

PERSONALIZED LEARNING AND TEACHING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Knotwell

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill creates the Digital Teaching and Learning Grant Program.

Highlighted Provisions:

This bill:

▶ enacts Title 53A, Chapter 1, Part 14, Digital Teaching and Learning Grant Program, including provisions related to the following:

- definitions;
- the digital teaching and learning master plan;
- readiness assessments;
- State Board of Education duties and LEA plan requirements;
- implementation assessments and board interventions; and
- procurement;

▶ repeals the Smart School Technology Program;

▶ repeals language related to a whole-school one-to-one mobile device technology deployment plan; and

▶ makes technical and conforming corrections.

Money Appropriated in this Bill:

This bill appropriates:

▶ to the State Board of Education -- Minimum School Program -- Related to Basic School Program -- Digital Teaching and Learning Program, as a one-time



28 appropriation:

- 29 • from the Education Fund, \$750,000;
- 30 ▶ to the State Board of Education -- Minimum School Program -- Related to Basic
- 31 School Program -- Digital Teaching and Learning Program, as an ongoing

32 appropriation:

- 33 • from the Education Fund, \$71,750,000; and
- 34 ▶ to the Utah Education and Telehealth Network -- Digital Teaching and Learning
- 35 Program, as an ongoing appropriation:
- 36 • from the Education Fund, \$23,500,000.

37 **Other Special Clauses:**

38 This bill provides a special effective date.

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **63N-3-105**, as renumbered and amended by Laws of Utah 2015, Chapter 283

42 ENACTS:

43 **53A-1-1401**, Utah Code Annotated 1953

44 **53A-1-1402**, Utah Code Annotated 1953

45 **53A-1-1404**, Utah Code Annotated 1953

46 **53A-1-1405**, Utah Code Annotated 1953

47 **53A-1-1406**, Utah Code Annotated 1953

48 **53A-1-1407**, Utah Code Annotated 1953

49 RENUMBERS AND AMENDS:

50 **53A-1-1403**, (Renumbered from 53A-1-710, as enacted by Laws of Utah 2015, Chapter
51 446)

52 REPEALS:

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

54 **63N-3-110**, as renumbered and amended by Laws of Utah 2015, Chapter 283



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

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

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

59 53A-1-1401. Title.

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

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

62 53A-1-1402. Definitions.

63 As used in this part:

64 (1) "Advisory committee" means the committee established by the board under Section
65 53A-1-1406.

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

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

68 (a) is completed by an LEA analyzing an LEA's readiness to incorporate

69 comprehensive digital teaching and learning; and

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

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

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

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

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

82 (a) a school district;

83 (b) a charter school; or

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

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

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

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

92 ~~[53A-1-710].~~ **53A-1-1403. Digital teaching and learning program task**
93 **force -- Funding proposal for a program -- Master plan -- Reporting requirements.**

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

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

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

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

98 ~~[(ii) mathematics;]~~

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

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

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

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

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

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

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

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

109 ~~[(f) "Statewide assessment" means a test of student achievement in English language~~
110 ~~arts, mathematics, or science, including a test administered in a computer adaptive format,~~
111 ~~which is administered statewide under Part 6, Achievement Tests.]~~

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

114 ~~[(2)]~~ (1) (a) The board shall establish a digital teaching and learning task force to
115 develop a funding proposal to present to the Legislature for digital teaching and learning in
116 elementary and secondary schools.

117 (b) The digital teaching and learning task force shall include representatives of:

118 (i) the board;

119 (ii) UETN;

120 (iii) LEAs; and

121 (iv) the Governor's Education Excellence Commission.

122 [~~(3)~~] (2) (a) The board, in consultation with the digital teaching and learning task force
123 created in Subsection [~~(2)~~] (1), shall create a funding proposal for a statewide digital teaching
124 and learning program designed to:

125 (i) improve student outcomes through the use of digital teaching and learning
126 technology; and

127 (ii) provide high quality professional learning for educators to improve student
128 outcomes through the use of digital teaching and learning technology.

