

## HB0131S04 compared with HB0131S03

~~text~~ shows text that was in HB0131S03 but was deleted in HB0131S04.

text shows text that was not in HB0131S03 but was inserted into HB0131S04.

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Representative Francis D. Gibson proposes the following substitute bill:

### PUBLIC EDUCATION MODERNIZATION ACT

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Francis D. Gibson**

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

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#### LONG TITLE

##### General Description:

This bill creates the Public Education Modernization Act.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Initiative to Modernize the Delivery of Public Education in Utah ~~Advisory Committee~~ to modernize the classroom environment in kindergarten through grade 12 statewide by using mobile device technology to fundamentally change the teaching and learning experience;
- ▶ requires the State Board of Education to develop and implement ~~an Initiative to modernize the delivery of public education in Utah;~~ the initiative by:
  - designing a master plan; ~~and~~

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- issuing requests for proposals for an education ~~{consulting and}~~ consultant, education technology providers, and an independent evaluator; and
- awarding grants to certain local education agencies;
- ▶ creates the Initiative 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 ~~{ Initiative to modernize the delivery of public education in Utah }~~ master plan and individual local education agency plans;
- ▶ establishes requirements for a local education agency to participate in a grant program related to the ~~{ Initiative to modernize the delivery of public education in Utah;~~
- ▶ ~~requires a local education agency that participates in the Initiative to modernize the delivery of public education in Utah grant program to report annually to }~~ initiative;
- ▶ provides for ongoing review and evaluation of the initiative;
- ▶ requires the State Board of Education to report annually to the Education Interim Committee regarding the progress of the initiative;
- ▶ requires a local education agency that constructs a school building after ~~{ July }~~ December 31, 2015, to meet certain technology infrastructure requirements;
- ▶ establishes requirements for the State Board of Education and other certain entities related to the collection, usage, and storage of student data; ~~{ and }~~
- ▶ repeals the Smart School Technology Program ~~{ }~~; and
- ▶ makes technical changes.

### Money Appropriated in this Bill:

This bill appropriates in fiscal year 2015:

- ▶ to the Related to Basic School Program - Public Education Modernization Program, as an ongoing appropriation:
  - from the General Fund, \$150,000,000; and
- ▶ to the Related to Basic School Program - Public Education Modernization Program, as a one-time appropriation:
  - from the Education Fund, \$50,000,000.

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### Other Special Clauses:

This bill provides an effective date.

This bill coordinates with H.B. 92, Utah Telehealth and Education Network Amendments, by providing technical amendments.

This bill coordinates with H.B. 320, Educators' Professional Learning, by providing substantive and technical amendments.

### Utah Code Sections Affected:

#### AMENDS:

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

#### ENACTS:

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

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

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

**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

**53A-13-303**, 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

### Utah Code Sections Affected by Coordination Clause:

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

~~**53A-1-1203**~~**53A-1-1204**, Utah Code Annotated 1953

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

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

### **Part 12. Public Education Modernization Act**

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### 53A-1-1201. Title.

This part is known as the "Public Education Modernization Act."

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

### 53A-1-1202. Definitions.

As used in this part:

(1) "Advisory committee" means the Initiative ~~to Modernize the Delivery of Public Education in Utah~~ Advisory Committee created in ~~Subsection 53A-1-1203(2)(a)~~ Section 53A-1-1204.

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

(3) "Education consultant" ~~includes an organization~~

~~(4)~~ means the person selected by the board under Subsection 53A-1-1205(1).

(4) "Education technology provider" means a person selected by the board under Subsection 53A-1-1205(3).

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

~~(5)~~ (6) "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 Subsection 53A-1-1203(~~(1)(b)(iii)~~ 2) that meets the high quality professional learning standards established by the board.

(7) "Independent evaluator" means the person selected by the board under Subsection 53A-1-1205(2).

~~(6)~~ (8) "Initiative" means the Initiative to ~~modernize~~ Modernize the ~~delivery~~ Delivery of ~~public education~~ Public Education in Utah described in this part.

~~(7)~~ (9) "LEA plan" means an LEA's plan to implement the initiative that meets the requirements of Section 53A-1-1207.

~~(8)~~ (10) "Local education agency" or "LEA" means:

(a) a school district~~(1)~~;

(b) a charter school~~(1)~~; or

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

(11) "Master plan" means the master plan developed by the board under Section 53A-1-1206.

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~~(9)12~~ "Technical support person" means an individual employed by an LEA who installs technology, maintains technology, or provides technology assistance.

