

SB0222S01 compared with SB0222

~~text~~ shows text that was in SB0222 but was deleted in SB0222S01.

text shows text that was not in SB0222 but was inserted into SB0222S01.

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 Howard A. Stephenson proposes the following substitute bill:

DIGITAL TEACHING AND LEARNING PROGRAM PROPOSAL

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Francis D. Gibson

LONG TITLE

General Description:

This bill ~~creates~~ requires the State Board of Education to develop a digital teaching and learning program ~~for public schools~~ proposal.

Highlighted Provisions:

This bill:

- ▶ ~~creates~~ requires the ~~Digital Teaching and Learning Program (program), a qualifying grant program for local education agencies (LEA), to improve student outcomes through the use of~~ State Board of Education to establish a digital teaching and learning ~~technology and educator professional development;~~
→ task force to develop a funding proposal for digital teaching and learning in elementary and secondary schools;
- ▶ as funding allows, requires the State Board of Education to develop a master plan

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for a statewide digital teaching and learning program:

▶ as funding allows, requires the Utah Education and Telehealth Network ~~{Board~~
(UETN 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~~
- ~~• approving local education agencies' LEA plans;~~
- ~~▶ creates the Digital Teaching and Learning Advisory Committee to:~~
- ~~• assist the UETN board in developing selection criteria for and selecting an education consultant; and~~
- ~~• provide input on the development of the master plan;~~
- ~~▶ requires the UETN board to appoint certain members to the Digital Teaching and Learning Advisory Committee;~~
- ~~▶ requires the UETN board to issue a request for proposals for software that monitors student and teacher usage of technology in public schools;~~
- ~~▶ requires a qualifying LEA to use software provided by the UETN board to monitor student usage of technology;~~
- ~~▶ requires a contract with an education technology provider to prohibit certain uses of student data as part of the contract; } to:~~
 - ~~• conduct an inventory of the public education system's current technology resources; and~~
 - ~~• perform an engineering study to determine the technology infrastructure needs of the public education system to implement a digital teaching and learning program; and~~
- ▶ requires the State Board of Education ~~{to:~~
 - ~~• give final approval to a master plan developed by the UETN board;~~
 - ~~• distribute grant money to qualifying LEAs;~~
 - ~~• stop distributing certain program money to a qualifying LEA if the qualifying LEA fails to meet certain minimum improvement benchmarks in the school level outcomes set by the State Board of Education;~~
 - ~~• monitor and review the implementation of the program; and~~

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- ~~select an independent evaluator to evaluate the program;~~
- ~~establishes requirements for the master plan and individual LEA plans;~~
- ~~establishes requirements for an LEA to qualify to participate in a grant program related to the program;~~
- ~~requires the UETN board and the State Board of Education to jointly report annually;~~ and the Utah Education and Telehealth Network to report to the Education Interim Committee ~~{regarding the progress of the program;~~
- ~~repeals the Smart School Technology Program; and~~
- ~~makes technical changes;~~ and the Executive Appropriations Committee.

Money Appropriated in this Bill:

- ~~{This bill appropriates in fiscal year 2015:~~
- ~~to the Utah Education and Telehealth Network as a one-time appropriation:~~
- ~~from the Education Fund, \$907,500.~~
- ~~This bill appropriates in fiscal year 2016:~~
- ~~to the State Board of Education - Utah State Office of Education - Initiative Programs as an ongoing appropriation:~~
- ~~from the Education Fund, \$16,350,000;~~
- ~~to the State Board of Education - Utah State Office of Education - Initiative Programs as a one-time appropriation:~~
- ~~from the Education Fund, \$50,000,000; and~~
- ~~to the Utah Education and Telehealth Network as an ongoing appropriation:~~
- ~~from the Education Fund, \$8,650,000.}~~ None

Other Special Clauses:

This bill provides a ~~{special effective date}~~ coordination clause.

Utah Code Sections Affected:

~~{AMENDS:~~

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

~~{ENACTS:~~

~~{53A-1-1201}~~ 53A-1-710, Utah Code Annotated 1953

~~{ 53A-1-1202, Utah Code Annotated 1953~~

~~53A-1-1203, Utah Code Annotated 1953~~

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- ~~53A-1-1204, Utah Code Annotated 1953~~
- ~~53A-1-1205, Utah Code Annotated 1953~~
- ~~53A-1-1206, Utah Code Annotated 1953~~
- ~~53A-1-1207, Utah Code Annotated 1953~~
- ~~53A-1-1208, Utah Code Annotated 1953~~
- ~~53A-1-1209, Utah Code Annotated 1953~~
- ~~53A-1-1210, Utah Code Annotated 1953~~

REPEALS:

- ~~53A-1-709, as last amended by Laws of Utah 2013, Chapter 173~~
- ~~63M-1-909.5, as last amended by Laws of Utah 2013, Chapter 173~~

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

Section 1. Section ~~{53A-1-1201}~~53A-1-710 is enacted to read:

~~{Part 12. Digital Learning Technology Program Act~~

~~53A-1-1201. Title:~~

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

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

~~53A-1-1202. Definitions:~~

~~}~~ 53A-1-710. Digital teaching and learning program task force -- Funding proposal for a program -- Master plan -- Reporting requirements.

