

## HB0277S01 compared with HB0277

~~deleted text~~ shows text that was in HB0277 but was deleted in HB0277S01.

inserted text shows text that was not in HB0277 but was inserted into HB0277S01.

**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.

Representative John Knotwell proposes the following substitute bill:

### PERSONALIZED LEARNING AND TEACHING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John Knotwell**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill creates the Digital Teaching and Learning Grant Program.

##### Highlighted Provisions:

This bill:

- ▶ enacts Title 53A, Chapter 1, Part 14, Digital Teaching and Learning Grant Program, including provisions related to the following:
  - definitions;
  - the digital teaching and learning master plan;
  - readiness assessments;
  - State Board of Education duties and LEA plan requirements;
  - implementation assessments and board interventions; and
  - procurement;

## HB0277S01 compared with HB0277

- ▶ repeals the Smart School Technology Program;
- ▶ repeals language related to a whole-school one-to-one mobile device technology deployment plan; and
- ▶ makes technical and conforming corrections.

### Money Appropriated in this Bill:

This bill appropriates:

- ▶ to the State Board of Education -- Minimum School Program -- Related to Basic School Program -- Digital Teaching and Learning Program, as a one-time appropriation:
  - from the Education Fund, \$750,000;
- ▶ to the State Board of Education -- Minimum School Program -- Related to Basic School Program -- Digital Teaching and Learning Program, as an ongoing appropriation:
  - from the Education Fund, ~~(\$71, \$47, \$750,000; and~~

~~‡~~ \$500,000;

- ▶ to the State Board of Education -- Minimum School Program -- Related to Basic School Program -- Digital Teaching and Learning Program, as a one-time appropriation:
  - from Education Fund, \$24,250,000;
- ▶ to the Utah Education and Telehealth Network -- Digital Teaching and Learning Program, as an ongoing appropriation:
  - from the Education Fund, ~~‡\$23,500,000.~~

~~‡~~ \$500,000; and

- ▶ to the Utah Education and Telehealth Network -- Digital Teaching and Learning Program, as a one-time appropriation:
  - \$23,000,000.

### Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

### Utah Code Sections Affected:

AMENDS:

**HB0277S01 compared with HB0277**

63N-3-105, as renumbered and amended by Laws of Utah 2015, Chapter 283

63N-3-109, as renumbered and amended by Laws of Utah 2015, Chapter 283

ENACTS:

53A-1-1401, Utah Code Annotated 1953

53A-1-1402, Utah Code Annotated 1953

53A-1-1404, Utah Code Annotated 1953

53A-1-1405, Utah Code Annotated 1953

53A-1-1406, Utah Code Annotated 1953

53A-1-1407, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

53A-1-1403, (Renumbered from 53A-1-710, as enacted by Laws of Utah 2015, Chapter 446)

REPEALS:

53A-1-709, as last amended by Laws of Utah 2015, Chapter 415

63N-3-110, as renumbered and amended by Laws of Utah 2015, Chapter 283

Utah Code Sections Affected by Coordination Clause:

53A-1-1402, Utah Code Annotated 1953

53A-1-1403, Utah Code Annotated 1953

53A-1-1405, Utah Code Annotated 1953

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

Section 1. Section **53A-1-1401** is enacted to read:

**Part 14. Digital Teaching and Learning Grant Program**

**53A-1-1401. Title.**

This part is known as "Digital Teaching and Learning Grant Program."

Section 2. Section **53A-1-1402** is enacted to read:

**53A-1-1402. Definitions.**

As used in this part:

(1) "Advisory committee" means the committee established by the board under Section

53A-1-1406.

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

## HB0277S01 compared with HB0277

(3) "Digital readiness assessment" means an assessment provided by the board that:

(a) is completed by an LEA analyzing an LEA's readiness to incorporate comprehensive digital teaching and learning; and

(b) informs the preparation of an LEA's plan for incorporating comprehensive digital teaching and learning.

(4) "High quality professional learning" means the professional learning standards described in Section 53A-3-701.

(5) "Implementation assessment" means an assessment that analyzes an LEA's implementation of an LEA plan, including identifying areas for improvement, obstacles to implementation, progress toward the achievement of stated goals, and recommendations going forward.

