98 Utah Education and Telehealth Network Board created in Section 53B-17-105.

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

100 **53A-1-1203. Digital Teaching and Learning Program.**

101 There is created the Digital and Teaching and Learning Program, a competitive grant
102 program for participating LEAs, to improve student outcomes through the use of digital
103 teaching and learning technology and educator professional development.

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

105 **53A-1-1204. Program Advisory Committee.**

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

107 (a) assist the UETN board with developing selection criteria for and selecting the
108 education consultant described in Subsection 53A-1-1205(1); and

109 (b) provide input on the development of the master plan described in Section
110 53A-1-1206.

111 (2) The advisory committee shall consist of:

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

113 (i) one member who has extensive digital educational content experience tied to
114 curriculum and learning standards;

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

117 (iii) one member who is an assistant superintendent for curriculum and instruction and
118 has extensive experience with a technology program;

119 (iv) one member who has extensive experience with mobile device and connectivity
120 infrastructure;

121 (v) one member who is a nationally recognized change leadership or change
122 management expert;

123 (vi) one member who is a teacher who works in a school where a technology program
124 has been implemented;

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

126 technology initiatives:

127 (viii) one member who represents the Utah System of Higher Education;

128 (ix) one member who represents industry with expertise in the state requirements for a
129 skilled workforce as defined by the Department of Workforce Services;

130 (x) one member who is a senator; and

131 (xi) one member who is a member of the house of representatives;

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

133 (c) the executive director of the STEM Action Center appointed under Section
134 63M-1-3203.

135 (3) When a vacancy occurs in the membership of the advisory committee appointed
136 under Subsection (2)(a), for any reason, the UETN board shall appoint a replacement that
137 meets the same criteria as the original appointment.

138 (4) The advisory committee shall elect a chair for the advisory committee.

139 (5) The advisory committee shall meet when a meeting of the advisory committee is
140 called by the advisory committee chair.

141 (6) A quorum of the advisory committee is five members, and the action of a majority
142 of members present is the action of the advisory committee.

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

145 (a) Section 63A-3-106;

146 (b) Section 63A-3-107; and

147 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
148 63A-3-107.

149 (8) The UETN staff shall staff the advisory committee.

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

151 **53A-1-1205. Education consultant -- Education technology providers.**

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

156 (b) The education consultant shall advise the board, the UETN board, and the advisory

157 committee as provided in this part, including consulting with the board, the UETN board, and
158 the advisory committee in:

159 (i) the development of the master plan under Section 53A-1-1206;

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

161 (iii) the development of LEA plans; and

162 (iv) the review and approval of LEA plans under Section 53A-1-1207.

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

165 (2) (a) In consultation with the board and the education consultant, the UETN board
166 shall, through a request for proposals process, identify approved education technology
167 providers who a participating LEA may select to work with to implement the program by
168 providing the following goods or services:

169 (i) wireless network infrastructure or infrastructure related to digital teaching and
170 learning;

171 (ii) hardware related to digital teaching and learning, including laptop computers or
172 mobile devices;

173 (iii) digital licensed and unlicensed content, resources, and programs proven to
174 accelerate student learning in mobile digital teaching and learning in classrooms;

175 (iv) software that provides a digital learning platform that:

176 (A) is modular and integrated via an open standards architecture;

177 (B) provides a classroom, school, and system-wide digital assessment system that
178 tracks student progress against the Utah state standards of learning established by the board;

179 (C) includes comprehensive digital curriculum mapping, assessment, and performance
180 data aggregation and related reporting that is accessible to students, teachers, administrators,
181 and parents;

182 (D) includes collaboration and communication tools and integration via applicable
183 interoperability standards; and

184 (E) is capable of integrating with the state's or LEA's SIS;

185 (v) technology support services; or

186 (vi) professional learning for educators, administrators, and support staff related to the
187 program.

188 (b) A person who responds to the request for proposals described in Subsection (2)(a)
189 shall submit:

190 (i) a list of products and services the person can provide as an education technology
191 provider; and

192 (ii) a proposal on how the person's products or services meet:

193 (A) the criteria described in Subsection (2)(a); and

194 (B) the goals and criteria of the state's master plan described in Section 53A-1-1206.

