

Effective 1/24/2018

**Part 2
Contracts**

53F-4-201 State board required to contract for a benchmark assessment system for reading.

- (1)
 - (a) As described in Section 53E-4-307, the state board shall approve a benchmark assessment for use statewide by school districts and charter schools.
 - (b) The state board shall contract with one or more educational technology providers, selected through a request for proposals process, for a benchmark assessment system for reading described in Section 53E-4-307 that meets the requirements of this section.
- (2) Subject to legislative appropriations, a benchmark assessment system for reading shall be made available to school districts and charter schools that apply to use a benchmark assessment for reading beginning in the 2011-12 school year.
- (3) A benchmark assessment system for reading for students described in Subsection (1) shall:
 - (a) be in a digital format;
 - (b) include benchmark assessments of reading proficiency to be administered at the beginning, in the middle, and at the end of kindergarten and the grades for which the state board approves the benchmark assessment;
 - (c) include formative assessments to be administered every two to four weeks for students who are at high risk of not attaining proficiency in reading;
 - (d) align with the language arts core standards for Utah public schools adopted by the state board; and
 - (e) include a data analysis component hosted by the provider that:
 - (i) has the capacity to generate electronic information immediately and produce individualized student progress reports, class summaries, and class groupings for instruction;
 - (ii) may have the capability of identifying lesson plans that may be used to develop reading skills;
 - (iii) enables teachers, administrators, and designated supervisors to access reports through a secured password system;
 - (iv) produces electronic printable reports for parents and administrators; and
 - (v) has the capability for principals to monitor usage by teachers.

Amended by Chapter 14, 2020 Special Session 5

53F-4-202 College readiness diagnostic tool.

- (1) The state board shall contract with a provider, selected through a request for proposals process, to provide an online college readiness diagnostic tool that is aligned with the college readiness assessment described in Section 53E-4-305.
- (2) An online test preparation program described in Subsection (1):
 - (a)
 - (i) shall allow a student to independently access online materials and learn at the student's own pace; and
 - (ii) may be used to provide classroom and teacher-assisted instruction;
 - (b) shall provide online study materials, diagnostic exams, drills, and practice tests in an approach that is engaging to high school students;

- (c) shall enable electronic reporting of student progress to administrators, teachers, parents, and other facilitators;
 - (d) shall record a student's progress in an online dashboard that provides diagnostic assessment of the content areas tested and identifies mastery of corresponding skill sets; and
 - (e) shall provide training and professional development to personnel in school districts and charter schools on how to utilize the online test preparation program and provide teacher-assisted instruction to students.
- (3) The state board, school districts, and charter schools shall make the online test preparation program available to a student:
- (a) beginning in the 2013-14 school year; and
 - (b) for at least one full year.

Amended by Chapter 186, 2019 General Session

53F-4-203 Early interactive reading software -- Independent evaluator.

- (1) Subject to legislative appropriations, the state board shall distribute funds to public schools based on enrollment for students in kindergarten through grade 3 to purchase personalized interactive reading software.
- (2) A public school that receives funds described in Subsection (1) shall use the funds for a student in kindergarten or grade 1, 2, or 3:
- (a) for intervention for the student if the student is reading below grade level; or
 - (b) for advancement beyond grade level for the student if the student is reading at or above grade level.
- (3)
- (a) On or before August 1 of each year, the state board shall select and contract with an independent evaluator, through a request for proposals process, to act as an independent contractor to evaluate early interactive reading software provided under this section.
 - (b) The state board shall ensure that a contract with an independent evaluator requires the independent evaluator to:
 - (i) evaluate a student's learning gains as a result of using early interactive reading software provided under Subsection (1);
 - (ii) for the evaluation under Subsection (3)(b)(i), use an assessment that is not developed by a provider of early interactive reading software; and
 - (iii) determine the extent to which a public school uses the early interactive reading software.
 - (c) The state board and the independent evaluator selected under Subsection (3)(a) shall submit a report on the results of the evaluation in accordance with Section 53E-1-201.
- (4) An LEA may acquire an analytical software program that:
- (a) monitors, for an individual school, early intervention interactive reading software use and the associated impact on student performance; and
 - (b) analyzes the information gathered under Subsection (4)(a) to prescribe individual school usage time to maximize the beneficial impact on student performance.
- (5) The state board:
- (a) may use up to 4% of the appropriation provided under Subsection (1):
 - (i) to contract with an independent evaluator selected under Subsection (3)(a); and
 - (ii) for administrative costs associated with this section; and
 - (b) shall distribute at least 96% of funds under this section to LEAs in accordance with Subsection (1).

