

## SB0248S02 compared with SB0248S01

~~{deleted text}~~ shows text that was in SB0248S01 but was deleted in SB0248S02.

inserted text shows text that was not in SB0248S01 but was inserted into SB0248S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Senator Jerry W. Stevenson}~~Representative Stephen G. Handy proposes the following substitute bill:

### SMART SCHOOL TECHNOLOGY ACT

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jerry W. Stevenson**

House Sponsor: ~~{~~Stephen G. Handy

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#### LONG TITLE

##### General Description:

This bill ~~{modifies the uses of money in the Industrial Assistance Account}~~creates a three-year pilot project to develop and implement whole-school technology deployment in public schools.

##### Highlighted Provisions:

This bill:

- ▶ creates a pilot project known as the Smart School Technology Program to encourage the deployment of a whole-school technology plan in public schools;
- ▶ directs the Board of Business and Economic Development to select a private education technology provider through a request for proposals process to develop and implement a whole-school technology deployment plan for schools;

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- ▶ provides for the establishment of an independent evaluating committee to advise the Board of Business and Economic Development on issuing a request for proposals and selecting an education technology provider;
- ▶ specifies the components of a whole-school technology deployment plan;
- ▶ directs the State Board of Education to:
  - select schools to participate in the program;
  - make rules for selecting schools to participate in the program; and
  - evaluate the program and report to the Education Interim Committee;
- ▶ allows ~~{money in}~~ up to \$3,000,000 of the Industrial Assistance Account to be ~~{provided to an entity that:~~
  - ~~offers an economic opportunity; and~~
  - ~~implements technology innovation in public schools}~~ used one-time for the purpose of incubating technology solutions related to economic and workforce development; and
- ▶ repeals the pilot project after three years.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{None}~~ This bill provides an immediate effective date.

### Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

ENACTS:

53A-1-709, Utah Code Annotated 1953

63M-1-909.5, Utah Code Annotated 1953

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

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

### 53A-1-709. Smart School Technology Program.

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

(2) A three-year pilot project known as the Smart School Technology Program is created to encourage the deployment of whole-school technology in public schools.

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

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

(5) (a) An independent evaluating committee shall be established to:

(i) advise the Board of Business and Economic Development in issuing a request for proposals under Subsection (3);

(ii) evaluate proposals submitted through a request for proposals issued under Subsection (3); and

(iii) advise the State Board of Education on selecting schools to participate in the program.

(b) The membership of the independent evaluating committee shall include:

(i) three members of the State Board of Education appointed by the chair of the State Board of Education;

(ii) the state chief information officer;

(iii) two members appointed by the executive director of the Governor's Office of Economic Development; and

(iv) the governor's education director.

(c) The independent evaluating committee shall evaluate a proposal on:

(i) a provider's experience with integrated whole-school technology deployment; and

(ii) the components of a whole-school technology deployment plan.

(6) An educational technology provider selected under Subsection (4) shall develop a customized whole-school technology deployment plan for each school participating in the

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program.

(7) The whole-school technology deployment plan shall be based on submitted proposals to the committee and may include the following components:

(a) a mobile learning device or digital textbook for each student;

(b) desktop or laptop computers for classrooms;

(c) peripherals and networking equipment, including a wireless network;

(d) Internet filtering;

(e) operating software for the technology system, including software that connects digital learning devices among students and a teacher to facilitate classroom interaction;

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

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

(ii) accessing and using online content; and

(g) ongoing technical support.

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

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

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

(i) from different regions of the state;

(ii) from urban and rural areas; and

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

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

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

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

Section 2. Section 631-2-253 is amended to read:

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

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

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

~~{ (3) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.~~

~~{ ~~{4}3~~ ~~{Subsection 53A-13-110(4)}~~ Section 53A-1-709 is repealed July 1, ~~{2013-~~~~

~~(5) Section 53A-15-1215 2015.~~

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

~~{4}~~ (5) Subsection 53A-13-110(4) is repealed July 1, ~~{2012}~~ 2013.

~~{5}~~ (6) Section 53A-15-1215 is repealed July 1, 2012.

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

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

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

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

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

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

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

### 63M-1-903. Industrial Assistance Account created.

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

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

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

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

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

(3) The administrator may hire appropriate support staff.

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

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

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the restricted account.

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

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

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

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

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

(c) satisfy other criteria the administrator considers appropriate.

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

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

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

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

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

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

(3) The administrator shall:

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

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

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

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

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

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

Section ~~63M-1-906~~ Section **63M-1-909** is amended to read:

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

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

(a) applies to the administrator; and

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

(2) The applicant shall:

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

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

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

(d) in the case of an economic opportunity that includes the retention of jobs,

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demonstrate how the potential relocation of jobs outside the state is related to a merger, acquisition, consolidation, or similar business reason other than the applicant simply requesting state assistance to remain in the state;

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

(f) be either:

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

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

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

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

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

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

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

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

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

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

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

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

Section 8. Effective date.



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