195 (c) In evaluating a response to the request for proposals described in Subsection (2)(a),
196 the UETN board's evaluation criteria shall weigh heavily the person's ability to prepare and
197 customize the person's products or services to meet the objectives of a participating LEA's LEA
198 plan.

199 (d) In identifying the education technology providers under this Subsection (2), the
200 UETN board shall identify education technology providers that allow an LEA to:

201 (i) select an education technology provider to assist in the development and
202 implementation of an LEA plan under Section 53A-1-1208; or

203 (ii) select specific products or services provided by one or more education technology
204 providers.

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

206 **53A-1-1206. Master plan.**

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

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

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

213 (b) a determination of the requirements for:

214 (i) statewide technology infrastructure; and

215 (ii) local LEA technology infrastructure;

216 (c) standards for high quality professional learning related to implementing and
217 maintaining the program;

218 (d) a detailed definition of one or more types of devices to be used by LEAs and

- 219 distributed to educators and students;
220 (e) a statewide technical support plan for implementation and maintenance of the
221 program that includes standards and competency requirements for technical support personnel;
222 (f) a grant program to select participating LEAs developed in accordance with Section
223 53A-1-1207;
224 (g) specifications for an LEA plan that include:
225 (i) format and submission requirements; and
226 (ii) other LEA plan requirements, including the requirements described in Section
227 53A-1-1208;
228 (h) an inventory of the state public education system's current technology resources,
229 including software, and a plan to integrate those resources into the program;
230 (i) an ongoing evaluation process that is overseen by the UETN board, performed by
231 the independent evaluator, and based on the criteria described in Section 53A-1-1209;
232 (j) proposed rules that incorporate the principles of the master plan into the state's
233 public education system as a whole; and
234 (k) a plan to ensure long-term sustainability that:
235 (i) accounts for the financial impacts of the program; and
236 (ii) facilitates the repurposing of LEA savings that arise from implementing the
237 program.
238 (3) The UETN board shall integrate into the master plan privacy and security
239 requirements of:
240 (a) federal law;
241 (b) Sections 53A-13-301 and 302; and
242 (c) rules developed by the board.
243 (4) The UETN board shall complete the master plan on or before December 1, 2015.
244 Section 7. Section **53A-1-1207** is enacted to read:
245 **53A-1-1207. Digital Teaching and Learning Grant Program -- Grant money uses.**
246 (1) (a) In accordance with this part, the UETN board, in consultation with the board
247 and the advisory committee, shall award grants to LEAs that apply for a grant, on a competitive
248 basis, giving priority to applicants whose plans are timely and well developed.
249 (b) The UETN board may award a grant to a participating LEA in an amount up to the

250 lesser of the following:

251 (i) 25% of the cost of a participating LEA's LEA plan; or

252 (ii) 1% of the LEA's overall budget.

253 (2) The UETN board may approve an LEA's grant application only if the LEA's LEA
254 plan complies with the requirements described in Section 53A-1-1208.

255 (3) The UETN board shall condition a grant on:

256 (a) UETN board approval of the LEA's plan;

257 (b) satisfactory progress toward achieving the participating LEA's LEA plan objectives,
258 goals, and outcomes; and

259 (c) completion by the participating LEA of any UETN board requirement specific to
260 receiving the grant award.

261 (4) (a) An LEA grant applicant shall submit an LEA plan to the UETN board for
262 approval.

263 (b) The UETN board, in consultation with the board, the advisory committee, and the
264 education consultant, shall:

265 (i) review applicant LEA plans;

266 (ii) select participating LEAs to receive grant money; and

267 (iii) amend or approve the LEA plans of participating LEAs.

268 (5) (a) Except as provided in Subsection (5)(b), the UETN board may award grant
269 money to a participating LEA on an annual basis for up to three years.

270 (b) The UETN board may continue to award grant money to a participating LEA for up
271 to an additional two years after the time period described in Subsection (5)(a) if the
272 participating LEA is achieving the participating LEA's objectives, goals, and outcomes as
273 defined in the participating LEA's LEA plan.

