

EARLY WARNING PROGRAM AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

This bill appropriates:

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



- 28 • from the Education Fund \$125,000; and
- 29 ▶ to State Board of Education -- Initiative Programs, as an ongoing appropriation:
- 30 • from the Education Fund \$250,000.

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **63I-2-253**, as last amended by Laws of Utah 2019, Chapters 41, 129, 136, 223, 324,
36 325, and 444

37 ENACTS:

38 **53F-4-207**, Utah Code Annotated 1953



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

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

42 **53F-4-207. Student intervention early warning pilot program.**

43 (1) As used in this section:

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

46 (b) "Online data reporting tool" means a system described in Section [53E-4-311](#).

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

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

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

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

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

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

- 59 (3)(e)(ii).
- 60 (3) The enhancement to the online data reporting tool and the digital program shall:
- 61 (a) be designed with a user-appropriate interface for use by teachers, school
- 62 administrators, and parents;
- 63 (b) provide reports on a student's results at the student level on:
- 64 (i) a national assessment;
- 65 (ii) a local assessment; and
- 66 (iii) a standards assessment described in Section [53E-4-303](#);
- 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 exceptionality as defined by state board rule;
- 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 state 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;

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

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

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

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

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

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

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

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

120 (5) (a) The state board shall, subject to legislative appropriations, select an LEA to

121 receive access to a digital program through a provider described in Subsection (2)(a)(ii).

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

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

124 (ii) no later than one school year after accessing a digital program, report to the state

125 board in a format required by the state board on:

126 (A) the effectiveness of the digital program;

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

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

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

130 (c) The state board shall consider recommendations from an LEA for changes to the

131 online data reporting tool.

132 (6) Information described in this section shall be used in accordance with and provided

133 subject to:

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

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

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

137 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

138 (1) (a) Subsections **53B-2a-103**(2) and (4), regarding the composition of the UTech

139 Board of Trustees and the transition to that composition, are repealed July 1, 2019.

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

143 (2) (a) Subsection **53B-2a-108**(5), regarding exceptions to the composition of a
144 technical college board of directors, is repealed July 1, 2022.

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

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

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

151 (b) Subsection **53B-7-705**(6)(b)(ii)(B), regarding comparing a technical college's

152 change in performance with the technical college's average performance, is repealed July 1,
153 2021.

154 (5) (a) Subsection [53B-7-707\(3\)\(a\)\(ii\)](#), the language that states "Except as provided in
155 Subsection (3)(b)," is repealed July 1, 2021.

156 (b) Subsection [53B-7-707\(3\)\(b\)](#), regarding performance data of a technical college
157 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

158 (6) Section [53B-8-112](#) is repealed July 1, 2024.

159 (7) Section [53B-8-114](#) is repealed July 1, 2024.

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

162 (i) Section [53B-8-202](#);

163 (ii) Section [53B-8-203](#);

164 (iii) Section [53B-8-204](#); and

165 (iv) Section [53B-8-205](#).

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

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

171 (9) Section [53B-10-101](#) is repealed on July 1, 2027.

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

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

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

176 (13) Subsection [53E-5-306\(3\)\(b\)\(ii\)\(B\)](#), related to improving school performance and
177 continued funding relating to the School Recognition and Reward Program, is repealed July 1,
178 2020.

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

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

183 (16) Subsection 53F-2-301(1), relating to the years the section is not in effect, is
184 repealed July 1, 2023.

185 (17) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
186 applicable" is repealed July 1, 2023.

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

188 (18) Section 53F-4-207 is repealed July 1, 2022.

189 (19) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
190 applicable" is repealed July 1, 2023.

191 (20) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
192 applicable" is repealed July 1, 2023.

193 (21) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
194 applicable" is repealed July 1, 2023.

195 (22) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as
196 applicable" is repealed July 1, 2023.

197 (23) On July 1, 2023, when making changes in this section, the Office of Legislative
198 Research and General Counsel shall, in addition to the office's authority under Subsection
199 36-12-12(3), make corrections necessary to ensure that sections and subsections identified in
200 this section are complete sentences and accurately reflect the office's perception of the
201 Legislature's intent.

202 Section 3. **Appropriation.**

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

208 ITEM 1

209 To State Board of Education - Initiative Programs

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

211 Schedule of Programs:

212 Early Warning Pilot Program \$125,000

213 ITEM 2

214 To State Board of Education - Initiative Programs
215 From Education Fund, Ongoing \$250,000
216 Schedule of Programs:
217 Early Warning Pilot Program \$250,000
218 The Legislature intends that the State Board of Education:
219 (1) use \$125,000 of the appropriation under this section for enhancement of the online
220 data reporting tool as described in Section [53F-4-207](#); and
221 (2) use \$250,000 of the appropriation under this section for enhancement of the online
222 data reporting tool as described in Section [53F-4-207](#).