

**DIGITAL TEACHING AND LEARNING PROGRAM**

2015 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill creates a digital teaching and learning program for public schools.

**Highlighted Provisions:**

This bill:

- ▶ creates the Digital Teaching and Learning Program, a competitive grant program for local education agencies, to improve school level outcomes through the use of digital teaching and learning technology and educator professional development;
- ▶ requires the State Board of Education 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
  - awarding grants to certain local education agencies;
- ▶ creates the Digital Teaching and Learning 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;
- ▶ establishes requirements for the master plan and individual local education agency plans;
- ▶ establishes requirements for a local education agency (LEA) to participate in a grant program related to the program;
- ▶ limits the amount of funding an LEA may receive from the grant program to the lesser of an amount equal to:
  - 25% of the cost of the implementation of the program within the LEA; or
  - 1% of the LEA's overall budget;
- ▶ provides for ongoing review and evaluation of the program;
- ▶ requires the State Board of Education to report annually to the Education Interim Committee regarding the progress of the program;

- 33           ▶ repeals the Smart School Technology Program; and
- 34           ▶ makes technical changes.

35 **Money Appropriated in this Bill:**

36           None

37 **Other Special Clauses:**

38           None

39 **Utah Code Sections Affected:**

40 AMENDS:

41           **63M-1-906**, as last amended by Laws of Utah 2012, Chapter 208

42 ENACTS:

43           **53A-1-1201**, Utah Code Annotated 1953

44           **53A-1-1202**, Utah Code Annotated 1953

45           **53A-1-1203**, Utah Code Annotated 1953

46           **53A-1-1204**, Utah Code Annotated 1953

47           **53A-1-1205**, Utah Code Annotated 1953

48           **53A-1-1206**, Utah Code Annotated 1953

49           **53A-1-1207**, Utah Code Annotated 1953

50           **53A-1-1208**, Utah Code Annotated 1953

51           **53A-1-1209**, Utah Code Annotated 1953

52 REPEALS:

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

54           **63M-1-909.5**, as last amended by Laws of Utah 2013, Chapter 173



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

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

58           **53A-1-1201. Title.**

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

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

61           **53A-1-1202. Definitions.**

62           As used in this part:

63           (1) "Advisory committee" means the Program Advisory Committee created in Section

64 53A-1-1204.

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

66 (3) "Core subject areas" means the following subject areas:

67 (a) English language arts;

68 (b) mathematics;

69 (c) science; and

70 (d) social studies.

71 (4) "Education consultant" means the person selected by the board under Subsection

72 53A-1-1205.

73 (5) "Education technology provider" means a person selected by the board under

74 Subsection 53A-1-1205.

75 (6) "Educator" means an individual who holds or is required to hold a license under

76 Title 53A, Chapter 6, Educator Licensing and Professional Practices Act.

77 (7) "High quality professional learning" means a comprehensive, sustained, and

78 intensive approach to improving educator effectiveness in raising student achievement and

79 improving the school level outcomes described in Subsection 53A-1-1208(1)(b) that meets the

80 professional learning standards described in Subsection 53A-3-701(2).

81 (8) "Independent evaluator" means the person selected by the board under Subsection

82 53A-1-1209.

83 (9) "LEA plan" means an LEA's plan to implement the program that meets the

84 requirements of Section 53A-1-1208.

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

86 (a) a school district;

87 (b) a charter school; or

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

89 (11) "Master plan" means the master plan developed by the board under Section

90 53A-1-1206.

91 (12) "Participating LEA" means an LEA awarded a grant through the program.

92 (13) "Program" means the Digital Teaching and Learning Program described in this

93 part.

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

95 **53A-1-1203. Digital Teaching and Learning Program.**

96 There is created the Digital and Teaching and Learning Program, a competitive grant  
97 program for participating LEAs, to improve school level outcomes through the use of digital  
98 teaching and learning technology and educator professional development.

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

100 **53A-1-1204. Program Advisory Committee.**

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

102 (i) assist the board with developing selection criteria for and selecting the education  
103 consultant described in Subsection 53A-1-1205(1); and

104 (ii) provide input on the development of the master plan described in Section  
105 53A-1-1206.

106 (b) The advisory committee terminates on December 31, 2016.