(1) As used in this {part:

~~(1) "Advisory committee" means the Digital Teaching and Learning Program Advisory Committee created in Section 53A-1-1204.~~

~~(2){section:~~

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

{3}b) "Core subject areas" means the following subject areas:

{a}i) English language arts;

{b}ii) mathematics;

{c}iii) science; and

{d}iv) social studies.

{4) "Education consultant" means the person selected by the UETN board under

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Section 53A-1-1205:

~~— (5) "Education technology provider" means a person selected by the UETN board under Section 53A-1-1205.~~

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

~~— (7)c) "High quality professional learning" means ~~}{a comprehensive, sustained, and intensive approach to improving educator effectiveness in raising student achievement and improving the school level outcomes described in Subsections 53A-1-1209(1)(b) and 53A-1-1209(1)(c) that meets }~~the professional learning standards described in Section 53A-3-701.~~

~~(8) "Independent evaluator" means the person selected by the board under Section 53A-1-1210.~~

~~— (9)d) "LEA plan" means an LEA's plan to implement ~~{the}~~ **a digital teaching and learning** program that meets ~~{the }~~requirements ~~{of Section 53A-1-1209}~~ **set by the board.**~~

~~(10)e) "Local education agency" or "LEA" means:~~

~~(a)i) a school district;~~

~~(b)ii) a charter school; or~~

~~(c)iii) the Utah Schools for the Deaf and the Blind.~~

~~{ — (11) "Master plan" means the master plan developed by the UETN board, with final approval of the board, under Section 53A-1-1206.~~

~~— (12) "Program" means the Digital Teaching and Learning Program described in this part.~~

~~— (13) "Qualifying LEA" means an LEA identified by the UETN board as eligible to receive a grant through the program.~~

~~{ (14)f) "Statewide assessment" means a ~~{criterion-referenced}~~ test of student achievement in English language arts, mathematics, or science, including a test administered in a computer adaptive format, which is administered statewide under Part 6, Achievement Tests.~~

~~(15)g) "Utah Education and Telehealth Network" or "UETN" means the Utah Education and Telehealth Network created in Section 53B-17-105.~~

~~(16) "Utah Education and Telehealth Network Board" or "UETN board" means the Utah Education and Telehealth Network Board created in Section 53B-17-105.~~

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

~~53A-1-1203. Digital Teaching and Learning Program.~~

~~There is created the Digital Teaching and Learning Program, a qualifying grant program for qualifying LEAs.†2) (a) The board shall establish a digital teaching and learning task force to develop a funding proposal to present to the Legislature for digital teaching and learning in elementary and secondary schools.~~

~~(b) The digital teaching and learning task force shall include representatives of:~~

~~(i) the board;~~

~~(ii) UETN;~~

~~(iii) LEAs; and~~

~~(iv) the Governor's Education Excellence Commission.~~

~~(3) (a) The board, in consultation with the digital teaching and learning task force created in Subsection (2), shall create a funding proposal for a statewide digital teaching and learning program designed to:~~

~~(i) improve student outcomes through the use of digital teaching and learning technology; and~~

~~(ii) provide high quality professional learning for educators to improve student outcomes through the use of digital teaching and learning technology† and educator professional development.~~

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

~~53A-1-1204. Digital Teaching and Learning Program Advisory Committee.~~

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

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

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

~~(2) The advisory committee shall consist of:~~

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

~~(i) one member who has extensive digital educational content experience related to curriculum and learning standards;~~

~~(ii) one member who is a current or former school district superintendent or principal~~

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~~who has extensive experience with leading a technology program;~~

~~—— (iii) one member who is;~~

~~—— (A) an assistant superintendent for curriculum and instruction; or~~

~~—— (B) a principal who has extensive experience with a technology program;~~

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

~~—— (v) one member with demonstrated change leadership or change management expertise;~~

~~—— (vi) one member who is a teacher recognized as a leader in implementing a technology program;~~

~~—— (vii) one member who has extensive experience in independent program evaluation of technology initiatives;~~

~~—— (viii) one member who has extensive experience and demonstrated leadership in college and career readiness;~~

~~—— (ix) one member who represents businesses with expertise in the state requirements for a skilled workforce;~~

~~—— (x) one member who is a technology expert from an urban LEA;~~

~~—— (xi) one member who is a technology expert from a rural LEA;~~

~~—— (xii) one member of the Senate; and~~

~~—— (xiii) one member of the House of Representatives;~~

~~—— (b) the executive director of the UETN; and~~

~~—— (c) the state superintendent of public instruction.~~

~~—— (3) The UETN board shall weigh heavily an individual's reputation as a national leader in the individual's area of expertise when appointing the members described in Subsections (2)(a)(i), (iv), (v), (vii), and (viii).~~

