

Representative Francis D. Gibson proposes the following substitute bill:

PUBLIC EDUCATION MODERNIZATION ACT

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Francis D. Gibson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates the Public Education Modernization Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Initiative to modernize the delivery of public education in Utah advisory committee;
- ▶ requires the State Board of Education to develop and implement an Initiative to modernize the delivery of public education in Utah by:
 - designing a master plan; and
 - issuing requests for proposals for education consulting and education technology providers;
- ▶ establishes requirements for the Initiative to modernize the delivery of public education in Utah master plan and individual local education agency plans;
- ▶ establishes requirements for a local education agency to participate in a grant program related to the Initiative to modernize the delivery of public education in Utah;
- ▶ requires a local education agency that participates in the Initiative to modernize the



26 delivery of public education in Utah grant program to report annually to the State Board of
27 Education;

28 ▶ requires a local education agency that constructs a school building after July 1,
29 2015, to meet certain technology infrastructure requirements; and

30 ▶ repeals the Smart School Technology Program.

31 **Money Appropriated in this Bill:**

32 This bill appropriates in fiscal year 2015:

33 ▶ to the Related to Basic School Program - Public Education Modernization Program,
34 as an ongoing appropriation:

35 • from the General Fund, \$150,000,000; and

36 ▶ to the Related to Basic School Program - Public Education Modernization Program,
37 as a one-time appropriation:

38 • from the Education Fund, \$50,000,000.

39 **Other Special Clauses:**

40 This bill provides an effective date.

41 This bill coordinates with H.B. 92, Utah Telehealth and Education Network
42 Amendments, by providing technical amendments.

43 This bill coordinates with H.B. 320, Educators' Professional Learning, by providing
44 substantive and technical amendments.

45 **Utah Code Sections Affected:**

46 AMENDS:

47 **63M-1-906**, as last amended by Laws of Utah 2012, Chapter 208

48 ENACTS:

49 **53A-1-1201**, Utah Code Annotated 1953

50 **53A-1-1202**, Utah Code Annotated 1953

51 **53A-1-1203**, Utah Code Annotated 1953

52 **53A-1-1204**, Utah Code Annotated 1953

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

54 **53A-1-1206**, Utah Code Annotated 1953

55 REPEALS:

56 **53A-1-709**, as last amended by Laws of Utah 2013, Chapter 173

57 [63M-1-909.5](#), as last amended by Laws of Utah 2013, Chapter 173

58 **Utah Code Sections Affected by Coordination Clause:**

59 [53A-1-1202](#), Utah Code Annotated 1953

60 [53A-1-1203](#), Utah Code Annotated 1953



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

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

64 **Part 12. Public Education Modernization Act**

65 **53A-1-1201. Title.**

66 This part is known as the "Public Education Modernization Act."

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

68 **53A-1-1202. Definitions.**

69 As used in this part:

70 (1) "Advisory committee" means the Initiative to modernize the delivery of public
71 education in Utah advisory committee created in Subsection [53A-1-1203\(2\)\(a\)](#).

72 (2) "Board" means the State Board of Education.

73 (3) "Education consultant" includes an organization.

74 (4) "Educator" means an individual who holds or is required to hold a license under
75 Title 53A, Chapter 6, Educator Licensing and Professional Practices Act.

76 (5) "High quality professional learning" means a comprehensive, sustained, and
77 intensive approach to improving teachers' and principals' effectiveness in raising student
78 achievement and improving the school level outcomes described in Subsection
79 [53A-1-1203\(1\)\(b\)\(iii\)](#) that meets the high quality professional learning standards established by
80 the board.

81 (6) "Initiative" means the Initiative to modernize the delivery of public education in
82 Utah described in this part.

83 (7) "LEA plan" means an LEA's plan to implement the initiative.

84 (8) "Local education agency" or "LEA" means a school district, a charter school, or the
85 Utah Schools for the Deaf and the Blind.