(6) "LEA plan" means an LEA's plan to implement a digital teaching and learning program that meets the requirements of this section and requirements set forth by the board and the advisory committee.

(7) "Local education agency" or "LEA" means:

(a) a school district;

(b) a charter school; or

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

(8) "Program" means the Digital Teaching and Learning Grant Program established in this part and as described in a proposal adopted by the digital teaching and learning task force in accordance with Section 53A-1-1403.

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

Section 3. Section **53A-1-1403**, which is renumbered from Section 53A-1-710 is renumbered and amended to read:

~~[53A-1-710].~~      **53A-1-1403. Digital teaching and learning program task force -- Funding proposal for a program -- Master plan -- Reporting requirements.**

~~[(1) As used in this section:]~~

~~[(a) "Board" means the State Board of Education.]~~

~~[(b) "Core subject areas" means the following subject areas:]~~

~~[(i) English language arts;]~~

## HB0277S01 compared with HB0277

~~[(ii) mathematics;]~~

~~[(iii) science; and]~~

~~[(iv) social studies.]~~

~~[(c) "High quality professional learning" means the professional learning standards described in Section 53A-3-701.]~~

~~[(d) "LEA plan" means an LEA's plan to implement a digital teaching and learning program that meets requirements set by the board.]~~

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

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

~~[(ii) a charter school; or]~~

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

~~[(f) "Statewide assessment" means a 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.]~~

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

~~[(2)] (1) (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)] (2) (a) The board, in consultation with the digital teaching and learning task force created in Subsection ~~[(2)] (1)~~, 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.~~

## HB0277S01 compared with HB0277

(b) The board shall:

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

(ii) develop minimum benchmark standards for student achievement and school level outcomes to measure successful implementation of a digital teaching and learning program.

~~[(4)]~~ (3) As funding allows, the board shall develop a master plan for a statewide digital teaching and learning program, including the following:

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

(b) a forecast for fundamental components 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 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 a digital teaching and learning program;

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

(f) (i) a grant program for 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

## HB0277S01 compared with HB0277

current technology resources and other items and a plan to integrate those resources into a digital teaching and learning program;

(h) an ongoing evaluation process that is overseen by the board;

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

(j) a plan to ensure long-term sustainability that:

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

(ii) facilitates the redirection of LEA savings that arise from implementing a digital teaching and learning program.

~~[(5)]~~ (4) UETN shall:

(a) in consultation with the board, conduct an inventory of the state public education system's current technology resources and other items as determined by UETN, including software;

(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; and

(c) as funding allows, provide infrastructure and technology support for school districts and charter schools.

~~[(6)]~~ (5) On or before December 1, 2015, the board and UETN shall present the funding proposal for a statewide digital teaching and learning program described in Subsection ~~[(3)]~~ (2) 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)]~~ (3); and

(b) the progress of UETN on the inventory and study described in Subsection ~~[(5)]~~ (4).

Section 4. Section **53A-1-1404** is enacted to read:

**53A-1-1404. Readiness assessments.**

Beginning July 1, 2016, and ending July 1, 2021, each LEA, including each school within an LEA, shall annually complete a digital readiness assessment.

Section 5. Section **53A-1-1405** is enacted to read:

**53A-1-1405. Digital Teaching and Learning Grant Program -- Board duties --**

## HB0277S01 compared with HB0277

### Advisory committee -- LEA plan requirements.

(1) There is created the Digital Teaching and Learning Grant Program to improve educational outcomes in public schools by effectively incorporating comprehensive digital teaching and learning technology.

(2) The board shall:

(a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules for the administration of the program, including rules requiring:

(i) an LEA plan to include measures to ensure that the LEA monitors and implements technology with best practices, including the recommended use for effectiveness;

(ii) an LEA plan to include robust goals for learning outcomes and appropriate measurements of goal achievement;

(iii) an LEA to demonstrate that the LEA plan can be fully funded by grant funds or a combination of grant and local funds; and

(iv) an LEA to report on funds from expenses previous to the implementation of the LEA plan that the LEA has redirected after implementation;

(b) establish an advisory committee to make recommendations on the program and LEA plan requirements and report to the board; and

(c) in accordance with this part, approve LEA plans and award grants.