129 (b) The board shall:

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

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

134 [~~(4)~~] (3) As funding allows, the board shall develop a master plan for a statewide
135 digital teaching and learning program, including the following:

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

138 (b) a forecast for fundamental components needed to implement a digital teaching and
139 learning program, including a forecast for:

- 140 (i) student and teacher devices;
- 141 (ii) Wi-Fi and wireless compatible technology;
- 142 (iii) curriculum software;
- 143 (iv) assessment solutions;
- 144 (v) technical support;
- 145 (vi) change management of LEAs;
- 146 (vii) high quality professional learning;
- 147 (viii) Internet delivery and capacity; and
- 148 (ix) security and privacy of users;

149 (c) a determination of the requirements for:

- 150 (i) statewide technology infrastructure; and
- 151 (ii) local LEA technology infrastructure;

152 (d) standards for high quality professional learning related to implementing and
153 maintaining a digital teaching and learning program;

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

157 (f) (i) a grant program for LEAs; or

158 (ii) a distribution formula to fund LEA digital teaching and learning programs;

159 (g) in consultation with UETN, an inventory of the state public education system's
160 current technology resources and other items and a plan to integrate those resources into a
161 digital teaching and learning program;

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

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

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

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

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

169 [~~5~~] (4) UETN shall:

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

173 (b) perform an engineering study to determine the technology infrastructure needs of
174 the public education system to implement a digital teaching and learning program, including
175 the infrastructure needed for the board, UETN, and LEAs; and

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

178 [~~6~~] (5) On or before December 1, 2015, the board and UETN shall present the
179 funding proposal for a statewide digital teaching and learning program described in Subsection
180 [~~3~~] (2) to the Education Interim Committee and the Executive Appropriations Committee,
181 including:

182 (a) the board's progress on the development of a master plan described in Subsection

183 [~~(4)~~] (3); and

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

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

186 **53A-1-1404. Readiness assessments.**

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

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

190 **53A-1-1405. Digital Teaching and Learning Grant Program -- Board duties --**
191 **Advisory committee -- LEA plan requirements.**

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

195 (2) The board shall:

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

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

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

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

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

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

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

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

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

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

- 214 (b) The board or its designee shall provide the training described in Subsection
215 (3)(a)(ii).
- 216 (4) The board shall establish requirements of an LEA plan that shall include:
217 (a) the results of the LEA's digital readiness assessment and a proposal to remedy an
218 obstacle to implementation or other issues identified in the assessment;
219 (b) a proposal to provide high quality professional learning for educators in the use of
220 digital teaching and learning technology;
221 (c) a proposal for leadership training and management restructuring, if necessary, for
222 successful implementation;
223 (d) clearly identified targets for improved student achievement, student learning, and
224 college readiness through digital teaching and learning; and
225 (e) any other requirement established by the board in rule in accordance with Title
226 63G, Chapter 3, Utah Administrative Rulemaking Act, including an application process and
227 metrics to analyze the quality of a proposed LEA plan.
- 228 (5) The board or the board's designee shall establish an interactive dashboard available
229 to each LEA that is awarded a grant for the LEA to track and report the LEA's long-term,
230 intermediate, and direct outcomes in realtime and for the LEA to use to create customized
231 reports.
- 232 Section 6. Section **53A-1-1406** is enacted to read:
233 **53A-1-1406. Implementation assessment -- Board intervention.**
- 234 (1) (a) An LEA that receives a grant as provided in Section [53A-1-1405](#) shall:
235 (i) subject to Subsection (1)(b), complete an implementation assessment for each year
236 that the LEA is expending grant money; and
237 (ii) (A) report the findings of the implementation assessment to the board; and
238 (B) submit to the board a plan to resolve issues raised in the implementation
239 assessment.
- 240 (b) Each school within the LEA shall:
241 (i) complete an implementation assessment; and
242 (ii) submit a compilation report that meets the requirements described in Subsections
243 (1)(a)(ii)(A) and (B).
- 244 (2) The board or the board's designee shall review an implementation assessment and

245 review each participating LEA's progress from the previous year, as applicable.

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

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

249 (b) reduction of funds; or

250 (c) other interventions to assist the LEA.

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

252 **53A-1-1407. Procurement -- Independent evaluator.**

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

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

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

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

260 (2) (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter
261 6a, Utah Procurement Code, or other agreement with one or more providers of technology
262 powered learning solutions and one or more providers of wireless networking solutions may be
263 entered into by:

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

266 (ii) an LEA.