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

53A-1-1203. ~~Initiative to modernize the delivery of public education in Utah -- Advisory committee -- Request for proposals for education consultant -- Master plan~~  
Initiative created -- Purpose statement.

(1) (a) In accordance with this part, the board shall oversee the development and implementation of an initiative known as the "Initiative to ~~modernize~~ Modernize the ~~delivery~~ Delivery of ~~public education~~ Public Education in Utah ~~for public school students in kindergarten through grade 12~~."

(b) Through the initiative, the board and participating LEAs shall:

(i) modernize the ~~LEA~~ classroom environment in kindergarten through grade 12 statewide by using ~~one-to-one~~ mobile device technology to fundamentally change the teaching and learning experience; and

(ii) focus on preparing and empowering educators as those who will fully realize the potential of the initiative ~~; and~~.

~~(iii)2~~ The purpose of the initiative is to improve school level outcomes, including:

~~(A)a~~ student achievement on statewide tests;

~~(B)b~~ ~~rate of~~ student learning growth;

~~(C)c~~ attendance;

~~(D)d~~ discipline incidents;

~~(E)e~~ parental involvement;

~~(F)f~~ citizen involvement;

~~(G)g~~ graduation rates;

~~(H)h~~ student enrollment in higher education;

~~(I)i~~ dropout rates;

~~(J)j~~ student technology proficiency for college and career readiness;

~~(K)k~~ teacher satisfaction and engagement; and

~~(L)l~~ cost savings and improved efficiency relating to instructional materials, facilities, ~~for~~ and maintenance.

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

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### 53A-1-1204. Initiative Advisory Committee.

~~(2)1~~ (a) There is created ~~until December 31, 2015,~~ the Initiative ~~to Modernize the Delivery of Public Education in Utah~~ Advisory Committee to:

(i) assist the board with developing selection criteria for and selecting the education consultant described in Subsection 53A-1-1205~~(3)1~~; and

(ii) ~~give~~provide input ~~and feedback~~ on the development of the master plan described in ~~Subsection (4)~~:

### ~~(b)~~ Section 53A-1-1206.

(b) The advisory committee terminates on December 31, 2015.

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

~~(i)a~~ the following members appointed by the ~~speaker of the House of Representatives and the president of the Senate~~:

### ~~(A)~~ board:

(i) one member who has extensive digital content experience;

~~(B)ii~~ one member who is a current or former school district superintendent who has extensive experience with leading a technology initiative;

~~(C)iii~~ one member who is:

(A) an LEA principal and has extensive experience with a technology initiative; or

(B) an assistant superintendent for curriculum and instruction and has extensive experience with a technology initiative;

~~(D)iv~~ one member who has extensive experience with mobile device infrastructure;

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

~~(F)vi~~ one member who is a teacher who works in a school where a technology initiative has been implemented; and

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

~~(iii)b~~ the executive director of Utah Education Network; and

~~(iiii)c~~ the executive director of the STEM Action Center appointed under Section 63M-1-3203.

~~(c)3) When a vacancy occurs in the membership of the advisory committee appointed~~

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under Subsection (2)(a), for any reason, the board shall appoint a replacement that meets the same criteria as the original appointment.

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

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

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

(7) 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.

(8) Board staff shall staff the advisory committee.

~~(3)~~ Section 5. Section 53A-1-1205 is enacted to read:

**53A-1-1205. Education consultant -- Independent evaluator -- Education technology providers.**

(1) (a) On or before August 31, 2014, the board shall select, through a request for proposals process, a single education consultant with integrated whole-school learning and teaching with technology deployment experience.

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

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

(ii) the selection of education technology providers under Subsection (3); and

(iii) the review and approval of preliminary plans and LEA plans under Section 53A-1-1208.

(c) The education consultant shall comply with the rules developed by the board under Section 53A-13-303.

(d) 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 (3).

(2) (a) The board shall select, through a request for proposals process, an independent

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evaluator to act as an independent contractor in assisting the board in the evaluation process under Section 53A-1-1209.

(b) The independent evaluator may not be selected as an education technology provider or assist any person in responding to a request for proposals described in Subsection (3).

(c) The independent evaluator shall comply with the rules developed by the board under Section 53A-1-1209.

(3) (a) In consultation with the education consultant, the board shall, through a request for proposals process, select three or more education technology providers.

(b) A person who responds to the request for proposals described in Subsection (3)(a) shall submit:

(i) a proposed model LEA plan that ensures a reliable, scalable, and effective implementation of the initiative across a wide range of students and LEAs; and

(ii) a list of products and services the person can provide as an education technology provider.