~~—— (4) When a vacancy occurs in the membership of the advisory committee appointed under Subsection (2)(a), for any reason, the UETN board shall appoint a replacement member who meets the same criteria as the vacated member.~~

~~—— (5) The executive director of UETN and the state superintendent of public instruction shall serve as co-chairs for the advisory committee.~~

~~—— (6) The advisory committee shall meet when a meeting of the advisory committee is~~

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~~called by an advisory committee chair:~~

~~—— (7) (a) A quorum of the advisory committee is eight members:~~

~~—— (b) Approval by the greater of the following is required to constitute an action of the advisory committee:~~

~~—— (i) a majority of the members present at an advisory committee meeting; or~~

~~—— (ii) seven members:~~

~~—— (8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:~~

~~—— (a) Section 63A-3-106;~~

~~—— (b) Section 63A-3-107; and~~

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

~~—— (9) UETN staff shall staff the advisory committee:~~

~~—— Section 5. Section 53A-1-1205 is enacted to read:~~

~~—— **53A-1-1205. Education consultant -- Education technology providers --**~~

~~**Monitoring student usage of technology:**~~

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

~~—— (b) The education consultant shall advise the board, the UETN board, and the advisory committee as provided in this part, including consulting with the board, the UETN board, and the advisory committee in:~~

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

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

~~—— (iii) the development of LEA plans; and~~

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

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

~~—— (2) (a) In consultation with the board and the education consultant, the UETN board shall, through a prequalification process described in Section 63G-6a-403, identify prequalified~~

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~~education technology providers that a qualifying LEA may select to work with to implement the program by providing the following goods or services:~~

~~—— (i) wireless network infrastructure or infrastructure related to;~~

~~(b) The board shall:~~

~~—— (i) identify outcome based metrics to measure student achievement related to a digital teaching and learning;~~

~~—— (ii) hardware related to} program; and~~

~~—— (ii) develop minimum benchmark standards for student achievement and school level outcomes to measure successful implementation of a digital teaching and learning, including laptop computers or mobile devices;~~

~~—— (iii) digital licensed and unlicensed content, resources, and programs to accelerate student learning in mobile digital teaching and learning;~~

~~—— (iv) software that provides a digital learning platform that:~~

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

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

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

~~—— (D) includes collaboration and communication tools and integration via applicable interoperability standards; and~~

~~—— (E) is capable of integrating with the state's or LEA's student information system;~~

~~—— (v) technology support services; or~~

~~—— (vi) professional learning for educators, administrators, and support staff related to the program;~~

~~—— (b) A person who responds to the request for a statement of qualifications under the prequalification process described in Subsection (2)(a) shall submit:~~

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

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

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

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

~~—— (iii) a disclosure of all exclusive financial arrangements with education publishers, other education technology providers, or education companies;~~

~~—— (3) In evaluating a statement of qualifications under the prequalification process described in Subsection (2)(a), the UETN board's evaluation criteria shall weigh heavily the person's ability to prepare and customize the person's products or services to meet the objectives of a participating LEA's LEA plan;~~

~~—— (4) In prequalifying the education technology providers under Subsection (2), the UETN board shall prequalify education technology providers that allow an LEA to:~~

~~—— (a) select an education technology provider to assist in the development and implementation of an LEA plan under Section 53A-1-1209; or~~

~~—— (b) select specific products or services provided by one or more education technology providers;~~

~~—— (5) After identifying prequalified education technology providers as described in Subsection (2), the UETN board shall follow the request for proposals process described in Title 63G, Chapter 6a, Utah Procurement Code, to select education technology providers from the prequalified education technology providers identified in Subsection (2);~~

~~—— (6) The UETN board shall ensure that:~~

~~—— (a) a contract with an education technology provider selected under this section will include a performance accountability section; and~~

~~—— (b) the performance accountability section described in Subsection (6)(a) defines:~~

~~—— (i) penalties or consequences, if the qualifying LEA, using the services of the education technology provider selected under this section, does not meet student performance outcome benchmarks described in Subsection 53A-1-1208(6); and~~

~~—— (ii) requirements that a qualifying LEA shall meet for the education technology provider selected under this section to receive compensation;~~

~~—— (7) Annually, within 30 days of the publication of results on a statewide assessment, the UETN board shall publish a report detailing the correlation of the use of each education technology provider's products and services selected under this section and the student academic achievement, as measured by student results on a statewide assessment;~~

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~~—— (8) (a) The UETN board shall select, through a request for proposals process, one or more education technology providers to provide licenses for software that monitors student usage of technology in qualifying LEA schools.~~

~~—— (b) In evaluating education technology provider proposals submitted in response to the request for proposals described in Subsection (8)(a), the UETN board shall ensure that the evaluation criteria weigh heavily the extent to which the software:~~

~~—— (i) monitors, in detail, application usage and website access of all student computing devices that are purchased with program money;~~