107 (2) The advisory committee shall consist of:

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

109 (i) one member who has extensive digital educational content experience tied to  
110 curriculum and learning standards;

111 (ii) one member who is a current or former school district superintendent or principal  
112 who has extensive experience with leading a technology program;

113 (iii) one member who is an assistant superintendent for curriculum and instruction and  
114 has extensive experience with a technology program;

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

117 (v) one member who is a nationally recognized change leadership or change  
118 management expert;

119 (vi) one member who is a teacher who works in a school where a technology program  
120 has been implemented;

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

123 (viii) one member who represents the Utah System of Higher Education; and

124 (ix) one member who represents industry with expertise in the state requirements for a  
125 skilled workforce as defined by the Department of Workforce Services;

126 (b) the executive director of Utah Education and Telehealth Network; and  
127 (c) the executive director of the STEM Action Center appointed under Section  
128 63M-1-3203.

129 (3) When a vacancy occurs in the membership of the advisory committee appointed  
130 under Subsection (2)(a), for any reason, the board shall appoint a replacement that meets the  
131 same criteria as the original appointment.

132 (4) The advisory committee shall elect a chair for the advisory committee.

133 (5) The advisory committee shall meet when a meeting of the advisory committee is  
134 called by the board chair.

135 (6) A quorum of the advisory committee is five members, and the action of a majority  
136 of members present is the action of the advisory committee.

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

139 (a) Section 63A-3-106;

140 (b) Section 63A-3-107; and

141 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
142 63A-3-107.

143 (8) Board staff shall staff the advisory committee.

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

145 **53A-1-1205. Education consultant -- Education technology providers.**

146 (1) (a) On or before August 31, 2015, in consultation with the advisory committee, the  
147 board shall select, through a request for proposals process, a single education consultant with  
148 integrated whole-school learning and teaching technology deployment experience.

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

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

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

153 (iii) the development of preliminary LEA plans; and

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

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

157           (2) (a) In consultation with the education consultant, the board shall, through a request  
158 for proposals process, identify approved education technology providers who a participating  
159 LEA may select to work with to implement the program by providing the following goods or  
160 services:

161           (i) wireless network infrastructure or infrastructure related to digital teaching and  
162 learning;

163           (ii) hardware, including laptop computers or mobile devices related to digital teaching  
164 and learning;

165           (iii) digital licensed and unlicensed content, resources, and programs proven to  
166 accelerate student learning in mobile digital teaching and learning in classrooms;

167           (iv) software that provides a digital learning platform that:

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

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

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

174           (D) includes collaboration and communication tools, and integration via IMS standards  
175 based single sign-on and shared rostering to other structured and unstructured digital  
176 curriculum programs and resources; and

177           (E) is capable of integrating with the state's or LEA's SIS;

178           (v) technology support services; or

179           (vi) professional learning for educators, administrators, and support staff related to the  
180 program.

181           (b) A person who responds to the request for proposals described in Subsection (2)(a)  
182 shall submit:

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

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

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

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

188 (c) In evaluating a response to the request for proposals described in Subsection (2)(a),  
189 the board's evaluation criteria shall weigh heavily the person's ability to prepare and customize  
190 the person's products or services to meet the objectives of a participating LEA's LEA plan.

191 (d) In identifying the education technology providers under this Subsection (2), the  
192 board shall identify education technology providers that allow an LEA to:

193 (i) select an education technology provider to assist in the development and  
194 implementation of an LEA plan under Section 53A-1-1208; or

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

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

198 **53A-1-1206. Master plan.**

199 (1) In consultation with the education consultant and program advisory committee, the  
200 board shall develop a master plan for the program to integrate the program into the state's  
201 public education system.

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

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

205 (b) a determination of the requirements for:

206 (i) statewide technology infrastructure; and

207 (ii) local LEA technology infrastructure;

208 (c) standards for high quality professional learning related to implementing and  
209 maintaining the program;

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

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

214 (f) a grant program to select participating LEAs developed in accordance with Section  
215 53A-1-1207;

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

217 (i) format and submission requirements; and

218 (ii) other LEA plan requirements, including the requirements described in Section

