

1 **EARLY WARNING PROGRAM AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Val L. Peterson**

5 Senate Sponsor: Ann Millner

7 **LONG TITLE**

8 **General Description:**

9 This bill reauthorizes and amends the student intervention early warning pilot program,
10 which provides for systems to identify students in need of early intervention.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ reauthorizes the student intervention early warning pilot program;
- 15 ▶ directs the State Board of Education (state board) to enhance the online data
16 reporting tool and contract with a provider for a two-year pilot program;
- 17 ▶ provides certain standards and functionality that are to be included in the
18 enhancements to the online data reporting tool and digital program;
- 19 ▶ directs the state board to provide a digital program to a local education agency;
- 20 ▶ requires a local education agency to pay half the cost of a digital program;
- 21 ▶ requires a local education agency to report to the board on the effectiveness of a
22 digital program and recommendations for enhancement of the online data reporting
23 tool; and
- 24 ▶ provides a repeal date.

25 **Money Appropriated in this Bill:**

26 This bill appropriates:

- 27 ▶ to State Board of Education -- Initiative Programs, as a one-time appropriation:
28 • from the Education Fund, \$125,000.

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **63I-2-253**, as last amended by Laws of Utah 2019, Chapters 41, 129, 136, 223, 324,
34 325, and 444

35 ENACTS:

36 **53F-4-207**, Utah Code Annotated 1953



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

39 Section 1. Section **53F-4-207** is enacted to read:

40 **53F-4-207. Student intervention early warning pilot program.**

41 (1) As used in this section:

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

44 (b) "Online data reporting tool" means a system described in Section **53E-4-311**.

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

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

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

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

52 (c) Information collected or used by the state board for purposes of enhancing the
53 online data reporting tool in accordance with this section may not identify a student
54 individually.

55 (d) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
56 Administrative Rulemaking Act, to define the primary exceptionalities described in Subsection
57 (3)(e)(ii).

- 58 (3) The enhancement to the online data reporting tool and the digital program shall:
59 (a) be designed with a user-appropriate interface for use by teachers, school
60 administrators, and parents;
61 (b) provide reports on a student's results at the student level on:
62 (i) a national assessment;
63 (ii) a local assessment; and
64 (iii) a standards assessment described in Section [53E-4-303](#);
65 (c) have the ability to provide data from aggregate student reports based on a student's:
66 (i) teacher;
67 (ii) school;
68 (iii) school district, if applicable; or
69 (iv) ethnicity;
70 (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on
71 a single computer screen;
72 (e) have the ability to compare the performance of students, for each teacher, based on
73 a student's:
74 (i) gender;
75 (ii) special needs, including primary exceptionality as defined by state board rule;
76 (iii) English proficiency;
77 (iv) economic status;
78 (v) migrant status;
79 (vi) ethnicity;
80 (vii) response to tiered intervention;
81 (viii) response to tiered intervention enrollment date;
82 (ix) absence rate;
83 (x) feeder school;
84 (xi) type of school, including primary or secondary, public or private, Title I, or other
85 general school-type category;

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

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

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

93 (i) discipline;

94 (ii) attendance;

95 (iii) behavior;

96 (iv) course failures; and

97 (v) other criteria as determined by a local school board or charter school governing
98 board;

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

102 (c) provide data on response to intervention using existing assessments or measures
103 that are manually added, including assessment and nonacademic measures;

104 (d) provide a user the ability to share interventions within a reporting environment and
105 add comments to inform other teachers, administrators, and parents;

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

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

110 (g) incorporate a variety of algorithms to support student learning outcomes and
111 provide student growth reporting by teacher;

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

114 (i) have the ability to generate parent communication to alert the parent of academic
115 plans or interventions; and

116 (j) configure alerts based upon student academic results, including a student's
117 performance on the previous year's standards assessment described in Section 53E-4-303.

118 (5) (a) The state board shall, subject to legislative appropriations, select an LEA to
119 receive access to a digital program through a provider described in Subsection (2)(a)(ii).

120 (b) An LEA that receives access to a digital program shall:

121 (i) pay for 50% of the cost of providing access to the digital program to the LEA; and

122 (ii) no later than one school year after accessing a digital program, report to the state
123 board in a format required by the state board on:

124 (A) the effectiveness of the digital program;

125 (B) positive and negative attributes of the digital program;

126 (C) recommendations for improving the online data reporting tool; and

127 (D) any other information regarding a digital program requested by the state board.

128 (c) The state board shall consider recommendations from an LEA for changes to the
129 online data reporting tool.