~~—— (ii) allows public access to aggregate student device utilization data at the state, school district, and school level;~~

~~—— (iii) protects student data from being accessed by unauthorized users; and~~

~~—— (iv) when used, is compliant with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.~~

~~—— (9) (a) The UETN board shall distribute a license for the software described in Subsection (8) to a qualifying LEA.~~

~~—— (b) A qualifying LEA shall install the software described in Subsection (8) on a device used by a student.~~

~~—— (10) In a contract with an education technology provider described in this section, the UETN board and a qualifying LEA shall:~~

~~—— (a) require an education technology provider to use student information received as part of providing services to the UETN board, board, or qualifying LEA, strictly for the purpose of providing the contracted services to the UETN board, board, or qualifying LEA; and~~

~~—— (b) prohibit an education technology provider from:~~

~~—— (i) using student information received as part of providing services to the UETN board, board, or qualifying LEA, for a use not described in the contract;~~

~~—— (ii) collecting student information that is unrelated to the services the education technology provider is required to perform pursuant to a contract with the UETN board, board, or qualifying LEA; or~~

~~—— (iii) selling student information.~~

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

~~—— 53A-1-1206. Master plan:~~

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~~(1) (a) In consultation with the board, the education consultant, and the advisory committee, the UETN; program.~~

~~(4) As funding allows, the board shall develop a master plan for ~~the program to integrate the program into the state's public education system.~~~~

~~(b) The UETN board shall submit the master plan to the board for final approval.~~

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

~~a statewide digital teaching and learning program, including the following:~~

~~(a) a statement of purpose that describes the objectives or goals the ~~UETN~~ board will accomplish by implementing ~~the~~ a digital teaching and learning program;~~

~~(b) a forecast for fundamental components ~~of the~~ needed to implement a digital teaching and learning program, including a forecast for:~~

~~(i) student and teacher devices;~~

~~(ii) Wi-Fi and wireless compatible technology;~~

~~(iii) curriculum software;~~

~~(iv) assessment solutions;~~

~~(v) technical support;~~

~~(vi) change management of LEAs;~~

~~(vii) high quality professional ~~development~~ learning;~~

~~(viii) Internet delivery and capacity; and~~

~~(ix) security and privacy of users;~~

~~(c) a determination of the requirements for:~~

~~(i) statewide technology infrastructure; and~~

~~(ii) local LEA technology infrastructure;~~

~~(d) standards for high quality professional learning related to implementing and maintaining ~~the program~~;~~

~~(e) a detailed definition of at least one type of device to be used by LEAs and distributed to educators and students;~~

~~(f) a digital teaching and learning program;~~

~~(e) a statewide technical support plan that will guide the implementation and maintenance of ~~the~~ a digital teaching and learning program, including standards and competency requirements for technical support personnel;~~

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~~(g)f~~ (i) a grant program for ~~qualifying LEAs developed in accordance with Section 53A-1-1207;~~

~~(h) specifications for an LEA plan that include:~~

~~(i) format and submission requirements; and~~

~~(ii) other LEA plan requirements, including the requirements described in Section 53A-1-1209;~~

~~(i) LEAs; or~~

(ii) a distribution formula to fund LEA digital teaching and learning programs;

(g) in consultation with UETN, an inventory of the state public education system's current technology resources, including software, and other items and a plan to integrate those resources into the a digital teaching and learning program;

~~(f)h~~ an ongoing evaluation process that is ~~f~~

~~(i) overseen by the board;~~

~~(ii) performed by the independent evaluator selected in Section 53A-1-1210; and~~

~~(iii) based on the criteria described in Section 53A-1-1210;~~

~~(k)i~~ proposed rules that incorporate the principles of the master plan into the state's public education system as a whole; and

~~(f)i~~ a plan to ensure long-term sustainability that:

(i) accounts for the financial impacts of ~~the~~ a digital teaching and learning program;

and

(ii) facilitates the redirection of LEA savings that arise from implementing ~~the~~ program.

~~(3) The UETN board shall integrate into the master plan privacy and security requirements of:~~

~~(a) federal law;~~

~~(b) Sections 53A-13-301 and 53A-13-302; and~~

~~(c) rules developed by the board.~~

~~(4) The UETN board shall complete the master plan on~~ a digital teaching and learning program.

(5) As funding allows, UETN shall:

(a) conduct an inventory of the state public education system's current technology

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resources and other items as determined by UETN, including software; and

(b) perform an engineering study to determine the technology infrastructure needs of the public education system to implement a digital teaching and learning program, including the infrastructure needed for the board, UETN, and LEAs.