(c) In evaluating a response to the request for proposals described in Subsection (3)(a), the board's evaluation criteria shall weigh heavily the person's ability to prepare and customize an LEA plan.

(d) In selecting the education technology providers under this Subsection (3), the board shall contract with the education technology providers in a manner that allows an LEA to:

(i) select an education technology provider to assist in the development and implementation of an LEA plan under Section 53A-1-1207; or

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

(e) An education technology provider shall comply with the rules developed by the board under Section 53A-13-303.

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

### 53A-1-1206. Master plan.

~~(4)1~~ In consultation with the education consultant ~~described in Subsection (3)~~ and advisory committee, the board shall develop a master plan for the initiative to integrate the initiative into the state's public education system.

~~(5)2~~ ~~The~~ Consistent with this part, the master plan ~~described in Subsection (4)~~



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shall include:

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

(b) a determination of the requirements for:

(i) statewide technology infrastructure; and

(ii) local LEA technology infrastructure;

(c) standards for high quality professional learning related to implementing and maintaining the initiative that require an LEA to provide at least:

~~(A)~~ i) 40 hours a year of high quality professional learning outside of regular school hours for an educator, including an administrator; and

~~(B)~~ ii) 16 hours a year of high quality professional learning for a technical support person;

(d) a detailed definition of ~~the type~~ one or more types of ~~personal~~ mobile learning devices to be used by LEAs and distributed to:

~~(i)~~ educators; and

~~(ii)~~ public school students ~~in kindergarten through grade 12~~;

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

(f) a grant program for participating LEAs developed in accordance with Section ~~53A-1-1205~~ 53A-1-1208;

(g) specifications for an LEA plan that include:

(i) format and submission requirements;

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

~~(iii)~~ ii) other LEA plan requirements, including the requirements described in ~~Subsection 53A-1-1204(5)~~ Section 53A-1-1207;

~~(iv)~~ a schedule that coordinates grant program requirements with the requirements described in Subsection (5)(g)(iii); and

~~(v)~~ a disclosure by the LEA of the LEA's ~~h) an inventory of the state public education system's~~ current technology ~~expenditures;~~

~~(h)~~ resources, including software, and a plan to integrate those resources into the

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### initiative:

(i) an ongoing evaluation process that is ~~{monitored}~~ overseen by the board, performed by ~~{an}~~ the independent ~~{contractor under contract with the board, and based on:~~

~~—— (i) the school level outcomes described in Subsection (1)(b)(iii); and~~

~~—— (ii) technology system functionality;~~

~~—— (i) metrics of improved growth in the rate of student learning that will serve as a benchmark for LEA initiative implementation outcomes;~~ evaluator, and based on the criteria described in Section 53A-1-1209;

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

(k) a plan to ensure ~~{long term}~~ long-term sustainability that:

(i) accounts for the financial impacts of the initiative; and

(ii) facilitates the repurposing of ~~{all}~~ LEA savings that arise from implementing the initiative.

~~{ —— (6) An evaluation report prepared under Subsection (5)(h) may not include student data that is not aggregated.~~

~~{~~ (~~{7}~~3) The board shall integrate into the master plan the privacy and security requirements of:

(a) Section 53A-13-303; and

(b) ~~{policies and procedures}~~ rules developed by the board under Section 53A-13-303.

~~{(8) The education consultant selected under Subsection (3) shall comply with policies and procedures developed by the board under Section 53A-13-303.~~

~~—— Section 4}4) The board shall complete the master plan on or before January 31, 2015.~~

Section 7. Section ~~{53A-1-1204}~~ 53A-1-1207 is enacted to read:

~~{53A-1-1204. Request for proposals for education technology providers =~~

~~Preparation of local education agency}~~ 53A-1-1207. LEA plans.