130 (6) Information described in this section shall be used in accordance with and provided
131 subject to:

132 (a) Title 53E, Chapter 9, Student Privacy and Data Protection; and

133 (b) Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

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

135 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

136 (1) (a) Subsections **53B-2a-103**(2) and (4), regarding the composition of the UTech
137 Board of Trustees and the transition to that composition, are repealed July 1, 2019.

138 (b) When repealing Subsections **53B-2a-103**(2) and (4), the Office of Legislative
139 Research and General Counsel shall, in addition to its authority under Subsection **36-12-12**(3),
140 make necessary changes to subsection numbering and cross references.

141 (2) (a) Subsection **53B-2a-108**(5), regarding exceptions to the composition of a

142 technical college board of directors, is repealed July 1, 2022.

143 (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and
144 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
145 necessary changes to subsection numbering and cross references.

146 (3) Section 53B-6-105.7 is repealed July 1, 2024.

147 (4) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as provided
148 in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

149 (b) Subsection 53B-7-705(6)(b)(ii)(B), regarding comparing a technical college's
150 change in performance with the technical college's average performance, is repealed July 1,
151 2021.

152 (5) (a) Subsection 53B-7-707(3)(a)(ii), the language that states "Except as provided in
153 Subsection (3)(b)," is repealed July 1, 2021.

154 (b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college
155 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

156 (6) Section 53B-8-112 is repealed July 1, 2024.

157 (7) Section 53B-8-114 is repealed July 1, 2024.

158 (8) (a) The following sections, regarding the Regents' scholarship program, are
159 repealed on July 1, 2023:

160 (i) Section 53B-8-202;

161 (ii) Section 53B-8-203;

162 (iii) Section 53B-8-204; and

163 (iv) Section 53B-8-205.

164 (b) (i) Subsection 53B-8-201(2), regarding the Regents' scholarship program for
165 students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.

166 (ii) When repealing Subsection 53B-8-201(2), the Office of Legislative Research and
167 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
168 necessary changes to subsection numbering and cross references.

169 (9) Section 53B-10-101 is repealed on July 1, 2027.

170 (10) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
171 repealed July 1, 2023.

172 (11) Section [53E-3-519](#) regarding school counselor services is repealed July 1, 2020.

173 (12) Section [53E-3-520](#) is repealed July 1, 2021.

174 (13) Subsection [53E-5-306\(3\)\(b\)\(ii\)\(B\)](#), related to improving school performance and
175 continued funding relating to the School Recognition and Reward Program, is repealed July 1,
176 2020.

177 (14) Section [53E-5-307](#) is repealed July 1, 2020.

178 (15) In Subsections [53F-2-205\(4\)](#) and (5), regarding the State Board of Education's
179 duties if contributions from the minimum basic tax rate are overestimated or underestimated,
180 the language that states "or [53F-2-301.5](#), as applicable" is repealed July 1, 2023.

181 (16) Subsection [53F-2-301\(1\)](#), relating to the years the section is not in effect, is
182 repealed July 1, 2023.

183 (17) In Subsection [53F-2-515\(1\)](#), the language that states "or [53F-2-301.5](#), as
184 applicable" is repealed July 1, 2023.

185 ~~[(18) Section [53F-4-204](#) is repealed July 1, 2019.]~~

186 (18) Section [53F-4-207](#) is repealed July 1, 2022.

187 (19) In Subsection [53F-9-302\(3\)](#), the language that states "or [53F-2-301.5](#), as
188 applicable" is repealed July 1, 2023.

189 (20) In Subsection [53F-9-305\(3\)\(a\)](#), the language that states "or [53F-2-301.5](#), as
190 applicable" is repealed July 1, 2023.

191 (21) In Subsection [53F-9-306\(3\)\(a\)](#), the language that states "or [53F-2-301.5](#), as
192 applicable" is repealed July 1, 2023.

193 (22) In Subsection [53G-3-304\(1\)\(c\)\(i\)](#), the language that states "or [53F-2-301.5](#), as
194 applicable" is repealed July 1, 2023.

195 (23) On July 1, 2023, when making changes in this section, the Office of Legislative
196 Research and General Counsel shall, in addition to the office's authority under Subsection
197 [36-12-12\(3\)](#), make corrections necessary to ensure that sections and subsections identified in

198 this section are complete sentences and accurately reflect the office's perception of the
199 Legislature's intent.

200 **Section 3. Appropriation.**

201 The following sums of money are appropriated for the fiscal year beginning July 1,
202 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for
203 fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
204 Act, the Legislature appropriates the following sums of money from the funds or accounts
205 indicated for the use and support of the government of the state of Utah.

206 ITEM 1

207 To State Board of Education - Initiative Programs

208 From Education Fund, One-time \$125,000

209 Schedule of Programs:

210 Early Warning Pilot Program \$125,000