(6) On or before December 1, 2015;

~~Section 7. Section 53A-1-1207 is enacted to read:~~

~~53A-1-1207. Digital Teaching and Learning Grant Program -- Grant money uses:~~

~~(1) (a) In accordance with this part, the UETN board, in consultation with the board and the advisory committee, shall identify LEAs that qualify to receive a grant described in this section.~~

~~(b) The board shall distribute grant money to a qualifying LEA:~~

~~(i) identified by the UETN board as a qualifying LEA; and~~

~~(ii) in accordance with the distribution requirements of Section 53A-1-1208.~~

~~(2) (a) The UETN board may only approve an LEA's grant application and designate the LEA as a qualifying LEA if:~~

~~(i) the LEA's LEA plan complies with the requirements;}, the board and UETN shall present the funding proposal for a statewide digital teaching and learning program described in Subsection (3) to the Education Interim Committee and the Executive Appropriations Committee, including:~~

~~(a) the board's progress on the development of a master plan described in Subsection (4); and~~

~~(b) the progress of UETN on the inventory and study described in Subsection (5).~~

~~Section 2. Coordinating H.B. 222 with H.B. 2 -- Substantive and technical amendments.~~

~~If this S.B. 222 and H.B. 2, Public Education Budget Amendments, both pass and become law, the Legislature intends that the following intent language applies to Uncodified Section 3, Operating and capital budgets, "The Legislature intends that the State Board of Education may use the appropriation for K-12 Digital Literacy for purposes of creating a digital teaching and learning task force and funding proposal as described in Section ~~{53A-1-1209;~~~~

~~(ii) the UETN board determines that the LEA's LEA plan is rigorous and complete; and~~

~~(iii) at least 11 members of the advisory committee vote in favor of approving the~~

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LEA's plan:

- ~~_____ (b) The advisory committee shall:~~
- ~~_____ (i) keep a record of advisory committee member votes for and against approval of each LEA plan, including the name of each advisory committee member who voted for or against each LEA plan; and~~
- ~~_____ (ii) publish the record of advisory committee member votes described in Subsection (2)(b)(i) on a website accessible by:~~
 - ~~_____ (A) the UETN board;~~
 - ~~_____ (B) the board;~~
 - ~~_____ (C) an LEA; and~~
 - ~~_____ (D) a member of the public;~~
- ~~_____ (3) The UETN board shall condition a grant on:~~
 - ~~_____ (a) UETN board approval of the LEA's plan;~~
 - ~~_____ (b) satisfactory progress toward achieving the participating LEA's LEA plan objectives, goals, and outcomes;~~
 - ~~_____ (c) the LEA providing matching funds as described in Subsection (5); and~~
 - ~~_____ (d) completion by the qualifying LEA of any UETN board requirement specific to receiving the grant award;~~
- ~~_____ (4) (a) An LEA grant applicant shall submit an LEA plan to the UETN board for approval:~~
 - ~~_____ (b) The UETN board shall:~~
 - ~~_____ (i) review applicant LEA plans;~~
 - ~~_____ (ii) identify qualifying LEAs to receive grant money; and~~
 - ~~_____ (iii) (A) approve the LEA plans of qualifying LEAs; or~~
 - ~~_____ (B) make recommendations to LEAs on how to improve LEA plans;~~
- ~~_____ (5) (a) A qualifying LEA shall provide matching funds in an amount equal to the difference between:~~
 - ~~_____ (i) the amount of funds distributed by the board to the qualifying LEA in accordance with Section 53A-1-1208; and~~
 - ~~_____ (ii) the amount of funds needed to provide a certain amount per student:~~
 - ~~_____ (A) participating in the program;~~

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~~—— (B) within the qualifying LEA; and~~

~~—— (C) as described in Subsection (5)(b).~~

~~—— (b) The UETN board will determine the amount per student that a qualifying LEA will be required to match.~~

~~—— (c) The UETN board may consider a qualifying LEA's in-kind expenditures as part of the qualifying LEA's matching funds required in Subsection (5)(a), including prior expenditures in hardware, software, infrastructure, and technology related professional development.~~

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

~~—— (b) A qualifying LEA may contract with an education technology provider that was not identified by the UETN board as a prequalified education technology provider under Section 53A-1-1205 if:~~

~~—— (i) the education technology provider proposed in the LEA's LEA plan meets the criteria described in Subsection 53A-1-1205(2);~~

~~—— (ii) the LEA had a contract or other relationship with the education technology provider prior to the LEA submitting the LEA's LEA plan; and~~

~~—— (iii) the LEA's contract or other relationship with the education technology provider proposed in the LEA plan was created in compliance with Title 63G, Chapter 6a, Utah Procurement Code.~~

~~—— (7) A qualifying LEA may not use grant money:~~

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

~~—— (b) to fund nontechnology programs;~~

~~—— (c) to purchase mobile telephones; or~~

~~—— (d) to fund voice or data plans for mobile telephones.~~

~~—— Section 8. Section 53A-1-1208 is enacted to read:~~

~~—— **53A-1-1208. Distribution of grant money to qualifying LEAs.**~~

~~—— (1) The board shall distribute money appropriated for the program to qualifying LEAs as described in this section.~~

~~—— (2) (a) The amount available to distribute to qualifying charter schools is an amount equal to the product of:~~