(1) ~~{In consultation with the education consultant described in Section 53A-1-1203. the board shall, through a request for proposals process, select three or more education technology providers.~~

~~—— (2) An education technology provider that responds to the request for proposals described in Subsection (1) shall submit a proposed generic LEA plan that ensures a reliable,~~

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~~scalable, and effective}~~After the board completes the master plan, an LEA plan submitted to the board for approval shall include:

(a) a statement of purpose that describes the learning objectives, goals, and measurable outcomes the LEA will accomplish by implementing the initiative, including measurement of improved student learning growth that serves as a benchmark for LEA initiative implementation ~~{of the initiative across a wide range of students and LEAs.~~

~~—— (3) In evaluating a proposal submitted under Subsection (1), the board's evaluation criteria shall weigh heavily the education technology provider's ability to prepare and customize an LEA plan.~~

~~—— (4) (a) To participate in the grant program described in Section 53A-1-1205, an LEA shall select one of the education technology providers chosen by the board under Subsection (1) to work with the LEA to prepare and implement a customized LEA plan.~~

~~—— (b) In preparing a customized plan under Subsection (4)(a), an LEA and the LEA's technology provider shall encourage participation and input from parents, educators, technology support personnel, and school community councils.~~

~~—— (5) An LEA plan created by the LEA in collaboration with an education technology provider under Subsection (4) shall describe:~~

~~—— (a) outcomes;~~

(b) design criteria that ~~{enables}~~enable the LEA to achieve the improved outcomes described in Subsection 53A-1-1203(~~{1}(b)(iii)}~~2);

(~~{b}~~c) ~~{each task}~~a description of the tasks and ~~{its}~~ related dependencies required for ~~{a successful, scalable}~~customized implementation of the initiative ~~{that yields significantly positive results};~~

~~—— (c) an organizational development};~~

(d) an implementation process structured to yield the desired outcomes;

(~~{d}~~e) a plan for infrastructure acquisition;

(~~{e}~~) high quality, digital instructional materials aligned with board standards;

~~—— (f) how the LEA will provide the high quality professional learning described in Subsection 53A-1-1203(5)(c);~~

~~—— (g) ~~{f}~~ a process for procurement and distribution of:~~

(i) mobile devices;

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(ii) digital content;

(iii) software; and

(iv) support service;

(g) a description of necessary high quality, digital instructional materials aligned with board standards;

(h) a detailed plan for student engagement in personalized learning;

~~(h)~~ (i) technical support standards for implementation and maintenance of the initiative that:

~~(i) provides for significant uptime of the entire technology environment, including~~ (i) includes support for mobile devices, printers, and Internet access; and

~~(ii) removes technical support burdens from the classroom teacher;~~

~~(j)~~ (i) proposed security policies, including security audits and remediation of identified lapses;

~~(j)~~ (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 initiative implementation;

(l) a disclosure by the LEA of the LEA's current technology expenditures;

(m) a description of how the LEA will:

(i) provide the high quality professional learning described in Subsection 53A-1-1206(2)(c);

(ii) address the needs of students affected by intergenerational poverty, as defined in Section 35A-9-102, in implementing the initiative;

~~(k)~~ (iii) provide special education students with appropriate software, including special education students in self-contained classrooms;

~~(l) how the LEA will put the cost savings and increased efficiency gained by implementing the initiative toward maintaining the initiative;~~

~~(m) how the LEA will~~ (iv) accommodate a student who opts out of receiving a personal mobile device;

~~(n)~~ (v) a detailed plan for student engagement in personalized learning;

~~(o)~~ (v) provide ongoing periodic coaching of educators, including administrators; and

~~(p)~~ (vi) put the cost savings and increased efficiency gained by implementing the

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initiative toward maintaining the initiative; and

~~(n) other criteria required by the master plan developed under Section 53A-1-1203;~~

~~(6);~~

(2) In preparing an LEA plan, an LEA shall:

(a) consult with an education technology provider; and

(b) encourage participation and input from parents, educators, technology support personnel, and school community councils.

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

~~(7) An education technology provider selected under Subsection (1) shall comply with policies and procedures developed by the board under Section 53A-13-303.~~

Section ~~{5}~~8. Section ~~{53A-1-1205}~~**53A-1-1208** is enacted to read:

~~{53A-1-1205}~~**53A-1-1208. Grant program -- {Board approval of local education agency plans.**

~~(1) In consultation with the education consultant described in Section 53A-1-1203, the board shall develop a grant program in}~~**Grant money prohibition.**

(1) (a) In accordance with this section, the board may award grants to assist an LEA to implement the initiative.

~~{2} To be eligible for a grant payment, an LEA:~~

~~(a) shall comply with}~~b) The board shall pay the grant money awarded to an LEA under this section directly to an education technology provider that provides a product or service to the LEA as part of the LEA's initiative implementation.

