

**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: \_\_\_\_\_

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**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 to modernize the classroom environment in kindergarten through grade 12 statewide by using mobile device technology to fundamentally change the teaching and learning experience;
  - ▶ requires the State Board of Education to develop and implement the initiative 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 Initiative Advisory Committee to:
    - assist the State Board of Education in developing selection criteria for and selecting an education consultant; and
    - provide input on the development of the master plan;



- 26           ▶ establishes requirements for the master plan and individual local education agency
- 27 plans;
- 28           ▶ establishes requirements for a local education agency to participate in a grant
- 29 program related to the initiative;
- 30           ▶ provides for ongoing review and evaluation of the initiative;
- 31           ▶ requires the State Board of Education to report annually to the Education Interim
- 32 Committee regarding the progress of the initiative;
- 33           ▶ requires a local education agency that constructs a school building after December
- 34 31, 2015, to meet certain technology infrastructure requirements;
- 35           ▶ establishes requirements for the State Board of Education and other certain entities
- 36 related to the collection, usage, and storage of student data;
- 37           ▶ repeals the Smart School Technology Program; and
- 38           ▶ makes technical changes.

39 **Money Appropriated in this Bill:**

40           This bill appropriates in fiscal year 2015:

- 41           ▶ to the Related to Basic School Program - Public Education Modernization Program,
- 42 as an ongoing appropriation:
  - 43           • from the General Fund, \$150,000,000; and
- 44           ▶ to the Related to Basic School Program - Public Education Modernization Program,
- 45 as a one-time appropriation:
  - 46           • from the Education Fund, \$50,000,000.

47 **Other Special Clauses:**

48           This bill provides an effective date.

49           This bill coordinates with H.B. 92, Utah Telehealth and Education Network

50 Amendments, by providing technical amendments.

51           This bill coordinates with H.B. 320, Educators' Professional Learning, by providing

52 substantive and technical amendments.

53 **Utah Code Sections Affected:**

54 AMENDS:

55           **63M-1-906**, as last amended by Laws of Utah 2012, Chapter 208

56 ENACTS:

- 57 [53A-1-1201](#), Utah Code Annotated 1953
- 58 [53A-1-1202](#), Utah Code Annotated 1953
- 59 [53A-1-1203](#), Utah Code Annotated 1953
- 60 [53A-1-1204](#), Utah Code Annotated 1953
- 61 [53A-1-1205](#), Utah Code Annotated 1953
- 62 [53A-1-1206](#), Utah Code Annotated 1953
- 63 [53A-1-1207](#), Utah Code Annotated 1953
- 64 [53A-1-1208](#), Utah Code Annotated 1953
- 65 [53A-1-1209](#), Utah Code Annotated 1953
- 66 [53A-1-1210](#), Utah Code Annotated 1953
- 67 [53A-13-303](#), Utah Code Annotated 1953

REPEALS:

- 69 [53A-1-709](#), as last amended by Laws of Utah 2013, Chapter 173
- 70 [63M-1-909.5](#), as last amended by Laws of Utah 2013, Chapter 173

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

- 72 [53A-1-1202](#), Utah Code Annotated 1953
- 73 [53A-1-1204](#), Utah Code Annotated 1953

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

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

**Part 12. Public Education Modernization Act**

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

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

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

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

As used in this part:

- 83 (1) "Advisory committee" means the Initiative Advisory Committee created in Section
- 84 [53A-1-1204](#).
- 85 (2) "Board" means the State Board of Education.
- 86 (3) "Education consultant" means the person selected by the board under Subsection
- 87 [53A-1-1205](#)(1).

88 (4) "Education technology provider" means a person selected by the board under  
89 Subsection 53A-1-1205(3).

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

92 (6) "High quality professional learning" means a comprehensive, sustained, and  
93 intensive approach to improving educator effectiveness in raising student achievement and  
94 improving the school level outcomes described in Subsection 53A-1-1203(2) that meets the  
95 high quality professional learning standards established by the board.