274 (6) (a) A participating LEA shall use grant money to contract with one or more of the
275 technology providers identified by the UETN board in Section 53A-1-1205.

276 (7) A participating LEA may not use grant money:

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

278 (b) to fund nontechnology programs; or

279 (c) to purchase mobile telephones.

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

281 **53A-1-1208. LEA plans.**

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

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

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

287 (i) student achievement on statewide tests;

288 (ii) student learning growth;

289 (iii) attendance;

290 (iv) discipline incidents;

291 (v) parental involvement;

292 (vi) citizen involvement;

293 (vii) graduation rates;

294 (viii) student enrollment in higher education;

295 (ix) dropout rates;

296 (x) student technology proficiency for college and career readiness;

297 (xi) teacher satisfaction and engagement; and

298 (xii) cost savings and improved efficiency relating to instructional materials, facilities,
299 and maintenance;

300 (c) an implementation process structured to yield the desired outcomes;

301 (d) a plan for infrastructure acquisition;

302 (e) a process for procurement and distribution of the goods and services the LEA

303 intends to use as part of the LEA's implementation of the program;

304 (f) a description of necessary high quality, digital instructional materials aligned with
305 UETN board standards;

306 (g) a detailed plan for student engagement in personalized learning;

307 (h) technical support standards for implementation and maintenance of the program

308 that:

309 (i) includes support for hardware and Internet access; and

310 (ii) removes technical support burdens from the classroom teacher;

311 (i) proposed security policies, including security audits and remediation of identified

312 lapses:

313 (j) an inventory of the LEA's current technology resources, including software, and a
314 description of how the LEA will integrate those resources into the LEA's implementation of the
315 program:

316 (k) a disclosure by the LEA of the LEA's current technology expenditures;

317 (l) a description of how the LEA will:

318 (i) provide high quality professional learning for educators, administrators, and support
319 staff participating in the program, including ongoing periodic coaching;

320 (ii) provide special education students with appropriate software; and

321 (iii) meet other criteria established by the UETN board.

322 (2) In preparing an LEA plan, an LEA shall encourage participation and input from
323 parents, educators, technology support personnel, and school community councils.

324 (3) An LEA may subject an LEA plan to a peer review.

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

326 **53A-1-1209. Evaluation of program -- Selection of an independent evaluator --**
327 **UETN board reporting requirements.**

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

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

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

336 (c) The independent evaluator shall comply with the rules developed by the UETN
337 board under this part.

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

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

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

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

342 (d) perform other related tasks assigned to the independent evaluator by the UETN

343 board.

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

346 (a) student achievement in core subject areas as measured by statewide assessments
347 administered pursuant to Section 53A-1-603;

348 (b) student learning growth on statewide assessments of achievement in core subject
349 areas administered pursuant to Section 53A-1-603;

350 (c) the high school graduation rate;

351 (d) student performance on the ACT;

352 (e) student attendance levels; and

353 (f) other criteria determined by the UETN board.

354 (5) The independent evaluator shall:

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

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

357 (ii) independent research;

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

359 (i) participating LEAs; and

360 (ii) the UETN board through the independent evaluator's annual report to the UETN
361 board;

362 (c) make recommendations to the UETN board on modifications of LEA plans for
363 participating LEAs both individually and collectively; and

364 (d) make recommendations to the UETN board whether each participating LEA should
365 receive continued funding after each year of the participating LEA's implementation of the
366 program.

367 (6) The UETN board shall report annually to the Education Interim Committee on or
368 before the committee's November meeting regarding:

369 (a) the status of the program, including the level of technology integration in individual
370 participating LEAs; and

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

372 Section 10. Section **63M-1-906** is amended to read:

373 **63M-1-906. Qualification for assistance.**

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

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

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

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

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

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

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

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

396 (iv) the applicant is an entity offering an economic opportunity under Section
397 63M-1-909.

398 (b) The administrator may not exempt the applicant from the requirement under
399 Subsection 63M-1-905(2)(b) that the loan be structured so that the repayment or return to the
400 state equals at least the amount of the assistance together with an annual interest charge.

401 (3) The administrator shall:

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

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

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

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

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

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

415 Section 11. **Repealer.**

416 This bill repeals:

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

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