- (6) Nothing in this section or in Section 53E-4-307 or 53G-11-303 requires a reading software product to demonstrate the statistically significant effect size described in Subsection 53G-11-303(1)(a) in order to be used as an instructional material.

Amended by Chapter 20, 2023 General Session

53F-4-206 Computer program for students with autism and other special needs.

- (1) To improve social skills and student achievement for students with autism and other special needs in pre-school through grade 2, the state board shall contract with a provider, selected through a request for proposals process, to provide computer software programs and activity manuals.
- (2) In evaluating proposals submitted under Subsection (1), the state board shall:
- (a) ensure that the state board's evaluation criteria weighs heavily the proposer's ability and experience to provide computer software programs and activity manuals to improve social skills and student achievement for students with autism and other special needs in pre-school through grade 2;
 - (b) consider, in evaluating the proposer's ability and experience, any quantitative and evaluative results from field testing, state tests, and other standardized achievement tests;
 - (c) ensure that the state board's evaluation criteria weighs heavily the proposer's ability to:
 - (i) collect data from each computer using the computer software, regardless of where the computer is located;
 - (ii) provide students access to the proposer's program from any computer with internet access;
 - (iii) enable reporting of student progress to administrators, teachers, parents, and other facilitators; and
 - (iv) record a student's progress in the computer software; and
 - (d) consider the extent to which the computer software program uses engaging animation to teach students.
- (3) The state board shall provide the computer software programs and activity manuals procured under this section to school districts and charter schools that demonstrate a commitment by the school principal and staff to implement the computer software programs and activity manuals as prescribed by the provider.

Amended by Chapter 186, 2019 General Session

Effective until 7/1/2024

53F-4-207 Student intervention early warning program.

- (1) As used in this section:
- (a) "Digital program" means a program that provides information for student early intervention as described in this section.
 - (b) "Online data reporting tool" means a system described in Section 53E-4-311.
- (2)
- (a) The state board shall, subject to legislative appropriations:
 - (i) subject to Subsection (2)(c), enhance the online data reporting tool and provide additional formative actionable data on student outcomes; and
 - (ii) select through a competitive contract process a provider to provide to an LEA a digital program as described in this section.
 - (b) Information collected or used by the state board for purposes of enhancing the online data reporting tool in accordance with this section may not identify a student individually.