96 (7) "Independent evaluator" means the person selected by the board under Subsection  
97 53A-1-1205(2).

98 (8) "Initiative" means the Initiative to Modernize the Delivery of Public Education in  
99 Utah described in this part.

100 (9) "LEA plan" means an LEA's plan to implement the initiative that meets the  
101 requirements of Section 53A-1-1207.

102 (10) "Local education agency" or "LEA" means:

103 (a) a school district;

104 (b) a charter school; or

105 (c) the Utah Schools for the Deaf and the Blind.

106 (11) "Master plan" means the master plan developed by the board under Section  
107 53A-1-1206.

108 (12) "Technical support person" means an individual employed by an LEA who installs  
109 technology, maintains technology, or provides technology assistance.

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

111 **53A-1-1203. Initiative created -- Purpose statement.**

112 (1) (a) In accordance with this part, the board shall oversee the development and  
113 implementation of an initiative known as the "Initiative to Modernize the Delivery of Public  
114 Education in Utah."

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

116 (i) modernize the classroom environment in kindergarten through grade 12 statewide  
117 by using mobile device technology to fundamentally change the teaching and learning  
118 experience; and

119 (ii) focus on preparing and empowering educators as those who will fully realize the  
 120 potential of the initiative.

121 (2) The purpose of the initiative is to improve school level outcomes, including:

122 (a) student achievement on statewide tests;

123 (b) student learning growth;

124 (c) attendance;

125 (d) discipline incidents;

126 (e) parental involvement;

127 (f) citizen involvement;

128 (g) graduation rates;

129 (h) student enrollment in higher education;

130 (i) dropout rates;

131 (j) student technology proficiency for college and career readiness;

132 (k) teacher satisfaction and engagement; and

133 (l) cost savings and improved efficiency relating to instructional materials, facilities,  
 134 and maintenance.

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

136 **53A-1-1204. Initiative Advisory Committee.**

137 (1) (a) There is created the Initiative Advisory Committee to:

138 (i) assist the board with developing selection criteria for and selecting the education

139 consultant described in Subsection [53A-1-1205\(1\)](#); and

140 (ii) provide input on the development of the master plan described in Section

141 [53A-1-1206](#).

142 (b) The advisory committee terminates on December 31, 2015.

143 (2) The advisory committee shall consist of:

144 (a) the following members appointed by the board:

145 (i) one member who has extensive digital content experience;

146 (ii) one member who is a current or former school district superintendent who has

147 extensive experience with leading a technology initiative;

148 (iii) one member who is:

149 (A) an LEA principal and has extensive experience with a technology initiative; or

- 150 (B) an assistant superintendent for curriculum and instruction and has extensive  
151 experience with a technology initiative;
- 152 (iv) one member who has extensive experience with mobile device infrastructure;  
153 (v) one member who is a nationally recognized change leadership or change  
154 management expert;
- 155 (vi) one member who is a teacher who works in a school where a technology initiative  
156 has been implemented; and
- 157 (vii) one member who has extensive experience in independent program evaluation of  
158 technology initiatives;
- 159 (b) the executive director of Utah Education Network; and  
160 (c) the executive director of the STEM Action Center appointed under Section  
161 [63M-1-3203](#).
- 162 (3) When a vacancy occurs in the membership of the advisory committee appointed  
163 under Subsection (2)(a), for any reason, the board shall appoint a replacement that meets the  
164 same criteria as the original appointment.
- 165 (4) The advisory committee shall elect a chair for the advisory committee.
- 166 (5) The advisory committee shall meet when a meeting of the advisory committee is  
167 called by the board chair.
- 168 (6) A quorum of the advisory committee is five members, and the action of a majority  
169 of members present is the action of the advisory committee.
- 170 (7) A member may not receive compensation or benefits for the member's service, but  
171 may receive per diem and travel expenses in accordance with:
- 172 (a) Section [63A-3-106](#);  
173 (b) Section [63A-3-107](#); and  
174 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
175 [63A-3-107](#).
- 176 (8) Board staff shall staff the advisory committee.
- 177 Section 5. Section **53A-1-1205** is enacted to read:
- 178 **53A-1-1205. Education consultant -- Independent evaluator -- Education**  
179 **technology providers.**
- 180 (1) (a) On or before August 31, 2014, the board shall select, through a request for

181 proposals process, a single education consultant with integrated whole-school learning and  
182 teaching with technology deployment experience.

