

1 **SMART SCHOOL TECHNOLOGY ACT**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jerry W. Stevenson**

5 House Sponsor: Stephen G. Handy

7 **LONG TITLE**

8 **General Description:**

9 This bill creates a three-year pilot project to develop and implement whole-school
10 technology deployment in public schools.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ creates a pilot project known as the Smart School Technology Program to
14 encourage the deployment of a whole-school technology plan in public schools;
- 15 ▶ directs the Board of Business and Economic Development to select a private
16 education technology provider through a request for proposals process to develop
17 and implement a whole-school technology deployment plan for schools;
- 18 ▶ provides for the establishment of an independent evaluating committee to advise the
19 Board of Business and Economic Development on issuing a request for proposals
20 and selecting an education technology provider;
- 21 ▶ specifies the components of a whole-school technology deployment plan;
- 22 ▶ directs the State Board of Education to:
 - 23 • select schools to participate in the program;
 - 24 • make rules for selecting schools to participate in the program; and
 - 25 • evaluate the program and report to the Education Interim Committee;
- 26 ▶ allows up to \$3,000,000 of the Industrial Assistance Account to be used one-time
27 for the purpose of incubating technology solutions related to economic and
28 workforce development; and
- 29 ▶ repeals the pilot project after three years.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides an immediate effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **63I-2-253**, as last amended by Laws of Utah 2011, Chapters 303, 330, and 419

37 **63I-2-263**, as last amended by Laws of Utah 2011, Chapters 151 and 173

38 **63M-1-903**, as last amended by Laws of Utah 2010, Chapters 245 and 278

39 **63M-1-906**, as last amended by Laws of Utah 2010, Chapter 278

40 **63M-1-909**, as last amended by Laws of Utah 2011, Chapter 232

41 ENACTS:

42 **53A-1-709**, Utah Code Annotated 1953

43 **63M-1-909.5**, Utah Code Annotated 1953



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

45 Section 1. Section **53A-1-709** is enacted to read:

46 **53A-1-709. Smart School Technology Program.**

47 (1) As used in this section, "program" means the Smart School Technology Program.

48 (2) A three-year pilot project known as the Smart School Technology Program is

49 created to encourage the deployment of whole-school technology in public schools.

50 (3) The Board of Business and Economic Development with input from an
51 independent evaluating committee shall issue a request for proposals for the development and
52 implementation of a whole-school technology deployment plan for schools.

53 (4) From recommendations submitted by an independent evaluating committee, the
54 Board of Business and Economic Development shall select a single education technology
55 provider with integrated whole-school technology deployment experience through the request
56 for proposals process.
57

- 58 (5) (a) An independent evaluating committee shall be established to:
59 (i) advise the Board of Business and Economic Development in issuing a request for
60 proposals under Subsection (3);
61 (ii) evaluate proposals submitted through a request for proposals issued under
62 Subsection (3); and
63 (iii) advise the State Board of Education on selecting schools to participate in the
64 program.
65 (b) The membership of the independent evaluating committee shall include:
66 (i) three members of the State Board of Education appointed by the chair of the State
67 Board of Education;
68 (ii) the state chief information officer;
69 (iii) two members appointed by the executive director of the Governor's Office of
70 Economic Development; and
71 (iv) the governor's education director.
72 (c) The independent evaluating committee shall evaluate a proposal on:
73 (i) a provider's experience with integrated whole-school technology deployment; and
74 (ii) the components of a whole-school technology deployment plan.
75 (6) An educational technology provider selected under Subsection (4) shall develop a
76 customized whole-school technology deployment plan for each school participating in the
77 program.
78 (7) The whole-school technology deployment plan shall be based on submitted
79 proposals to the committee and may include the following components:
80 (a) a mobile learning device or digital textbook for each student;
81 (b) desktop or laptop computers for classrooms;
82 (c) peripherals and networking equipment, including a wireless network;
83 (d) Internet filtering;
84 (e) operating software for the technology system, including software that connects
85 digital learning devices among students and a teacher to facilitate classroom interaction;

86 (f) professional development for educators and technology specialists on:

87 (i) the operation and use of the technology equipment; and

88 (ii) accessing and using online content; and

89 (g) ongoing technical support.

90 (8) (a) A school district or charter school may submit an application to the State Board
91 of Education to participate in the program.

92 (b) With input from the independent evaluating committee established under
93 Subsection (5), the State Board of Education shall select schools to participate in the program.

94 (c) In selecting schools, the State Board of Education shall seek to include students in
95 the program:

96 (i) from different regions of the state;

97 (ii) from urban and rural areas; and

98 (iii) with a variety of economic and demographic characteristics.

99 (d) The State Board of Education shall make rules specifying procedures and criteria to
100 be used for selecting schools that may participate in the program.

101 (9) (a) The State Board of Education, in collaboration with the education technology
102 provider and the schools participating in the program, shall evaluate the program and submit a
103 report on the evaluation to the Governor's Office of Economic Development and the Education
104 Interim Committee by the committee's October meetings in 2013 and 2014.

105 (b) The State Board of Education may contract with an independent evaluator to
106 conduct the evaluation required in Subsection (9)(a).

107 Section 2. Section **63I-2-253** is amended to read:

108 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

109 (1) Section 53A-1-403.5 is repealed July 1, 2012.

110 (2) Subsection 53A-1-603(5) is repealed July 1, 2015.

111 (3) Section 53A-1-709 is repealed July 1, 2015.