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

87 **53A-1-1203. Initiative to modernize the delivery of public education in Utah --**

88 **Advisory committee -- Request for proposals for education consultant -- Master plan.**

89 (1) (a) In accordance with this part, the board shall oversee the development and
90 implementation of an Initiative to modernize the delivery of public education in Utah for public
91 school students in kindergarten through grade 12.

92 (b) Through the initiative, the board and participating LEAs shall:

93 (i) modernize the LEA classroom environment statewide by using one-to-one mobile
94 device technology to fundamentally change the teaching and learning experience;

95 (ii) focus on preparing and empowering educators as those who will fully realize the
96 potential of the initiative; and

97 (iii) improve school level outcomes, including:

98 (A) student achievement on statewide tests;

99 (B) rate of student learning;

100 (C) attendance;

101 (D) discipline incidents;

102 (E) parental involvement;

103 (F) citizen involvement;

104 (G) graduation rates;

105 (H) student enrollment in higher education;

106 (I) dropout rates;

107 (J) student technology proficiency for college and career readiness;

108 (K) teacher satisfaction and engagement; and

109 (L) cost savings and improved efficiency relating to instructional materials, facilities,
110 or maintenance.

111 (2) (a) There is created until June 30, 2015, the Initiative to modernize the delivery of
112 public education in Utah advisory committee to:

113 (i) assist the board with developing selection criteria for and selecting the education
114 consultant described in Subsection (3); and

115 (ii) give input and feedback on the development of the master plan described in
116 Subsection (4).

117 (b) The advisory committee shall be composed of:

118 (i) the following members appointed by the speaker of the House of Representatives

119 and the president of the Senate:

120 (A) one member who has extensive digital content experience;

121 (B) one member who is a current or former school district superintendent who has
122 extensive experience with leading a technology initiative;

123 (C) one member who is an LEA principal and has extensive experience with a
124 technology initiative or an assistant superintendent for curriculum and instruction and has
125 extensive experience with a technology initiative;

126 (D) one member who has extensive experience with mobile device infrastructure;

127 (E) one member who is a nationally recognized change leadership or change
128 management expert;

129 (F) one member who is a teacher who works in a school where a technology initiative
130 has been implemented; and

131 (G) one member who has extensive experience in independent program evaluation of
132 technology initiatives;

133 (ii) the executive director of Utah Education Network; and

134 (iii) the executive director of the STEM Action Center appointed under Section
135 [63M-1-3203](#).

136 (c) Board staff shall staff the advisory committee.

137 (3) On or before June 15, 2014, the board shall select, through a request for proposals
138 process, a single education consultant with integrated whole-school learning and teaching with
139 technology deployment experience.

140 (4) In consultation with the education consultant described in Subsection (3), the board
141 shall develop a master plan for the initiative to incorporate the initiative into the state's public
142 education system.

143 (5) The master plan described in Subsection (4) shall include:

144 (a) a statement of purpose that describes the objectives or goals the board will
145 accomplish by implementing the initiative;

146 (b) a determination of the requirements for:

147 (i) statewide technology infrastructure; and

148 (ii) local LEA technology infrastructure;

149 (c) standards for educator high quality professional learning related to implementing

150 and maintaining the initiative that, at a minimum, require 40 hours of high quality professional
151 learning per educator each year;

152 (d) a detailed definition of the type or types of personal mobile learning devices to be
153 used by LEAs and distributed to:

154 (i) educators; and

155 (ii) public school students in kindergarten through grade 12;

156 (e) a statewide technical support plan for:

157 (i) implementation of the initiative; and

158 (ii) maintenance of the initiative;

159 (f) a grant program for participating LEAs developed in accordance with Section
160 [53A-1-1205](#);

161 (g) specifications for an LEA plan that include:

162 (i) format and submission requirements;

163 (ii) a statement of purpose that describes the learning objectives, goals, and measurable
164 outcomes the LEA will accomplish by implementing the initiative;

165 (iii) other LEA plan requirements, including the requirements described in Subsection
166 [53A-1-1204\(5\)](#);

167 (iv) a schedule that coordinates grant program requirements with the requirements
168 described in Subsection (5)(g)(iii); and