183 (b) The education consultant shall advise the board as provided in this part, including  
184 consulting with the board in:

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

186 (ii) the selection of education technology providers under Subsection (3); and

187 (iii) the review and approval of preliminary plans and LEA plans under Section  
188 [53A-1-1208](#).

189 (c) The education consultant shall comply with the rules developed by the board under  
190 Section [53A-13-303](#).

191 (d) The education consultant may not be selected as an education technology provider  
192 or assist any person in responding to a request for proposals described in Subsection (3).

193 (2) (a) The board shall select, through a request for proposals process, an independent  
194 evaluator to act as an independent contractor in assisting the board in the evaluation process  
195 under Section [53A-1-1209](#).

196 (b) The independent evaluator may not be selected as an education technology provider  
197 or assist any person in responding to a request for proposals described in Subsection (3).

198 (c) The independent evaluator shall comply with the rules developed by the board  
199 under Section [53A-1-1209](#).

200 (3) (a) In consultation with the education consultant, the board shall, through a request  
201 for proposals process, select three or more education technology providers.

202 (b) A person who responds to the request for proposals described in Subsection (3)(a)  
203 shall submit:

204 (i) a proposed model LEA plan that ensures a reliable, scalable, and effective  
205 implementation of the initiative across a wide range of students and LEAs; and

206 (ii) a list of products and services the person can provide as an education technology  
207 provider.

208 (c) In evaluating a response to the request for proposals described in Subsection (3)(a),  
209 the board's evaluation criteria shall weigh heavily the person's ability to prepare and customize  
210 an LEA plan.

211 (d) In selecting the education technology providers under this Subsection (3), the board

212 shall contract with the education technology providers in a manner that allows an LEA to:

213 (i) select an education technology provider to assist in the development and

214 implementation of an LEA plan under Section 53A-1-1207; or

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

217 (e) An education technology provider shall comply with the rules developed by the  
218 board under Section 53A-13-303.

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

220 **53A-1-1206. Master plan.**

221 (1) In consultation with the education consultant and advisory committee, the board  
222 shall develop a master plan for the initiative to integrate the initiative into the state's public  
223 education system.

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

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

227 (b) a determination of the requirements for:

228 (i) statewide technology infrastructure; and

229 (ii) local LEA technology infrastructure;

230 (c) standards for high quality professional learning related to implementing and  
231 maintaining the initiative that require an LEA to provide at least:

232 (i) 40 hours a year of high quality professional learning outside of regular school hours  
233 for an educator, including an administrator; and

234 (ii) 16 hours a year of high quality professional learning for a technical support person;

235 (d) a detailed definition of one or more types of mobile devices to be used by LEAs  
236 and distributed to educators and students;

237 (e) a statewide technical support plan for implementation and maintenance of the  
238 initiative that includes standards and competency requirements for technical support personnel;

239 (f) a grant program for participating LEAs developed in accordance with Section  
240 53A-1-1208;