(2) Before the board completes the master plan,

~~(b) shall, before receiving a grant payment, complete each master plan component conditioned on receiving the grant payment;~~

~~(c) may not supplant funds previously used for the LEA's current technology program to fund nontechnology programs;~~

~~(d) shall have an LEA plan,~~ the board may award a grant to an LEA, if the LEA:

(a) has made significant progress toward implementing one-to-one mobile device technology, as determined by the board;

(b) prepares a preliminary plan to use a grant and the preliminary plan is approved by the board in accordance with ~~{Subsection (3); and~~

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- ~~(c) shall consistently meet defined LEA plan goals:~~
- ~~(3) (a) An LEA that applies to the board for a grant to implement the initiative shall, as part of the application, submit an LEA plan to the board for approval:~~
- ~~(b) The board shall work with the education consultant to review and approve each submitted LEA plan:~~
- ~~(c) The board may not approve an LEA plan unless the LEA plan meets:~~
- ~~(i) this section; and~~
- ~~(c) meets grant eligibility requirements established by the board.~~
- ~~(3) After the board completes the master plan, the board may approve an LEA's grant application only if the LEA's LEA plan complies with:~~
- ~~(a) the requirements described in ~~{Subsection 53A-1-1204(5)}~~ Section 53A-1-1207;~~
- ~~and~~
- ~~(~~{ii}~~b) the applicable standards, criteria, and timelines established in the master plan.~~
- ~~(4) The board shall condition a grant on:~~
- ~~(a) board approval of the LEA's preliminary plan or LEA plan;~~
- ~~(b) except as provided in Subsection (2), LEA compliance with the master plan;~~
- ~~(c) satisfactory LEA progress toward defined LEA plan objectives, goals, and~~
- ~~outcomes; and~~
- ~~(d) completion by the LEA of any board requirement specific to receiving the grant award.~~
- ~~(5) (a) An LEA grant applicant shall submit a preliminary plan or LEA plan to the board for approval.~~
- ~~(b) The board shall consult with the education consultant to review and approve each submitted preliminary plan or LEA plan.~~
- ~~(~~{4}~~6) The board shall award grants on the basis of available funding, giving priority to ~~{LEA}~~ applicants whose plans ~~{that}~~ are timely ~~{,}~~ and well ~~{developed, and board approved}~~.~~
- ~~(5) (a) An LEA that is currently participating in the grant program shall prepare and submit to the board an annual progress report that:~~
- ~~(i) gives a detailed summary of the LEA's LEA plan; and~~
- ~~(ii) describes the effect of the LEA plan in addressing the outcomes described in~~

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~~Subsections 53A-1-1203(1)(b)(iii) and (5)(g)(ii):~~

~~(b) The progress report; developed.~~

~~(7) An LEA may not use grant money to supplant money previously used for the LEA's current technology program to fund nontechnology programs.~~

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

### ~~**53A-1-1209. Evaluation of initiative -- Board reporting requirements.**~~

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

~~(a) beginning with the 2014-15 school year; and~~

~~(b) ending with the 2018-19 school year.~~

~~(2) Under the direction of the board, the independent evaluator shall:~~

~~(a) review and evaluate the initiative using the criteria described in Subsection ~~(5)(a)~~  
is due by August 1 of each year.~~

~~Section ~~6~~3);~~

~~(b) report to the board on the criteria described in Subsection (3) when required by the master plan, but at least annually; and~~

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

~~(3) The independent evaluator shall review and evaluate the initiative as required by this section using the following criteria:~~

~~(a) student achievement in language arts, mathematics, and science as measured by statewide assessments administered pursuant to Section 53A-1-603;~~

~~(b) student learning growth on statewide assessments of language arts, mathematics, and science achievement administered pursuant to Section 53A-1-603;~~

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

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

~~(e) other criteria determined by the board.~~

~~(4) The board shall report to the Education Interim Committee before November 30, 2014, regarding:~~

~~(a) the status of the master plan;~~

~~(b) the board's deadline for finishing the master plan; and~~

~~(c) other actions taken by the board under this part.~~

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(5) After November 30, 2014, the board shall report annually to the Education Interim Committee regarding:

(a) the status of the initiative, including the level of initiative integration in individual participating LEAs; and

(b) the results of the ongoing review and evaluation conducted under this section.

(6) A report or other information prepared under this section:

(a) may not include student data that is not aggregated; and

(b) shall comply with Section 53A-13-303 and the rules developed by the board under Section 53A-13-303.

Section 10. Section ~~{53A-1-1206}~~53A-1-1210 is enacted to read:

~~{53A-1-1206}~~53A-1-1210. **Initiative compliance for construction of new schools.**

An LEA shall ensure that a school building constructed by the LEA on or after ~~{July 1}~~December 31, 2015, meets the infrastructure requirements for the initiative as established by the board in ~~{accordance with Section 53A-1-1203}~~the master plan.