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- ~~—— (i) enrollment on October 1 in the prior year at charter schools statewide, divided by enrollment on October 1 in the prior year in public schools statewide; and~~
- ~~—— (ii) the total amount available for distribution under this section.~~
- ~~—— (b) The board shall distribute to qualifying charter schools the amount available for distribution to qualifying charter schools:~~
 - ~~—— (i) in proportion to each qualifying charter school's enrollment as a percentage of the total enrollment in qualifying charter schools; or~~
 - ~~—— (ii) as determined by the State Charter School Board and approved by the board.~~
- ~~—— (3) The board shall distribute grant money to the Utah Schools for the Deaf and the Blind in an amount equal to the product of:~~
 - ~~—— (a) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the Blind, divided by enrollment on October 1 in the prior year in public schools statewide; and~~
 - ~~—— (b) the total amount available for distribution under this section.~~
- ~~—— (4) Of the funds available for distribution under this section after the allocation of funds for the Utah Schools for the Deaf and the Blind and qualifying charter schools, the board shall distribute grant money to qualifying LEAs that are school districts as follows:~~
 - ~~—— (a) the board shall distribute two-thirds of the total funding available for qualifying LEAs that are school districts to the qualifying LEAs according to a funding formula adopted by the board that considers:~~
 - ~~—— (i) the property tax effort of the school district, giving more funding to a school district making a high tax effort; and~~
 - ~~—— (ii) the school district's ability to generate property tax revenue based on the per-student taxable value of property within the boundary of the school district, giving more funding to a school district with low taxable value per-student; and~~
 - ~~—— (b) the board shall distribute one-third of the total funding available for qualifying LEAs that are school districts to the qualifying LEAs as follows:~~
 - ~~—— (i) 10% of the funds shall be distributed on an equal basis; and~~
 - ~~—— (ii) the remaining 90% of the funds shall be distributed to the qualifying LEAs on a per-student basis.~~
- ~~—— (5) (a) Subject to the provisions of Subsections (5)(b) and (c), each LEA has an opportunity to receive an amount of money equal to the amount of money that the LEA would~~

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~~receive in year one of the program if the LEA's LEA plan had been approved in year one as described in Section 53A-1-1207.~~

~~—— (b) If an LEA's LEA plan is not approved during year one of the program, the board shall deposit the LEA's allocation of program money described in Subsection (5)(a) into a separate account that is non-lapsing.~~

~~—— (c) The board shall award an LEA the LEA's allocation of the year one program money in a subsequent year of the program if:~~

~~—— (i) the LEA's LEA plan was not approved during year one of the program; and~~

~~—— (ii) in the subsequent year, the LEA's LEA plan is approved as described in Section 53A-1-1207.~~

~~—— (6) (a) The board shall set minimum improvement benchmark standards in the school level outcomes described in Subsection 53A-1-1209(1) that an LEA shall use to establish the LEA's minimum improvement benchmarks described in Subsection 53A-1-1209(4).~~

~~—— (b) The board may only distribute the following money to a qualifying LEA in year two and subsequent years if the qualifying LEA meets the minimum improvement benchmarks set in the qualifying LEA's LEA plan:~~

~~—— (i) for a qualifying LEA that is a charter school, one-third of the money the qualifying LEA would receive from a distribution described in Subsection (2);~~

~~—— (ii) for a qualifying LEA that is the Utah Schools for the Deaf and the Blind, one-third of the money the Utah Schools for the Deaf and the Blind would receive from a distribution described in Subsection (3); and~~

~~—— (iii) for a qualifying LEA that is a school district, the money the qualifying LEA would receive from a distribution described in Subsection (4)(b);~~

~~—— (c) When setting the minimum improvement benchmark standards described in Subsection (6)(a) for year two, the board shall require an LEA to give substantially equal weight to:~~

~~—— (i) the extent to which the qualifying LEA follows, and complies with, the qualifying LEA's LEA plan; and~~

~~—— (ii) the extent to which the school level and student academic outcomes described in Subsections 53A-1-1209(1)(b) and 53A-1-1209(1)(c) were met.~~

~~—— (d) When setting the minimum improvement benchmark standards described in~~

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~~Subsection (6)(a) for year three and subsequent years, the board shall require an LEA's minimum improvement benchmarks to be based solely on the school level outcomes as defined in Subsections 53A-1-1209(1)(b) and 53A-1-1209(1)(c):~~

~~—— (7) If a qualifying LEA fails to meet the minimum improvement benchmarks included in the qualifying LEA's LEA plan and loses the qualifying LEA's distribution described in Subsection (6)(b), the qualifying LEA may resubmit the qualifying LEA's LEA plan for approval, including goals to improve student performance and meet the minimum improvement benchmarks in the LEA plan.~~

~~—— (8) Beginning with year four of the program, the board shall proportionately decrease a qualifying LEA's funding under this section:~~

~~—— (a) if only a percentage of the qualifying LEA's students participate in the program; and~~

~~—— (b) by an amount equal to the percentage of the qualifying LEA's students that do not participate in the program.~~