112 [~~3~~] (4) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.

113 [~~4~~] (5) Subsection 53A-13-110(4) is repealed July 1, 2013.

114 [~~5~~] (6) Section 53A-15-1215 is repealed July 1, 2012.

115 Section 3. Section **63I-2-263** is amended to read:

116 **63I-2-263. Repeal dates, Title 63A to Title 63M.**

117 (1) Subsection 63G-1-401(5) is repealed on May 10, 2011.

118 (2) Sections 63J-4a-206 and 63J-4a-207 are repealed on December 31, 2011.

119 (3) Section 63M-1-909.5 is repealed July 1, 2015.

120 [~~3~~] (4) Title 63M, Chapter 12, Advisory Council on Optimizing and Streamlining
121 State Government Act, is repealed January 1, 2012.

122 Section 4. Section **63M-1-903** is amended to read:

123 **63M-1-903. Industrial Assistance Account created.**

124 (1) There is created a restricted account within the General Fund known as the
125 "Industrial Assistance Account" of which:

126 (a) up to 50% shall be used in economically disadvantaged rural areas; [~~and~~]

127 (b) up to 25% may be used to take timely advantage of economic opportunities as they
128 arise[-]; and

129 (c) up to \$3,000,000 one-time shall be used for the purpose of incubating technology
130 solutions related to economic and workforce development.

131 (2) The restricted account shall be administered by the administrator under the policy
132 direction of the board.

133 (3) The administrator may hire appropriate support staff.

134 (4) The cost of administering the restricted account shall be paid from money in the
135 restricted account.

136 (5) Interest accrued from investment of money in the restricted account shall remain in
137 the restricted account.

138 Section 5. Section **63M-1-906** is amended to read:

139 **63M-1-906. Qualification for assistance.**

140 (1) Except as provided in Section 63M-1-908 [~~or~~], 63M-1-909, or 63M-1-909.5, the
141 administrator shall determine which industries, companies, and individuals qualify to receive

142 money from the Industrial Assistance Account. Except as provided by Subsection (2), to
143 qualify for financial assistance from the restricted account, an applicant shall:

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

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

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

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

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

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

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

162 (iv) the applicant is an entity offering an economic opportunity under Section
163 63M-1-909.

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

167 (3) The administrator shall:

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

169 (i) make findings as to whether or not each applicant has satisfied each of the

170 conditions set forth in Subsection (1); and

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

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

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

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

181 Section 6. Section **63M-1-909** is amended to read:

182 **63M-1-909. Financial assistance to entities offering economic opportunities.**

183 (1) Subject to the duties and powers of the board under Section 63M-1-303, the
184 administrator may provide money from the Industrial Assistance Account to an entity offering
185 an economic opportunity if that entity:

186 (a) applies to the administrator; and

187 (b) meets the qualifications of Subsection (2).

188 (2) The applicant shall:

189 (a) demonstrate to the satisfaction of the administrator the nature of the economic
190 opportunity and the related benefit to the economic well-being of the state by providing
191 evidence documenting the logical and compelling linkage, either direct or indirect, between the
192 expenditure of money necessitated by the economic opportunity and the likelihood that the
193 state's tax base, regions of the state's tax base, or specific components of the state's tax base
194 will not be reduced but will be maintained or enlarged;

195 (b) demonstrate how the funding request will act in concert with other state, federal, or
196 local agencies to achieve the economic benefit;

197 (c) demonstrate how the funding request will act in concert with free market principles;

198 (d) in the case of an economic opportunity that includes the retention of jobs,
199 demonstrate how the potential relocation of jobs outside the state is related to a merger,
200 acquisition, consolidation, or similar business reason other than the applicant simply requesting
201 state assistance to remain in the state;

202 (e) satisfy other criteria the administrator considers appropriate; and

203 (f) be either:

204 (i) an entity whose purpose is to exclusively or substantially promote, develop, or
205 maintain the economic welfare and prosperity of the state as a whole, regions of the state, or
206 specific components of the state, including:

207 (A) an entity that is a sports development organization under contract with the state for
208 sports development and sporting event attraction and related activities that provide an
209 economic impact or promotional value to the state; or

210 (B) an entity that implements technology innovation in public schools, including
211 whole-school technology deployment for the purpose of incubating technology solutions
212 related to economic and workforce development.

213 (ii) a company or individual that does not otherwise qualify under Section 63M-1-906.

214 (3) Subject to the duties and powers of the board under Section 63M-1-303, the
215 administrator shall:

216 (a) make findings as to whether an applicant has satisfied each of the conditions set
217 forth in Subsection (2);

218 (b) establish benchmarks and timeframes in which progress toward the completion of
219 the agreed upon activity is to occur;

220 (c) monitor compliance by an applicant with any contract or agreement entered into by
221 the applicant and the state as provided by Section 63M-1-907; and

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

223 Section 7. Section **63M-1-909.5** is enacted to read:

224 **63M-1-909.5. Selection of educational technology provider to implement**
225 **whole-school technology deployment plan for schools.**

226 The board shall select an educational technology provider to develop and implement a
227 whole-school technology deployment plan for schools in accordance with the requirements of
228 this part and Section 53A-1-709.

229 Section 8. **Effective date.**

230 If approved by two-thirds of all the members elected to each house, this bill takes effect
231 upon approval by the governor, or the day following the constitutional time limit of Utah
232 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
233 the date of veto override.