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

242 (i) format and submission requirements; and



- 243 (ii) other LEA plan requirements, including the requirements described in Section  
244 53A-1-1207;
- 245 (h) an inventory of the state public education system's current technology resources,  
246 including software, and a plan to integrate those resources into the initiative;
- 247 (i) an ongoing evaluation process that is overseen by the board, performed by the  
248 independent evaluator, and based on the criteria described in Section 53A-1-1209;
- 249 (j) proposed rules that incorporate the principles of the master plan into the state's  
250 public education system as a whole; and
- 251 (k) a plan to ensure long-term sustainability that:
- 252 (i) accounts for the financial impacts of the initiative; and
- 253 (ii) facilitates the repurposing of LEA savings that arise from implementing the  
254 initiative.
- 255 (3) The board shall integrate into the master plan the privacy and security requirements  
256 of:
- 257 (a) Section 53A-13-303; and
- 258 (b) rules developed by the board under Section 53A-13-303.
- 259 (4) The board shall complete the master plan on or before January 31, 2015.
- 260 Section 7. Section **53A-1-1207** is enacted to read:
- 261 **53A-1-1207. LEA plans.**
- 262 (1) After the board completes the master plan, an LEA plan submitted to the board for  
263 approval shall include:
- 264 (a) a statement of purpose that describes the learning objectives, goals, and measurable  
265 outcomes the LEA will accomplish by implementing the initiative, including measurement of  
266 improved student learning growth that serves as a benchmark for LEA initiative  
267 implementation outcomes;
- 268 (b) design criteria that enable the LEA to achieve the improved outcomes described in  
269 Subsection 53A-1-1203(2);
- 270 (c) a description of the tasks and related dependencies required for customized  
271 implementation of the initiative;
- 272 (d) an implementation process structured to yield the desired outcomes;
- 273 (e) a plan for infrastructure acquisition;

- 274 (f) a process for procurement and distribution of:  
275 (i) mobile devices;  
276 (ii) digital content;  
277 (iii) software; and  
278 (iv) support service;  
279 (g) a description of necessary high quality, digital instructional materials aligned with  
280 board standards;  
281 (h) a detailed plan for student engagement in personalized learning;  
282 (i) technical support standards for implementation and maintenance of the initiative  
283 that:  
284 (i) includes support for mobile devices, printers, and Internet access; and  
285 (ii) removes technical support burdens from the classroom teacher;  
286 (j) proposed security policies, including security audits and remediation of identified  
287 lapses;  
288 (k) an inventory of the LEA's current technology resources, including software, and a  
289 description of how the LEA will integrate those resources into the LEA's initiative  
290 implementation;  
291 (l) a disclosure by the LEA of the LEA's current technology expenditures;  
292 (m) a description of how the LEA will:  
293 (i) provide the high quality professional learning described in Subsection  
294 [53A-1-1206\(2\)\(c\)](#);  
295 (ii) address the needs of students affected by intergenerational poverty, as defined in  
296 Section [35A-9-102](#), in implementing the initiative;  
297 (iii) provide special education students with appropriate software, including special  
298 education students in self-contained classrooms;  
299 (iv) accommodate a student who opts out of receiving a mobile device;  
300 (v) provide ongoing periodic coaching of educators, including administrators; and  
301 (vi) put the cost savings and increased efficiency gained by implementing the initiative  
302 toward maintaining the initiative; and  
303 (n) other criteria required by the master plan.  
304 (2) In preparing an LEA plan, an LEA shall:

305 (a) consult with an education technology provider; and  
306 (b) encourage participation and input from parents, educators, technology support  
307 personnel, and school community councils.

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

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

310 **53A-1-1208. Grant program -- Grant money prohibition.**

311 (1) (a) In accordance with this section, the board may award grants to assist an LEA to  
312 implement the initiative.

313 (b) The board shall pay the grant money awarded to an LEA under this section directly  
314 to an education technology provider that provides a product or service to the LEA as part of the  
315 LEA's initiative implementation.

316 (2) Before the board completes the master plan, the board may award a grant to an  
317 LEA, if the LEA:

318 (a) has made significant progress toward implementing one-to-one mobile device  
319 technology, as determined by the board;

320 (b) prepares a preliminary plan to use a grant and the preliminary plan is approved by  
321 the board in accordance with this section; and

322 (c) meets grant eligibility requirements established by the board.

323 (3) After the board completes the master plan, the board may approve an LEA's grant  
324 application only if the LEA's LEA plan complies with:

325 (a) the requirements described in Section [53A-1-1207](#); and

326 (b) the applicable standards, criteria, and timelines established in the master plan.