169 (v) a disclosure by the LEA of the LEA's current technology expenditures;

170 (h) an ongoing evaluation process that is monitored by the board, performed by an
171 independent contractor under contract with the board, and based on:

172 (i) the school level outcomes described in Subsection (1)(b)(iii); and

173 (ii) technology system functionality;

174 (i) metrics of improved growth in the rate of student learning that will serve as a
175 benchmark for LEA initiative implementation outcomes;

176 (j) proposed rules and policies that incorporate the principles of the master plan into
177 the state's public education system as a whole; and

178 (k) a plan to ensure long term sustainability that:

179 (i) accounts for the financial impacts of the initiative; and

180 (ii) facilitates the repurposing of all LEA savings that arise from implementing the

181 initiative.

182 (6) An evaluation report prepared under Subsection (5)(h) may not include student data
183 that is not aggregated.

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

185 **53A-1-1204. Request for proposals for education technology providers --**
186 **Preparation of local education agency plans.**

187 (1) In consultation with the education consultant described in Section 53A-1-1203, the
188 board shall, through a request for proposals process, select three or more education technology
189 providers.

190 (2) An education technology provider that responds to the request for proposals
191 described in Subsection (1) shall submit a proposed generic LEA plan that ensures a reliable,
192 scalable, and effective implementation of the initiative across a wide range of students and
193 LEAs.

194 (3) In evaluating a proposal submitted under Subsection (1), the board's evaluation
195 criteria shall weigh heavily the education technology provider's ability to prepare and
196 customize an LEA plan.

197 (4) (a) To participate in the grant program described in Section 53A-1-1205, an LEA
198 shall select one of the education technology providers chosen by the board under Subsection
199 (1) to work with the LEA to prepare and implement a customized LEA plan.

200 (b) In preparing a customized plan under Subsection (4)(a), an LEA and the LEA's
201 technology provider shall encourage participation and input from parents, teachers, and school
202 community councils.

203 (5) An LEA plan created by the LEA in collaboration with an education technology
204 provider under Subsection (4) shall describe:

205 (a) design criteria that enables the LEA to achieve the improved outcomes described in
206 Subsection 53A-1-1203(1)(b)(iii);

207 (b) each task and its related dependencies required for a successful, scalable
208 implementation of the initiative that yields significantly positive results;

209 (c) an organizational development process structured to yield the desired outcomes;

210 (d) infrastructure acquisition;

211 (e) high quality, digital instructional materials aligned with board standards;

212 (f) educator high quality professional learning that includes superintendent and
213 principal learning, and, at a minimum, requires 40 hours of high quality professional learning
214 per educator each year;

215 (g) procurement and distribution of:

216 (i) devices;

217 (ii) digital content;

218 (iii) software; and

219 (iv) support service;

220 (h) technical support for implementation and maintenance of the initiative that:

221 (i) provides for significant uptime of the entire technology environment, including
222 devices, printers, and Internet access; and

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

224 (i) security policies, including security audits and remediation of identified lapses;

225 (j) how the LEA will address the needs of students affected by intergenerational
226 poverty, as defined in Section [35A-9-102](#), in implementing the initiative;

227 (k) how the LEA will provide special education students with appropriate software,
228 including special education students in self-contained classrooms;

229 (l) how the LEA will put the cost savings and increased efficiency gained by
230 implementing the initiative toward maintaining the initiative;

231 (m) a detailed plan for student engagement in personalized learning;

232 (n) ongoing periodic coaching of the superintendent, school principals, and teachers;

233 and

234 (o) other criteria required by the master plan developed under Section [53A-1-1203](#).

235 (6) An LEA may subject an LEA plan to a peer review.

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

237 **53A-1-1205. Grant program -- Board approval of local education agency plans.**

238 (1) In consultation with the education consultant described in Section [53A-1-1203](#), the
239 board shall develop a grant program in accordance with this section to assist an LEA to
240 implement the initiative.