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

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

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

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

275 (iv) an LEA enters into directly, pays a provider, and receives preapproved

276 reimbursement from a UETN fund established for this purpose.

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

281 (d) If UETN negotiates or enters into an agreement as described in Subsection (2)(b)(ii)
282 or (2)(b)(iii), and UETN enters into an additional agreement with an LEA that is associated
283 with the agreement described in Subsection (2)(b)(ii) or (2)(b)(iii), the associated agreement
284 may be treated by UETN and the LEA as a cooperative procurement, as that term is defined in
285 Section 63G-6a-103, regardless of whether the associated agreement satisfies the requirements
286 of Section 63G-6a-2105.

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

288 **63N-3-105. Qualification for assistance.**

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

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

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

301 (c) satisfy other criteria the administrator considers appropriate.

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

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

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

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

311 (iv) the applicant is an entity offering an economic opportunity under Section
312 [63N-3-109](#).

313 (b) The administrator may not exempt the applicant from the requirement under
314 Subsection [63N-3-106\(2\)\(b\)](#) that the loan be structured so that the repayment or return to the
315 state equals at least the amount of the assistance together with an annual interest charge.

316 (3) The administrator shall:

317 (a) for applicants not described in Subsection (2)(a):

318 (i) make findings as to whether or not each applicant has satisfied each of the
319 conditions set forth in Subsection (1); and

320 (ii) monitor the continued compliance by each applicant with each of the conditions set
321 forth in Subsection (1) for five years;

322 (b) for applicants described in Subsection (2)(a), make findings as to whether the
323 economic activities of each applicant has resulted in the creation of new jobs on a per capita
324 basis in the economically disadvantaged rural area or targeted industry in which the applicant is
325 located;

326 (c) monitor the compliance by each applicant with the provisions of any contract or
327 agreement entered into between the applicant and the state as provided in Section [63N-3-107](#);
328 and

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

330 **Section 9. Repealer.**

331 This bill repeals:

332 Section [53A-1-709](#), **Smart School Technology Program.**

333 Section [63N-3-110](#), **Selection of educational technology provider to implement**
334 **whole-school one-to-one mobile device technology deployment plan for schools.**

335 **Section 10. Appropriation.**

336 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
337 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money

338 are appropriated from resources not otherwise appropriated, or reduced from amounts
339 previously appropriated, out of the funds or amounts indicated. These sums of money are in
340 addition to amounts previously appropriated for fiscal year 2016.

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

342 From Education Fund, One-time \$750,000

343 Schedule of Programs:

344 Digital Teaching and Learning Program \$750,000

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

350 **Section 11. Appropriation.**

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

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

358 From Education Fund \$47,500,000

359 From Education Fund, One-time \$24,250,000

360 Schedule of Programs:

361 Digital Teaching and Learning Program \$71,750,000

362 Item 2 To Utah Education and Telehealth Network -- Digital Teaching and Learning
363 Program

364 From Education Fund \$500,000

365 From Education Fund, One-time \$23,000,000

366 Schedule of Programs:

367 Digital Teaching and Learning Program \$23,500,000

368 The Legislature intends that:

369 (1) the State Board of Education use \$69,500,000 of the appropriation to distribute
370 money to LEAs as part of the grant program described in Title 53A, Chapter 1, Part 14, Digital
371 Teaching and Learning Grant Program;

372 (2) the State Board of Education use \$2,250,000 of the appropriation to administer and
373 evaluate the program, provide professional development and other assistance to LEAs, and
374 contract with third party providers to assist with the administration of the program as described
375 in Title 53A, Chapter 1, Part 14, Digital Teaching and Learning Grant Program;

376 (3) the Utah Education and Telehealth Network use up to \$500,000 of the
377 appropriation to administer the program;

378 (4) the Utah Education and Telehealth Network use the \$23,000,000 one-time
379 appropriation for infrastructure and other technology for LEAs; and

380 (5) under Section [63J-1-603](#), the appropriations described in this section not lapse at
381 the close of fiscal year 2017.

382 Section 12. **Effective date.**

383 If approved by two-thirds of all the members elected to each house, this bill takes effect
384 upon approval by the governor, or the day following the constitutional time limit of Utah
385 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
386 the date of veto override.

Legislative Review Note
Office of Legislative Research and General Counsel