(3) (a) The board shall, subject to legislative appropriations, award a grant to an LEA:

(i) that submits an LEA plan that meets the requirements described in Subsection (4);  
and

(ii) for which the LEA's leadership and management members have completed a digital teaching and learning leadership and implementation training as provided in Subsection (3)(b).

(b) The board or its designee shall provide the training described in Subsection (3)(a)(ii).

(4) The board shall establish requirements of an LEA plan that shall include:

(a) the results of the LEA's digital readiness assessment and a proposal to remedy an obstacle to implementation or other issues identified in the assessment;

(b) a proposal to provide high quality professional learning for educators in the use of digital teaching and learning technology;

(c) a proposal for leadership training and management restructuring, if necessary, for

## HB0277S01 compared with HB0277

successful implementation;

(d) clearly identified targets for improved student achievement, student learning, and college readiness through digital teaching and learning; and

(e) any other requirement established by the board in rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including an application process and metrics to analyze the quality of a proposed LEA plan.

(5) The board or the board's designee shall establish an interactive dashboard available to each LEA that is awarded a grant for the LEA to track and report the LEA's long-term, intermediate, and direct outcomes in realtime and for the LEA to use to create customized reports.

Section 6. Section **53A-1-1406** is enacted to read:

**53A-1-1406. Implementation assessment -- Board intervention.**

(1) (a) An LEA that receives a grant as provided in Section 53A-1-1405 shall:

(i) subject to Subsection (1)(b), complete an implementation assessment for each year that the LEA is expending grant money; and

(ii) (A) report the findings of the implementation assessment to the board; and

(B) submit to the board a plan to resolve issues raised in the implementation assessment.

(b) Each school within the LEA shall:

(i) complete an implementation assessment; and

(ii) submit a compilation report that meets the requirements described in Subsections (1)(a)(ii)(A) and (B).

(2) The board or the board's designee shall review an implementation assessment and review each participating LEA's progress from the previous year, as applicable.

(3) The board shall establish interventions for an LEA that does not make progress on implementation of the LEA's implementation plan, including:

(a) nonrenewal of, or time period extensions for, the LEA's grant;

(b) reduction of funds; or

(c) other interventions to assist the LEA.

Section 7. Section **53A-1-1407** is enacted to read:

**53A-1-1407. Procurement -- Independent evaluator.**

## HB0277S01 compared with HB0277

(1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall contract with an independent evaluator to:

(a) annually evaluate statewide direct and intermediate outcomes beginning the first year that grants are awarded, including baseline data collection for long-term outcomes;

(b) in the fourth year after a grant is awarded, and each year thereafter, evaluate statewide long-term outcomes; and

(c) report on the information described in Subsections (1)(a) and (b) to the board.

(2) (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, or other agreement with one or more providers of technology powered learning solutions and one or more providers of wireless networking solutions may be entered into by:

(i) UETN, in cooperation with or on behalf of, as applicable, the board, the board's designee, or an LEA; or

(ii) an LEA.

(b) A contract or agreement entered into under Subsection (2)(a) may be a contract or agreement which:

(i) UETN enters into with a provider and payment for services is directly appropriated by the Legislature, as funds are available, to UETN;

(ii) UETN enters into with a provider and pays for the provider's services and is reimbursed for payments by an LEA that benefits from the services;

(iii) UETN negotiates the terms of on behalf of an LEA that enters into the contract or agreement directly with the provider and the LEA pays directly for the provider's services; or

(iv) an LEA enters into directly, pays a provider, and receives preapproved reimbursement from a UETN fund established for this purpose.

(c) If an LEA does not reimburse UETN in a reasonable time for services received under a contract or agreement described in Subsection (2)(b), the board shall pay the balance due to UETN from the LEA's funds received under Chapter 17a, Part 1, Minimum School Program.

(d) If UETN negotiates or enters into an agreement as described in Subsection (2)(b)(ii) or (2)(b)(iii), and UETN enters into an additional agreement with an LEA that is associated with the agreement described in Subsection (2)(b)(ii) or (2)(b)(iii), the associated agreement

## HB0277S01 compared with HB0277

may be treated by UETN and the LEA as a cooperative procurement, as that term is defined in Section 63G-6a-103, regardless of whether the associated agreement satisfies the requirements of Section 63G-6a-2105.