- (c) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define the primary exceptionalities described in Subsection (3)(e)(ii).
- (3) The enhancement to the online data reporting tool and the digital program shall:
- (a) be designed with a user-appropriate interface for use by teachers, school administrators, and parents;
 - (b) provide reports on a student's results at the student level on:
 - (i) a national assessment;
 - (ii) a local assessment; and
 - (iii) a standards assessment described in Section 53E-4-303;
 - (c) have the ability to provide data from aggregate student reports based on a student's:
 - (i) teacher;
 - (ii) school;
 - (iii) school district, if applicable; or
 - (iv) ethnicity;
 - (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on a single computer screen;
 - (e) have the ability to compare the performance of students, for each teacher, based on a student's:
 - (i) gender;
 - (ii) special needs, including primary exceptionality as defined by state board rule;
 - (iii) English proficiency;
 - (iv) economic status;
 - (v) migrant status;
 - (vi) ethnicity;
 - (vii) response to tiered intervention;
 - (viii) response to tiered intervention enrollment date;
 - (ix) absence rate;
 - (x) feeder school;
 - (xi) type of school, including primary or secondary, public or private, Title I, or other general school-type category;
 - (xii) course failures; and
 - (xiii) other criteria, as determined by the state board; and
 - (f) have the ability to load data from a local, national, or other assessment in the data's original format within a reasonable time.
- (4) Subject to legislative appropriations, the online data reporting tool and digital program shall:
- (a) integrate criteria for early warning indicators, including the following criteria:
 - (i) discipline, including school safety violations;
 - (ii) attendance;
 - (iii) behavior;
 - (iv) course failures; and
 - (v) other criteria as determined by a local school board or charter school governing board;
 - (b) provide a teacher or administrator the ability to view the early warning indicators described in Subsection (4)(a) with a student's assessment results described in Subsection (3)(b);
 - (c) provide data on response to intervention using existing assessments or measures that are manually added, including assessment and nonacademic measures;
 - (d) provide a user the ability to share interventions within a reporting environment and add comments to inform other teachers, administrators, and parents;

- (e) save and share reports among different teachers and school administrators, subject to the student population information a teacher or administrator has the rights to access;
 - (f) automatically flag a student profile when early warning thresholds, that the state board defines, are met so that a teacher can easily identify a student who may be in need of intervention;
 - (g) incorporate a variety of algorithms to support student learning outcomes and provide student growth reporting by teacher;
 - (h) integrate response to intervention tiers and activities as filters for the reporting of individual student data and aggregated data, including by ethnicity, school, or teacher;
 - (i) have the ability to generate parent communication to alert the parent of plans or interventions; and
 - (j) configure alerts based upon student academic results, including a student's performance on the previous year's standards assessment described in Section 53E-4-303 or results to appropriate behavior interventions.
- (5)
- (a) The state board shall ensure that each LEA receives access to a digital program through a provider described in Subsection (2)(a)(ii).
 - (b) An LEA shall:
 - (i) pay for 50% of the cost of providing access to the digital program to the LEA; and
 - (ii) no later than one school year after accessing a digital program, report to the state board in a format required by the state board on:
 - (A) the effectiveness of the digital program;
 - (B) positive and negative attributes of the digital program;
 - (C) recommendations for improving the online data reporting tool; and
 - (D) any other information regarding a digital program requested by the state board.
 - (c) The state board shall consider recommendations from an LEA for changes to the online data reporting tool.
- (6) A person shall provide or use information described in this section in accordance with:
- (a) Title 53E, Chapter 9, Student Privacy and Data Protection;
 - (b) Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
 - (c) the parental consent requirements in Section 53E-9-203.
- (7)
- (a) A parent or guardian may opt the parent's or guardian's student out of participating in a survey prepared by an LEA's online data reporting tool described in this section.
 - (b) An LEA shall provide notice to a parent of:
 - (i) the administration of a survey described in Subsection (7)(a);
 - (ii) if applicable, that the survey may request information from students that is non-academic in nature;
 - (iii) where the parent may access the survey described in Subsection (7)(a) to be administered; and
 - (iv) the opportunity to opt a student out of participating in a survey as described in Subsection (7)(a).
 - (c) An LEA shall annually provide notice to parents and guardians on how the LEA uses student data through the online data reporting tool to provide instruction and intervention to students.
- (8) An LEA may use a different platform from the platform described in Subsection (2)(a)(ii) if the different platform accomplishes the requirements of this section.

Amended by Chapter 21, 2024 General Session

Effective 7/1/2024

53F-4-207 Student intervention early warning program.