327 (4) The board shall condition a grant on:

328 (a) board approval of the LEA's preliminary plan or LEA plan;

329 (b) except as provided in Subsection (2), LEA compliance with the master plan;

330 (c) satisfactory LEA progress toward defined LEA plan objectives, goals, and  
331 outcomes; and

332 (d) completion by the LEA of any board requirement specific to receiving the grant  
333 award.

334 (5) (a) An LEA grant applicant shall submit a preliminary plan or LEA plan to the  
335 board for approval.

336 (b) The board shall consult with the education consultant to review and approve each  
337 submitted preliminary plan or LEA plan.

338 (6) The board shall award grants on the basis of available funding, giving priority to  
339 applicants whose plans are timely and well developed.

340 (7) An LEA may not use grant money to supplant money previously used for the LEA's  
341 current technology program to fund nontechnology programs.

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

343 **53A-1-1209. Evaluation of initiative -- Board reporting requirements.**

344 (1) In accordance with this section, the board shall oversee an ongoing review and  
345 evaluation of the initiative by the independent evaluator for each school year:

346 (a) beginning with the 2014-15 school year; and

347 (b) ending with the 2018-19 school year.

348 (2) Under the direction of the board, the independent evaluator shall:

349 (a) review and evaluate the initiative using the criteria described in Subsection (3);

350 (b) report to the board on the criteria described in Subsection (3) when required by the  
351 master plan, but at least annually; and

352 (c) perform other related tasks assigned to the independent evaluator by the board.

353 (3) The independent evaluator shall review and evaluate the initiative as required by  
354 this section using the following criteria:

355 (a) student achievement in language arts, mathematics, and science as measured by  
356 statewide assessments administered pursuant to Section [53A-1-603](#);

357 (b) student learning growth on statewide assessments of language arts, mathematics,  
358 and science achievement administered pursuant to Section [53A-1-603](#);

359 (c) the high school graduation rate;

360 (d) student performance on the ACT; and

361 (e) other criteria determined by the board.

362 (4) The board shall report to the Education Interim Committee before November 30,  
363 2014, regarding:

364 (a) the status of the master plan;

365 (b) the board's deadline for finishing the master plan; and

366 (c) other actions taken by the board under this part.

367 (5) After November 30, 2014, the board shall report annually to the Education Interim  
368 Committee regarding:

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

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

372 (6) A report or other information prepared under this section:

373 (a) may not include student data that is not aggregated; and

374 (b) shall comply with Section [53A-13-303](#) and the rules developed by the board under  
375 Section [53A-13-303](#).

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

377 **53A-1-1210. Initiative compliance for construction of new schools.**

378 An LEA shall ensure that a school building constructed by the LEA on or after  
379 December 31, 2015, meets the infrastructure requirements for the initiative as established by  
380 the board in the master plan.

381 Section 11. Section **53A-13-303** is enacted to read:

382 **53A-13-303. Security requirements related to the collection, usage, and storage of**  
383 **student data.**

384 (1) As used in this section:

385 (a) "Board" means the State Board of Education.

386 (b) "Education entity" means:

387 (i) the board;

388 (ii) a local school board or charter school governing board;

389 (iii) a school district;

390 (iv) a public school; or

391 (v) the Utah Schools for the Deaf and the Blind.

392 (c) "Student data" means information about a student collected or reported at the  
393 individual student level.

394 (d) "Student data system" means the board's system for collecting, storing, and using  
395 student data.

396 (e) "Third party contractor" means a person, other than an education entity, that  
397 receives student data from an education entity pursuant to a contract or written agreement.