241 (2) To be eligible for a grant payment, an LEA:

242 (a) shall comply with the master plan;

243 (b) shall, before receiving a grant payment, complete each master plan component
 244 conditioned on receiving the grant payment;

245 (c) may not supplant funds previously used for the LEA's current technology program
 246 to fund nontechnology programs;

247 (d) shall have an LEA plan approved by the board in accordance with Subsection (3);
 248 and

249 (e) shall consistently meet defined LEA plan goals.

250 (3) (a) An LEA that applies to the board for a grant to implement the initiative shall, as
 251 part of the application, submit an LEA plan to the board for approval.

252 (b) The board shall work with the education consultant to review and approve each
 253 submitted LEA plan.

254 (c) The board may not approve an LEA plan unless the LEA plan meets:

255 (i) the requirements described in Subsection 53A-1-1204(5); and

256 (ii) the applicable standards, criteria, and timelines established in the master plan.

257 (4) The board shall award grants on the basis of available funding, giving priority to
 258 LEA plans that are timely, well developed, and board approved.

259 (5) (a) An LEA that is currently participating in the grant program shall prepare and
 260 submit to the board an annual progress report that:

261 (i) gives a detailed summary of the LEA's LEA plan; and

262 (ii) describes the effect of the LEA plan in addressing the outcomes described in
 263 Subsections 53A-1-1203(1)(b)(iii) and (5)(g)(ii).

264 (b) The progress report described in Subsection (5)(a) is due by August 1 of each year.

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

266 **53A-1-1206. Initiative compliance for construction of new schools.**

267 An LEA shall ensure that a school building constructed by the LEA on or after July 1,
 268 2015, meets the infrastructure requirements for the initiative as established by the board in
 269 accordance with Section 53A-1-1203.

270 Section 7. Section **63M-1-906** is amended to read:

271 **63M-1-906. Qualification for assistance.**

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

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

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

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

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

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

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

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

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

294 (iv) the applicant is an entity offering an economic opportunity under Section
295 [63M-1-909](#).

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

299 (3) The administrator shall:

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

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

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

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

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

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

313 Section 8. **Repealer.**

314 This bill repeals:

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

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

318 Section 9. **Appropriation.**

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

324 To Related to Basic School Program

325 From General Fund \$150,000,000

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

327 Schedule of Programs:

328 Public Education Modernization Program \$200,000,000

329 Under Section 63J-1-603, the Legislature intends that the appropriation for the Public
330 Education Modernization Act is:

331 (1) to be used as provided in Title 53A, Chapter 1, Part 12, Public Education

332 Modernization Act; and

333 (2) nonlapsing.

334 Section 10. **Effective date.**

335 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members

336 elected to each house, this bill takes effect upon approval by the governor, or the day following
337 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
338 signature, or in the case of a veto, the date of veto override.

339 (2) Uncodified Section 9, Appropriation, takes effect on July 1, 2014.

340 Section 11. **Coordinating H.B. 131 with H.B. 92 -- Technical amendments.**

341 If this H.B. 131 and H.B. 92, Utah Telehealth and Education Network Amendments,
342 both pass and become law, it is the intent of the Legislature that the Office of Legislative
343 Research and General Counsel in preparing the Utah Code database for publication, modify
344 Subsection [53A-1-1203\(2\)\(b\)\(ii\)](#) to read:

345 "(ii) the executive director of Utah Education and Telehealth Network; and"

346 Section 12. **Coordinating H.B. 131 with H.B. 320 -- Substantive and technical**
347 **amendments.**

348 If this H.B. 131 and H.B. 320, Educators' Professional Learning, both pass and become
349 law, it is the intent of the Legislature that the Office of Legislative Research and General
350 Counsel in preparing the Utah Code database for publication, modify Subsection
351 [53A-1-1202\(5\)](#) to read:

352 "(5) "High quality professional learning" means professional learning:

353 (a) as defined in Section [53A-3-701\(1\)](#);

354 (b) that meets the standards described in Section [53A-3-701\(2\)](#); and

355 (c) that improves the school level outcomes described in Subsection

356 [53A-1-1203\(1\)\(b\)\(iii\)](#)."