

**Representative Val L. Peterson** proposes the following substitute bill:

**EARLY WARNING PILOT PROGRAM**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Val L. Peterson**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

This bill provides for systems to identify students in need of early intervention.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ directs the State Board of Education (board) to enhance the online data reporting tool and contract with a provider for a two-year pilot digital program;
- ▶ provides certain standards and functionality that are to be included in the enhancements to the online data reporting tool and a digital program;
- ▶ directs the board to provide a digital program to a local education agency (LEA);
- ▶ requires an LEA to pay half the cost of a digital program;
- ▶ requires an LEA to report to the board on the effectiveness of a digital program and recommendations for enhancement of the online data reporting tool;
- ▶ provides a repeal date; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

This bill appropriates:

- ▶ to the State Board of Education -- Initiative Programs, as a one-time appropriation:



- 26 • from the Education Fund ~~Ŝ→ [\$375,000]~~ \$125,000; and
- 26a ▶ to the State Board of Education -- Initiative Programs, as an ongoing appropriation:
- 26b • from the Education Fund \$250,000 ←Ŝ .

27 **Other Special Clauses:**

28 This bill provides a coordination clause.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **63I-2-253**, as last amended by Laws of Utah 2016, Chapters 128, 229, 236, 271, and  
32 318

33 ENACTS:

34 **53A-1-415**, Utah Code Annotated 1953

35 **Utah Code Sections Affected by Coordination Clause:**

36 **53A-1-415**, Utah Code Annotated 1953



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

39 Section 1. Section **53A-1-415** is enacted to read:

40 **53A-1-415. Student intervention early warning pilot program.**

41 (1) As used in this section:

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

43 (b) "Digital program" means a program that provides information for student early  
44 intervention as described in this section.

45 (c) "Local education agency" or "LEA" means:

46 (i) a district school;

47 (ii) a charter school; or

48 (iii) the Utah Schools for the Deaf and the Blind.

49 (d) "Online data reporting tool" means a system described in Section **53A-1-605**.

50 (2) (a) The board shall, subject to legislative appropriations:

51 (i) enhance the online data reporting tool and provide additional formative actionable  
52 data on student outcomes subject to Subsection (2)(c); and

53 (ii) select through a competitive contract process a provider to provide to an LEA a  
54 digital program as described in this section.

55 (b) The contract described in Subsection (2)(a)(ii) shall be for a two-year pilot  
56 program.

- 57 (c) Information collected or used by the board for purposes of enhancing the online  
58 data reporting tool in accordance with this section may not identify a student individually.
- 59 (3) The enhancement to the online data reporting tool and the digital program shall:
- 60 (a) be designed with a user-appropriate interface for use by teachers, school  
61 administrators, and parents;
- 62 (b) provide reports on a student's results at the student level on:
- 63 (i) a national assessment;  
64 (ii) a local assessment; and  
65 (iii) a statewide criterion-referenced test or online computer adaptive test described in  
66 Section [53A-1-603](#);
- 67 (c) have the ability to provide data from aggregate student reports based on a student's:
- 68 (i) teacher;  
69 (ii) school;  
70 (iii) school district, if applicable; or  
71 (iv) ethnicity;
- 72 (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on  
73 a single computer screen;
- 74 (e) have the ability to compare the performance of students, for each teacher, based on  
75 a student's:
- 76 (i) gender;  
77 (ii) special needs, including primary exceptionalities;  
78 (iii) English proficiency;  
79 (iv) economic status;  
80 (v) migrant status;  
81 (vi) ethnicity;  
82 (vii) response to tiered intervention;  
83 (viii) response to tiered-intervention enrollment date;  
84 (ix) absence rate;  
85 (x) feeder school;  
86 (xi) type of school, including primary or secondary, public or private, Title I, or other  
87 general school-type category;

88 (xii) course failures; and  
89 (xiii) other criteria, as determined by the board; and  
90 (f) have the ability to load data from a local, national, or other assessment in the data's  
91 original format within a reasonable time.

92 (4) Subject to legislative appropriations, the online data reporting tool and digital  
93 program shall:

94 (a) integrate criteria for early warning indicators, including the following criteria:

95 (i) discipline;

96 (ii) attendance;

97 (iii) behavior;

98 (iv) course failures; and

99 (v) other criteria as determined by a local school board or charter school governing  
100 board; and

101 (b) provide a teacher or administrator the ability to view the early warning indicators  
102 described in Subsection (4)(a) with a student's assessment results described in Subsection  
103 (3)(b).