~~—— Section 9. Section 53A-1-1209 is enacted to read:~~

~~—— **53A-1-1209. LEA plans.**~~

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

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

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

~~—— (i) student achievement on statewide assessments; and~~

~~—— (ii) cost savings and improved efficiency relating to instructional materials, facilities, and maintenance;~~

~~—— (c) in addition to the required school level outcomes described in Subsection (1)(b), design criteria that enable the LEA to improve other school level outcomes, including:~~

~~—— (i) attendance;~~

~~—— (ii) discipline incidents;~~

~~—— (iii) parental involvement;~~

~~—— (iv) citizen involvement;~~

~~—— (v) graduation rates;~~

~~—— (vi) student enrollment in higher education;~~

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- ~~—— (vii) dropout rates;~~
- ~~—— (viii) student technology proficiency for college and career readiness; and~~
- ~~—— (ix) teacher satisfaction and engagement;~~
- ~~—— (d) an implementation process structured to yield the desired outcomes;~~
- ~~—— (e) a plan for infrastructure acquisition;~~
- ~~—— (f) a process for procurement and distribution of the goods and services the LEA intends to use as part of the LEA's implementation of the program;~~
- ~~—— (g) a description of necessary high quality, digital instructional materials aligned with UETN board standards;~~
- ~~—— (h) a detailed plan for student engagement in personalized learning;~~
- ~~—— (i) technical support standards for implementation and maintenance of the program that:~~
 - ~~—— (i) include support for hardware and Internet access; and~~
 - ~~—— (ii) remove technical support burdens from the classroom teacher;~~
 - ~~—— (j) proposed security policies, including security audits and remediation of identified lapses;~~
 - ~~—— (k) an inventory of the LEA's current technology resources, including software, and a description of how the LEA will integrate those resources into the LEA's implementation of the program;~~
 - ~~—— (l) a disclosure by the LEA of the LEA's current technology expenditures;~~
 - ~~—— (m) a description of how the LEA will:~~
 - ~~—— (i) provide high quality professional learning for educators, administrators, and support staff participating in the program, including ongoing periodic coaching;~~
 - ~~—— (ii) provide special education students with appropriate software; and~~
 - ~~—— (iii) meet other criteria established by the UETN board; and~~
 - ~~—— (n) except as provided in Subsection (3), an assurance that the LEA will implement the program in an entire school at a time and not introduce the program into schools in a partial manner.~~
- ~~—— (2) An LEA shall include the LEA's proposed implementation of the program over multiple years in the LEA plan.~~
- ~~—— (3) (a) An LEA is not required to implement the program an entire school at a time in~~

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an elementary school.

~~—— (b) An LEA is not required to implement the program in kindergarten through grade 4.~~

~~—— (4) An LEA plan shall include minimum improvement benchmarks in the school level outcomes described in Subsections (1)(b) and (1)(c):~~

~~—— (a) that the LEA will be required to meet for the LEA to continue to:~~

~~—— (i) receive funding described in Subsection 53A-1-1208(6)(b); and~~

~~—— (ii) participate in the program in years three and on; and~~

~~—— (b) in accordance with the minimum improvement benchmark standards developed by the board in Subsection 53A-1-1208(6):~~

~~—— (5) As part of the LEA's LEA plan, an LEA may propose to contract with an education technology provider that was not identified by the UETN board as a prequalified education technology provider under Subsection 53A-1-1205(2) if:~~

~~—— (a) the education technology provider proposed in the LEA's LEA plan meets the criteria described in Subsection 53A-1-1205(2);~~

~~—— (b) the LEA had a contract or other relationship with the education technology provider prior to the LEA submitting the LEA's LEA plan; and~~

~~—— (c) the LEA's contract or other relationship with the education technology provider proposed in the LEA plan was created in compliance with Title 63G, Chapter 6a, Utah Procurement Code:~~

~~—— (6) (a) As part of the LEA's LEA plan, an LEA may propose to:~~

~~—— (i) scale the LEA's program implementation; or~~

~~—— (ii) limit the number of students within the LEA who will participate in the program.~~

~~—— (b) If the LEA scales the LEA's program implementation or limits the number of students within the LEA who will participate in the program as described in Subsection (6)(a), beginning with year four of the program, the board shall proportionately decrease the LEA's program money as described in Subsection 53A-1-1208(8):~~

~~—— (7) In preparing an LEA plan, an LEA shall encourage participation and input from parents, educators, technology support personnel, and school community councils:~~

~~—— (8) An LEA may subject an LEA plan to a peer review:~~

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

~~—— 53A-1-1210. Board evaluation of program -- Selection of an independent~~

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~~evaluator -- UETN board and State Board of Education reporting requirements:~~

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

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

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

~~—— (c) The independent evaluator shall comply with the rules developed by the board and the UETN board under this part.~~

~~—— (3) Under the direction of the board, the independent evaluator shall:~~

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

~~—— (b) report to the board on the criteria described in Subsection (4) annually;~~