- (1) As used in this section:
 - (a) "Digital program" means a program that provides information for student early intervention as described in this section.
 - (b) "Online data reporting tool" means a system described in Section 53E-4-311.
- (2)
 - (a) The state board shall, subject to legislative appropriations:
 - (i) subject to Subsection (2)(c), enhance the online data reporting tool and provide additional formative actionable data on student outcomes; and
 - (ii) select through a competitive contract process a provider to provide to an LEA a digital program as described in this section.
 - (b) Information collected or used by the state board for purposes of enhancing the online data reporting tool in accordance with this section may not identify a student individually.
 - (c) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define the primary exceptionalities described in Subsection (3)(e)(ii).
- (3) The enhancement to the online data reporting tool and the digital program shall:
 - (a) be designed with a user-appropriate interface for use by teachers, school administrators, and parents;
 - (b) provide reports on a student's results at the student level on:
 - (i) a national assessment;
 - (ii) a local assessment; and
 - (iii) a standards assessment described in Section 53E-4-303;
 - (c) have the ability to provide data from aggregate student reports based on a student's:
 - (i) teacher;
 - (ii) school;
 - (iii) school district, if applicable; or
 - (iv) ethnicity;
 - (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on a single computer screen;
 - (e) have the ability to compare the performance of students, for each teacher, based on a student's:
 - (i) gender;
 - (ii) special needs, including primary exceptionality as defined by state board rule;
 - (iii) English proficiency;
 - (iv) economic status;
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 - (vii) response to tiered intervention;
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 - (ix) absence rate;
 - (x) feeder school;
 - (xi) type of school, including primary or secondary, public or private, Title I, or other general school-type category;
 - (xii) course failures; and
 - (xiii) other criteria, as determined by the state board; and

- (f) have the ability to load data from a local, national, or other assessment in the data's original format within a reasonable time.
- (4) Subject to legislative appropriations, the online data reporting tool and digital program shall:
- (a) integrate criteria for early warning indicators, including the following criteria:
 - (i) discipline, including school safety violations;
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 - (v) other criteria as determined by a local school board or charter school governing board;
 - (b) provide a teacher or administrator the ability to view the early warning indicators described in Subsection (4)(a) with a student's assessment results described in Subsection (3)(b);
 - (c) provide data on response to intervention using existing assessments or measures that are manually added, including assessment and nonacademic measures;
 - (d) provide a user the ability to share interventions within a reporting environment and add comments to inform other teachers, administrators, and parents;
 - (e) save and share reports among different teachers and school administrators, subject to the student population information a teacher or administrator has the rights to access;
 - (f) automatically flag a student profile when early warning thresholds, that the state board defines, are met so that a teacher can easily identify a student who may be in need of intervention;
 - (g) incorporate a variety of algorithms to support student learning outcomes and provide student growth reporting by teacher;
 - (h) integrate response to intervention tiers and activities as filters for the reporting of individual student data and aggregated data, including by ethnicity, school, or teacher;
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- (c) An LEA shall annually provide notice to parents and guardians on how the LEA uses student data through the online data reporting tool to provide instruction and intervention to students.
- (8) An LEA may use a different platform from the platform described in Subsection (2)(a)(ii) if the different platform accomplishes the requirements of this section.

Amended by Chapter 23, 2024 General Session

53F-4-208 State board procurement for school security software.

- (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board shall issue a request for proposals, on or before June 15, 2023, and enter a contract with a private vendor for firearm detection software to detect and alert district personnel and first responders about the presence of visible, unholstered firearms on school property.
- (2) The contract described in Subsection (1) shall require the firearm detection software to be:
 - (a) developed in the United States without the use of any third-party or open-source data;
 - (b) protected by an awarded patent that includes a training database populated with frames of actual videos of firearms taken in relevant environments across diverse industries;
 - (c) designated as qualified anti-terrorism technology under the federal SAFETY Act, 6 U.S.C. Sec. 441 et seq.;
 - (d) designed to integrate with existing security camera infrastructure at school districts;
 - (e) managed directly by the contracted vendor through a constantly monitored operations center that is staffed by highly trained analysts in order to rapidly communicate possible threats to end users; and
 - (f) successfully deployed in other states, school districts, and commercial users.
- (3) An LEA may enter into the contract described in Subsection (1) for firearm detection software at the LEA's schools.

Enacted by Chapter 383, 2023 General Session