

**Effective 5/4/2022**

**Effective until 5/1/2024**

**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.
  - (c) "Participating LEA" means an LEA that receives access to a digital program under Subsection (5).
- (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;
    - (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 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 academic 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.
- (5)
- (a) The state board shall, subject to legislative appropriations, select an LEA to receive access to a digital program through a provider described in Subsection (2)(a)(ii).
  - (b) An LEA that receives access to a digital program 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) Information described in this section shall be used in accordance with and provided subject to:
- (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 a participating 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) A participating LEA shall annually provide notice to parents and guardians on how the participating LEA uses student data through the online data reporting tool to provide instruction and intervention to students.