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

~~—— (d) perform other related tasks assigned to the independent evaluator by the board.~~

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

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

~~—— (b) student learning growth on statewide assessments in core subject areas administered pursuant to Section 53A-1-603;~~

~~—— (c) the high school graduation rate;~~

~~—— (d) student performance on the ACT;~~

~~—— (e) student attendance levels; and~~

~~—— (f) other criteria determined by the board.~~

~~—— (5) The independent evaluator shall:~~

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

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

~~—— (ii) independent research;~~

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

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- ~~—— (i) participating LEAs;~~
- ~~—— (ii) the board through the independent evaluator's annual report to the board; and~~
- ~~—— (iii) the UETN board; and~~
- ~~—— (c) make recommendations to the board and the UETN board on modifications of LEA plans for qualifying LEAs both individually and collectively;~~
- ~~—— (6) The board and the UETN board shall jointly report annually to the Education Interim Committee on or before the committee's November meeting regarding:~~
 - ~~—— (a) the status of the program, including the level of technology integration in individual qualifying LEAs; and~~
 - ~~—— (b) the results of the ongoing review and evaluation conducted under this section.~~
- ~~Section 11. 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;~~

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~~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:~~

~~—— (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 12. **Repealer.**~~

~~—— This bill repeals:~~

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

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

~~—— Section 13. **Appropriation for fiscal year 2014-15.**~~

~~—— Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts~~

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~~previously appropriated, out of the funds or accounts indicated. These sums of money are in addition to any amounts previously appropriated for fiscal year 2015:~~

~~——— To the Utah Education and Telehealth Network
From Education Fund, one-time \$907,500~~

~~——— Schedule of Programs:~~

~~——— Digital Teaching and Learning Program \$907,500~~

~~——— The Legislature intends that:~~

~~——— (1) the Utah Education and Telehealth Network use the appropriation under this section to immediately begin implementation of the Digital Teaching and Learning Program created in Title 53A, Chapter 1, Part 12, Digital Teaching and Learning Program; and~~

~~——— (2) the appropriation under this section be:~~

~~——— (a) one-time; and~~

~~——— (b) non-lapsing.~~

~~——— Section 14. **Appropriation for fiscal year 2015-16.**~~

~~——— Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or accounts indicated. These sums of money are in addition to any amounts previously appropriated for fiscal year 2016:~~

~~——— To State Board of Education - Utah State Office of Education - Initiative Programs
From Education Fund \$16,350,000
From Education Fund, one-time \$50,000,000~~

~~——— Schedule of Programs:~~

~~——— Contracts and Grants -- Digital Teaching and Learning Program \$66,350,000~~

~~——— To the Utah Education and Telehealth Network
From Education Fund \$8,650,000~~

~~——— Schedule of Programs:~~

~~——— Digital Teaching and Learning Program \$8,650,000~~

~~——— The Legislature intends that:~~

~~——— (1) the State Board of Education:~~

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~~—— (a) shall use \$65,000,000 of the appropriation to the State Board of Education under this section to distribute grant money to qualifying LEAs as described in Sections 53A-1-1207 and 53A-1-1208;~~

~~—— (b) may use up to \$1,000,000 of the appropriation to the State Board of Education to contract with an independent evaluator to conduct an evaluation of the Digital Teaching and Learning Program as required by Section 53A-1-1210; and~~

~~—— (c) may use up to \$350,000 of the appropriation to the State Board of Education to oversee and evaluate the Digital Teaching and Learning Program created in Title 53A, Chapter 1, Part 12, Digital Teaching and Learning Program;~~

~~—— (2) the Utah Education and Telehealth Network:~~

~~—— (a) may use up to \$6,700,000 of the appropriation to the Utah Education and Telehealth Network for infrastructure and technology support for the Digital Teaching and Learning Program created in Title 53A, Chapter 1, Part 12, Digital Teaching and Learning Program;~~

~~—— (b) may use up to \$750,000 of the appropriation to the Utah Education and Telehealth Network to contract with an education consultant as required by Section 53A-1-1205;~~

~~—— (c) may use up to \$850,000 of the appropriation to the Utah Education and Telehealth Network to administer and implement the Digital Teaching and Learning Program created in Title 53A, Chapter 1, Part 12, Digital Teaching and Learning Program; and~~

~~—— (d) may use up to \$350,000 of the appropriation to the Utah Education and Telehealth Network to contract with one or more technology providers to provide software to monitor student and teacher usage of technology in qualifying LEA schools as required in Section 53A-1-1205; and~~

~~—— (3) the appropriations under this section be:~~

~~—— (a) ongoing; and~~

~~—— (b) non-lapsing.~~

~~—— Section 15. **Effective date.**~~

~~—— (1) Except as provided in Subsection (2), 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.~~

~~—— (2) Uncodified Section 14, Appropriation, takes effect on July 1, 2015.~~

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Legislative Review Note

as of 1-8-15 8:44 AM

Office of Legislative Research and General Counsel; 53A-1-710."