398 (2) The board shall:

399 (a) maintain, secure, and safeguard all student data with an equivalent PCI DSS, third  
400 party verified compliant certification;

401 (b) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
402 Rulemaking Act, to comply with this part and other relevant privacy laws, including ensuring  
403 that a contract entered into between an education entity and a third party contractor, which  
404 allows the third party contractor to have access to student data, includes:

405 (i) provisions requiring specific restrictions on the use of student data;

406 (ii) specific dates governing the destruction of student data given to a third party  
407 contractor;

408 (iii) provisions that prohibit a third party contractor from using student data for a  
409 secondary use, including sales, marketing, or advertising; and

410 (iv) provisions limiting a third party contractor's use of student data strictly for the  
411 purpose of providing the contracted services to the education entity;

412 (c) develop a detailed security plan for education entities that includes:

413 (i) guidelines for authorizing sharing and access to student data, including guidelines  
414 for authentication of authorized access;

415 (ii) guidelines for administrative safeguards providing for the security of electronic and  
416 physical student data, including provisions related to data encryption;

417 (iii) guidelines for education entity employees to better ensure the safety and security  
418 of student data;

419 (iv) privacy compliance standards;

420 (v) privacy and annual security audits;

421 (vi) breach planning, notification, and procedures; and

422 (vii) data retention and disposition policies; and

423 (d) develop a model governance policy for education entities regarding the collection,  
424 access, security, and use of student data.

425 (3) The following shall comply with the security plan described in Subsection (2)(c)  
426 and adopt the model governance policy described in Subsection (2)(d):

427 (a) a local school board;

428 (b) a charter school; and

429 (c) the Utah Schools for the Deaf and the Blind.

430 (4) (a) A third party contractor shall maintain, secure, and safeguard all student data  
431 with an equivalent PCI DSS, third party verified compliant certification.

432 (b) A third party contractor:

433 (i) shall use student data received under a contract with an education entity strictly for  
434 the purpose of providing the contracted services to the education entity; and

435 (ii) may not use student data received under a contract with an education entity for a  
436 use not described in the contract.

437 Section 12. Section **63M-1-906** is amended to read:

438 **63M-1-906. Qualification for assistance.**

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

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

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

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

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

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

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

457 (iii) the applicant is a quasi-public corporation organized under Title 16, Chapter 6a,  
458 Utah Revised Nonprofit Corporation Act, or Title 63E, Chapter 2, Independent Corporations  
459 Act, and its operations, as demonstrated to the satisfaction of the administrator, will provide

460 significant economic stimulus to the growth of commerce and industry in the state; or

461 (iv) the applicant is an entity offering an economic opportunity under Section  
462 63M-1-909.

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

466 (3) The administrator shall:

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

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

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

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

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

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

480 Section 13. **Repealer.**

481 This bill repeals:

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

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

485 Section 14. **Appropriation.**

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



491 To Related to Basic School Program  
 492 From General Fund \$150,000,000  
 493 From Education Fund, One-time \$50,000,000

494 Schedule of Programs:

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

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

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

499 Modernization Act; and

500 (2) nonlapsing.

501 **Section 15. Effective date.**

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

506 (2) Uncodified Section 14, Appropriation, takes effect on July 1, 2014.

507 **Section 16. Coordinating H.B. 131 with H.B. 92 -- Technical amendments.**

508 If this H.B. 131 and H.B. 92, Utah Telehealth and Education Network Amendments,

509 both pass and become law, it is the intent of the Legislature that the Office of Legislative

510 Research and General Counsel, in preparing the Utah Code database for publication, modify

511 Subsection 53A-1-1204(2)(b) to read:

512 "(b) the executive director of Utah Education and Telehealth Network; and".

513 **Section 17. Coordinating H.B. 131 with H.B. 320 -- Substantive and technical**  
 514 **amendments.**

515 If this H.B. 131 and H.B. 320, Educators' Professional Learning, both pass and become

516 law, it is the intent of the Legislature that the Office of Legislative Research and General

517 Counsel, in preparing the Utah Code database for publication, modify Subsection

518 53A-1-1202(6) to read:

519 "(6) "High quality professional learning" means professional learning:

520 (a) as defined in Subsection 53A-3-701(1);

521 (b) that meets the standards described in Subsection 53A-3-701(2); and

522

(c) that improves the school level outcomes described in Subsection [53A-1-1203\(2\)](#)."