- 219 53A-1-1208;  
220 (h) an inventory of the state public education system's current technology resources,  
221 including software, and a plan to integrate those resources into the program;  
222 (i) an ongoing evaluation process that is overseen by the board, performed by the  
223 independent evaluator, and based on the criteria described in Section 53A-1-1209;  
224 (j) proposed rules that incorporate the principles of the master plan into the state's  
225 public education system as a whole; and  
226 (k) a plan to ensure long-term sustainability that:  
227 (i) accounts for the financial impacts of the program; and  
228 (ii) facilitates the repurposing of LEA savings that arise from implementing the  
229 program.
- 230 (3) The board shall integrate into the master plan privacy and security requirements of:  
231 (a) Sections 53A-13-301 and 302; and  
232 (b) rules developed by the board.  
233 (4) The board shall complete the master plan on or before January 31, 2015.
- 234 Section 7. Section **53A-1-1207** is enacted to read:
- 235 **53A-1-1207. Digital Teaching and Learning Grant Program -- Grant money uses.**
- 236 (1) (a) In accordance with this part, the board, in consultation with the advisory  
237 committee, shall award grants to LEAs that apply for a grant, on a competitive basis, giving  
238 priority to applicants whose plans are timely and well developed.
- 239 (b) The board may award a grant to a participating LEA in an amount up to the lesser  
240 of the following:
- 241 (i) 25% of the cost of a participating LEA's LEA plan; or  
242 (ii) 1% of the LEA's overall budget.
- 243 (2) The board may approve an LEA's grant application only if the LEA's LEA plan  
244 complies with the requirements described in Section 53A-1-1208.
- 245 (3) The board shall condition a grant on:
- 246 (a) board approval of the LEA's plan;  
247 (b) satisfactory progress toward achieving the participating LEA's LEA plan objectives,  
248 goals, and outcomes; and
- 249 (c) completion by the participating LEA of any board requirement specific to receiving



250 the grant award.

251 (4) (a) An LEA grant applicant shall submit an LEA plan to the board for approval.

252 (b) The board, in consultation with the advisory committee and education consultant,

253 shall:

254 (i) review applicant LEA plans;

255 (ii) select participating LEAs to receive grant money; and

256 (iii) amend or approve the LEA plans of participating LEAs.

257 (5) (a) Except as provided in Subsection (5)(b), the board may award grant money to a

258 participating LEA on an annual basis for up to three years.

259 (b) The board may continue to award grant money to a participating LEA for up to an

260 additional two years after the time period described in Subsection (5)(a) if the participating

261 LEA is achieving the participating LEA's objectives, goals, and outcomes as defined in the

262 participating LEA's LEA plan.

263 (6) (a) A participating LEA shall use grant money to contract with one or more of the

264 technology providers identified by the board in Section 53A-1-1205.

265 (7) A participating LEA may not use grant money:

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

267 (b) to fund nontechnology programs; or

268 (c) to purchase mobile telephones.

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

270 **53A-1-1208. LEA plans.**

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

272 (a) a statement of purpose that describes the learning objectives, goals, and measurable

273 outcomes the LEA will accomplish by implementing the program;

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

275 (i) student achievement on statewide tests;

276 (ii) student learning growth;

277 (iii) attendance;

278 (iv) discipline incidents;

279 (v) parental involvement;

280 (vi) citizen involvement;

- 281 (vii) graduation rates;  
282 (viii) student enrollment in higher education;  
283 (ix) dropout rates;  
284 (x) student technology proficiency for college and career readiness;  
285 (xi) teacher satisfaction and engagement; and  
286 (xii) cost savings and improved efficiency relating to instructional materials, facilities,  
287 and maintenance;  
288 (c) an implementation process structured to yield the desired outcomes;  
289 (d) a plan for infrastructure acquisition;  
290 (e) a process for procurement and distribution of the goods and services the LEA  
291 intends to use as part of the LEA's implementation of the program;  
292 (f) a description of necessary high quality, digital instructional materials aligned with  
293 board standards;  
294 (g) a detailed plan for student engagement in personalized learning;  
295 (h) technical support standards for implementation and maintenance of the program  
296 that:  
297 (i) includes support for hardware and Internet access; and  
298 (ii) removes technical support burdens from the classroom teacher;  
299 (i) proposed security policies, including security audits and remediation of identified  
300 lapses;  
301 (j) an inventory of the LEA's current technology resources, including software, and a  
302 description of how the LEA will integrate those resources into the LEA's implementation of the  
303 program;  
304 (k) a disclosure by the LEA of the LEA's current technology expenditures;  
305 (l) a description of how the LEA will:  
306 (i) provide high quality professional learning for educators, administrators, and support  
307 staff participating in the program, including ongoing periodic coaching;  
308 (ii) provide special education students with appropriate software; and  
309 (iii) meet other criteria established by the board.  
310 (2) In preparing an LEA plan, an LEA shall encourage participation and input from  
311 parents, educators, technology support personnel, and school community councils.