Section 8. Section **63N-3-105** is amended to read:

### **63N-3-105. Qualification for assistance.**

(1) Except as provided in Section 63N-3-108[;] or 63N-3-109, [~~or 63N-3-110;~~] the administrator shall determine which industries, companies, and individuals qualify to receive money from the Industrial Assistance Account. Except as provided by Subsection (2), to qualify for financial assistance from the restricted account, an applicant shall:

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

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

(c) satisfy other criteria the administrator considers appropriate.

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

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

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

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

(iv) the applicant is an entity offering an economic opportunity under Section 63N-3-109.

(b) The administrator may not exempt the applicant from the requirement under Subsection 63N-3-106(2)(b) that the loan be structured so that the repayment or return to the

## HB0277S01 compared with HB0277

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 63N-3-107; and

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

Section 9. Section 63N-3-109 is amended to read:

**63N-3-109. Financial assistance to entities offering economic opportunities.**

(1) Subject to the duties and powers of the board under Section 63N-1-402, the administrator may provide money from the Industrial Assistance Account to an entity offering an economic opportunity if that entity:

(a) applies to the administrator; and

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

(2) The applicant shall:

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

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

## HB0277S01 compared with HB0277

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

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

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

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

(f) be either:

(i) an entity whose purpose is to exclusively or substantially promote, develop, or maintain the economic welfare and prosperity of the state as a whole, regions of the state, or specific components of the state, including[: (A)] an entity that is a sports development organization under contract with the state for sports development and sporting event attraction and related activities that provide an economic impact or promotional value to the state; or

[(B) an entity that implements technology innovation in public schools, including whole-school one-to-one mobile device technology deployment for the purpose of incubating technology solutions related to economic and workforce development.]

(ii) a company or individual that does not otherwise qualify under Section 63N-3-105.

(3) Subject to the duties and powers of the board under Section 63N-1-402, the administrator shall:

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

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

(c) monitor compliance by an applicant with any contract or agreement entered into by the applicant and the state as provided by Section 63N-3-107; and

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

Section ~~{9}~~10. **Repealer.**

This bill repeals:

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

Section 63N-3-110, **Selection of educational technology provider to implement whole-school one-to-one mobile device technology deployment plan for schools.**

Section ~~{10}~~11. **Appropriation.**

## HB0277S01 compared with HB0277

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 amounts indicated. These sums of money are in addition to amounts previously appropriated for fiscal year 2016.

To State Board of Education -- Digital Teaching and Learning Program

<u>From Education Fund, One-time</u>	<u>\$750,000</u>
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Schedule of Programs:

<u>Digital Teaching and Learning Program</u>	<u>\$750,000</u>
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The Legislature intends that the State Board of Education use \$750,000 of the appropriation under this section to administer and evaluate the program, provide professional development and other assistance to LEAs, and contract with third party providers to assist with the administration of the program as described in Title 53A, Chapter 1, Part 14, Digital Teaching and Learning Grant Program.

Section ~~{11}~~12. **Appropriation.**

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or amounts indicated. These sums of money are in addition to amounts previously appropriated for fiscal year 2017.

Item 1 To State Board of Education -- Minimum School Program -- Related to Basic School Program -- Digital Teaching and Learning Program

<u>From Education Fund</u>	<u>\$47,500,000</u>
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<u>From Education Fund, One-time</u>	<u>\$24,250,000</u>
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Schedule of Programs:

<u>Digital Teaching and Learning Program</u>	<u>\$71,750,000</u>
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Item 2 To Utah Education and Telehealth Network -- Digital Teaching and Learning Program

<u>From Education Fund</u>	<u>\$500,000</u>
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<u>From Education Fund, One-time</u>	<u>\$23,000,000</u>
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Schedule of Programs:



## HB0277S01 compared with HB0277

become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by changing references in:

(1) Subsection 53A-1-1402(4), Subsections 53A-1-1403(2) and (3), and Subsection 53A-1-1405(4) from "high quality professional learning" to "effective professional learning";  
and

(2) Subsection 53A-1-1402(4) from Section "53A-3-701" to Section "53A-15-1703".