Section ~~{7}~~11. Section **53A-13-303** is enacted to read:

**53A-13-303. Security requirements related to the collection, usage, and storage of student data.**

(1) As used in this section:

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

(b) "Education entity" means:

(i) the board;

(ii) a local school board or charter school governing board;

(iii) a school district;

(iv) a public school; or

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

(c) "Student data" means information about a student collected or reported at the individual student level.

(d) "Student data system" means the ~~{State Board of Education's}~~board's system for collecting, storing, and using student data.

(e) "Third party contractor" means a person, other than an education entity, that receives student data from an education entity pursuant to a contract or written agreement.



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(2) The board shall:

(a) maintain, secure, and safeguard all student data with an equivalent PCI DSS, third party verified compliant certification;

(b) ~~{develop, publish, and }~~make ~~{publicly available policies and procedures}~~~~rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~ to comply with this part and other relevant privacy laws, including ensuring that a contract entered into between an education entity and a third party contractor, which allows the third party contractor to have access to student data, includes:

(i) provisions requiring specific restrictions on the use of student data;

(ii) specific dates governing the destruction of student data given to a third party contractor;

(iii) provisions that prohibit a third party contractor from using student data for a secondary use, including sales, marketing, or advertising; and

(iv) provisions limiting a third party contractor's use of student data strictly for the purpose of providing the contracted services to the education entity;

(c) develop a detailed security plan for education entities that includes:

(i) guidelines for authorizing sharing and access to student data, including guidelines for authentication of authorized access;

(ii) guidelines for administrative safeguards providing for the security of electronic and physical student data, including provisions related to data encryption;

(iii) guidelines for education entity employees to better ensure the safety and security of student data;

(iv) privacy compliance standards;

~~{vi}~~v) privacy and annual security audits;

~~{vii}~~vi) breach planning, notification, and procedures; and

~~{viii}~~vii) data retention and disposition policies; and

(d) develop a model governance policy for education entities regarding the collection, access, security, and use of student data.

(3) The following shall comply with the security plan described in Subsection (2)(c) and adopt the model governance policy described in Subsection (2)(d):

(a) a local school board;

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(b) a charter school; and

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

(4) (a) A third party contractor shall maintain, secure, and safeguard all student data with an equivalent PCI DSS, third party verified compliant certification.

(b) A third party contractor ~~{ shall }~~:

(i) shall use student data received under a contract with an education entity strictly for the purpose of providing the contracted services to the education entity; and

(ii) may not use student data received under a contract with an education entity for a use not described in the contract.

Section ~~{8}~~12. 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, Utah Revised Nonprofit Corporation Act, or Title 63E, Chapter 2, Independent Corporations

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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 ~~9~~13. **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 ~~10~~14. **Appropriation.**

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 previously appropriated, out of the funds or accounts indicated. These sums of money are in

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addition to any amounts previously appropriated for fiscal year 2015.

### To Related to Basic School Program

From General Fund \$150,000,000

From Education Fund, ~~one-time~~ One-time \$50,000,000

### Schedule of Programs:

Public Education Modernization Program \$200,000,000

Under Section 63J-1-603, the Legislature intends that the appropriation for the Public Education Modernization Act is:

(1) to be used as provided in Title 53A, Chapter 1, Part 12, Public Education

Modernization Act; and

(2) nonlapsing.

Section ~~11~~ 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 ~~9~~ 14, Appropriation, takes effect on July 1, 2014.

Section ~~12~~ 16. **Coordinating H.B. 131 with H.B. 92 -- Technical amendments.**

If this H.B. 131 and H.B. 92, Utah Telehealth and Education Network Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection ~~53A-1-1203~~ 53A-1-1204(2)(b) ~~(ii)~~ to read:

"~~(iii)~~ b the executive director of Utah Education and Telehealth Network; and". ~~(f)~~

Section ~~13~~ 17. **Coordinating H.B. 131 with H.B. 320 -- Substantive and technical amendments.**

If this H.B. 131 and H.B. 320, Educators' Professional Learning, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 53A-1-1202(~~5~~ 6) to read:

"~~(5)~~ 6 "High quality professional learning" means professional learning:

(a) as defined in ~~Section~~ Subsection 53A-3-701(1);

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(b) that meets the standards described in ~~f~~Section Subsection 53A-3-701(2); and

(c) that improves the school level outcomes described in Subsection 53A-1-1203(~~f~~1)(b)(~~iii~~2)."