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

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

314 **53A-1-1209. Evaluation of program -- Selection of an independent evaluator --**

315 **Board reporting requirements.**

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

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

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

324 (c) The independent evaluator shall comply with the rules developed by the board  
325 under this part.

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

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

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

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

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

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

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

335 (b) student learning growth on statewide assessments of achievement in core subject  
336 areas administered pursuant to Section 53A-1-603;

337 (c) the high school graduation rate;

338 (d) student performance on the ACT;

339 (e) student attendance levels; and

340 (f) other criteria determined by the board.

341 (5) The independent evaluator shall:

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

- 343 (i) the independent evaluator's overall review of the program; and  
 344 (ii) independent research;  
 345 (b) share the best practices identified in Subsection (5)(a) with:  
 346 (i) participating LEAs; and  
 347 (ii) the board through the independent evaluator's annual report to the board; and  
 348 (c) make recommendations to the board on modifications of LEA plans for  
 349 participating LEAs both individually and collectively.
- 350 (6) The board shall report annually to the Education Interim Committee on or before  
 351 the committee's November meeting regarding:
- 352 (a) the status of the program, including the level of technology integration in individual  
 353 participating LEAs; and
- 354 (b) the results of the ongoing review and evaluation conducted under this section.
- 355 Section 10. Section **63M-1-906** is amended to read:
- 356 **63M-1-906. Qualification for assistance.**
- 357 (1) Except as provided in Section 63M-1-908[;] or 63M-1-909[; or 63M-1-909.5], the  
 358 administrator shall determine which industries, companies, and individuals qualify to receive  
 359 money from the Industrial Assistance Account. Except as provided by Subsection (2), to  
 360 qualify for financial assistance from the restricted account, an applicant shall:
- 361 (a) demonstrate to the satisfaction of the administrator that the applicant will expend  
 362 funds in Utah with employees, vendors, subcontractors, or other businesses in an amount  
 363 proportional with money provided from the restricted account at a minimum ratio of 2 to 1 per  
 364 year or other more stringent requirements as established from time to time by the board for a  
 365 minimum period of five years beginning with the date the loan or grant was approved;
- 366 (b) demonstrate to the satisfaction of the administrator the applicant's ability to sustain  
 367 economic activity in the state sufficient to repay, by means of cash or appropriate credits, the  
 368 loan provided by the restricted account; and
- 369 (c) satisfy other criteria the administrator considers appropriate.
- 370 (2) (a) The administrator may exempt an applicant from the requirements of Subsection  
 371 (1)(a) or (b) if:
- 372 (i) the financial assistance is provided to an applicant for the purpose of locating all or  
 373 any portion of its operations to an economically disadvantaged rural area;

- 374 (ii) the applicant is part of a targeted industry;
- 375 (iii) the applicant is a quasi-public corporation organized under Title 16, Chapter 6a,  
376 Utah Revised Nonprofit Corporation Act, or Title 63E, Chapter 2, Independent Corporations  
377 Act, and its operations, as demonstrated to the satisfaction of the administrator, will provide  
378 significant economic stimulus to the growth of commerce and industry in the state; or
- 379 (iv) the applicant is an entity offering an economic opportunity under Section  
380 63M-1-909.
- 381 (b) The administrator may not exempt the applicant from the requirement under  
382 Subsection 63M-1-905(2)(b) that the loan be structured so that the repayment or return to the  
383 state equals at least the amount of the assistance together with an annual interest charge.
- 384 (3) The administrator shall:
- 385 (a) for applicants not described in Subsection (2)(a):
- 386 (i) make findings as to whether or not each applicant has satisfied each of the  
387 conditions set forth in Subsection (1); and
- 388 (ii) monitor the continued compliance by each applicant with each of the conditions set  
389 forth in Subsection (1) for five years;
- 390 (b) for applicants described in Subsection (2)(a), make findings as to whether the  
391 economic activities of each applicant has resulted in the creation of new jobs on a per capita  
392 basis in the economically disadvantaged rural area or targeted industry in which the applicant is  
393 located;
- 394 (c) monitor the compliance by each applicant with the provisions of any contract or  
395 agreement entered into between the applicant and the state as provided in Section 63M-1-907;  
396 and
- 397 (d) make funding decisions based upon appropriate findings and compliance.

398 **Section 11. Repealer.**

399 This bill repeals:

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

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