104 (5) Subject to legislative appropriations, the online data reporting tool and the digital  
105 program shall:

106 (a) provide data on response to intervention using existing assessments or measures  
107 that are manually added, including assessment and nonacademic measures;

108 (b) provide a user the ability to share interventions within a reporting environment and  
109 add comments to inform other teachers, administrators, and parents or guardians;

110 (c) save and share reports among different teachers and school administrators, subject  
111 to the student population information a teacher or administrator has the rights to access;

112 (d) automatically flag a student profile when early warning thresholds are met so that a  
113 teacher can easily identify a student who may be in need of intervention;

114 (e) incorporate a variety of algorithms to support student learning outcomes and  
115 provide student growth reporting by teacher;

116 (f) integrate response to intervention tiers and activities as filters for the reporting of  
117 individual student data and aggregated data, including by ethnicity, school, or teacher;

118 (g) have the ability to generate student parent or guardian communication to alert the

119 parent or guardian of academic plans or interventions; and

120 (h) configure alerts based upon student academic results, including a student's  
 121 performance on the previous year statewide criterion-referenced test or online computer  
 122 adaptive test described in Section 53A-1-603.

123 (6) (a) The board shall, subject to legislative appropriations, select an LEA to receive  
 124 access to a digital program through a provider described in Subsection (2)(a)(ii).

125 (b) An LEA that receives access to a digital program shall pay for 50% of the cost of  
 126 the digital program.

127 (c) An LEA that receives access to a digital program shall no later than one school year  
 128 after accessing a digital program report to the board in a format required by the board on the  
 129 effectiveness of the digital program, positive and negative attributes of the digital program,  
 130 recommendations for improving the online data reporting tool, and any other information  
 131 regarding a digital program requested by the board.

132 (d) The board shall consider recommendations from an LEA for changes to the online  
 133 data reporting tool.

134 (7) Information described in this section shall be used in accordance with and provided  
 135 subject to:

136 (a) Chapter 1, Part 14, Student Data Protection Act;

137 (b) Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act; and

138 (c) Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

139 Section 2. Section **63I-2-253** is amended to read:

140 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

141 (1) Section 53A-1-403.5 is repealed July 1, 2017.

142 (2) Section 53A-1-411 is repealed July 1, 2017.

143 (3) Section 53A-1-415 is repealed July 1, 2019.

144 [~~(3)~~] (4) Section 53A-1-709 is repealed July 1, 2020.

145 [~~(4)~~] (5) Subsection 53A-1a-513(4) is repealed July 1, 2017.

146 [~~(5)~~] (6) Section 53A-1a-513.5 is repealed July 1, 2017.

147 [~~(6)~~] (7) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2019.

148 [~~(7)~~] (8) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is  
 149 repealed July 1, 2017.

150 [(8)] (9) Sections 53A-24-601 and 53A-24-602 are repealed January 1, 2018.  
 151 [(9)] (10) (a) Subsections 53B-2a-103(2) and (4) are repealed July 1, 2019.  
 152 (b) When repealing Subsections 53B-2a-103(2) and (4), the Office of Legislative  
 153 Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3),  
 154 make necessary changes to subsection numbering and cross references.  
 155 [(10)] (11) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,  
 156 is repealed July 1, 2023.

157 Section 3. **Appropriation.**

158 The following sums of money are appropriated for the fiscal year beginning July 1,  
 159 2017, and ending June 30, 2018. These are additions to amounts previously appropriated for  
 160 fiscal year 2018. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
 161 Act, the Legislature appropriates the following sums of money from the funds or accounts  
 162 indicated for the use and support of the government of the state of Utah.

163 ITEM 1

164 To State Board of Education - Initiative Programs

165 From Education Fund, One-time  $\hat{\$} \rightarrow$  [ \$375,000] \$125,000  $\leftarrow \hat{\$}$

166 Schedule of Programs:

167 Early Warning Pilot Program  $\hat{\$} \rightarrow$  [\$375,000] \$125,000  $\leftarrow \hat{\$}$

167a  $\hat{\$} \rightarrow$  ITEM 2

167b To State Board of Education - Initiative Programs

167c From Education Fund, Ongoing \$250,000

167d Schedule of Programs:

167e Early Warning Pilot Program \$250,000  $\leftarrow \hat{\$}$

168 The Legislature intends that the State Board of Education:

169 (1) use \$125,000 of the appropriation under this section for enhancement of the online  
 170 data reporting tool as described in Section 53A-1-415; and

171 (2) use \$250,000 of the appropriation under this section for paying 50% of the cost for  
 172 an LEA to access a digital program as described in Section 53A-1-415.

173 Section 4. **Coordinating H.B. 404 with S.B. 220 -- Substantive and technical**  
 174 **amendment.**

175 If this H.B. 404 and S.B. 220, Student Assessment and School Accountability  
 176 Amendments, both pass and become law, it is the intent of the Legislature that the Office of  
 177 Legislative Research and General Counsel shall prepare the Utah Code database for publication  
 178 by:

179

(1) modifying Subsection [53A-1-415\(3\)\(b\)\(iii\)](#) to read:

180

"(iii) a standards assessment described in Section [53A-1-604](#)"; and

181           (2) modifying Subsection [53A-1-415\(5\)\(h\)](#) to read:  
182           "(h) configure alerts based upon student academic results, including a student's  
183 performance on the previous year standards assessment described in Section [53A-1-604](#)."