

## HB0392S01 compared with HB0392

~~deleted text~~ shows text that was in HB0392 but was deleted in HB0392S01.

inserted text shows text that was not in HB0392 but was inserted into HB0392S01.

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Representative Val L. Peterson proposes the following substitute bill:

### EARLY WARNING PROGRAM AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Val L. Peterson**

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

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#### 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;

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- ▶ 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:
  - from the Education Fund \$125,000~~}; and~~

~~▶ to State Board of Education -- Initiative Programs, as an ongoing appropriation:  
• from the Education Fund \$250,000}.~~

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

ENACTS:

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

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

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

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

(1) As used in this section:

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

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

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

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

(ii) select through a competitive contract process a provider to provide to an LEA a

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digital program as described in this section.

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

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

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

(3) The enhancement to the online data reporting tool and the digital program shall:

(a) be designed with a user-appropriate interface for use by teachers, school administrators, and parents;

(b) provide reports on a student's results at the student level on:

(i) a national assessment;

(ii) a local assessment; and

(iii) a standards assessment described in Section 53E-4-303;

(c) have the ability to provide data from aggregate student reports based on a student's:

(i) teacher;

(ii) school;

(iii) school district, if applicable; or

(iv) ethnicity;

(d) provide a viewer with the ability to view the data described in Subsection (2)(c) on a single computer screen;

(e) have the ability to compare the performance of students, for each teacher, based on a student's:

(i) gender;

(ii) special needs, including primary exceptionality as defined by state board rule;

(iii) English proficiency;

(iv) economic status;

(v) migrant status;

(vi) ethnicity;

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(vii) response to tiered intervention;

(viii) response to tiered intervention enrollment date;

(ix) absence rate;

(x) feeder school;

(xi) type of school, including primary or secondary, public or private, Title I, or other general school-type category;

(xii) course failures; and

(xiii) other criteria, as determined by the state board; and

(f) have the ability to load data from a local, national, or other assessment in the data's original format within a reasonable time.

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

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

(i) discipline;

(ii) attendance;

(iii) behavior;

(iv) course failures; and

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

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

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

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

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

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

(g) incorporate a variety of algorithms to support student learning outcomes and

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provide student growth reporting by teacher:

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

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

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

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

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

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

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

(A) the effectiveness of the digital program;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Section 53B-8-202;

(ii) Section 53B-8-203;

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

(iv) Section 53B-8-205.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Section 3. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures

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Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

### ITEM 1

To State Board of Education - Initiative Programs

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

Schedule of Programs:

Early Warning Pilot Program \$125,000

### ~~{ITEM 2~~

~~———— To State Board of Education - Initiative Programs~~

~~———— From Education Fund, Ongoing \$250,000~~

~~———— Schedule of Programs:~~

~~———— Early Warning Pilot Program \$250,000~~

~~———— The Legislature intends that the State Board of Education:~~

~~———— (1) use \$125,000 of the appropriation under this section for enhancement of the online data reporting tool as described in Section 53F-4-207; and~~

~~———— (2) use \$250,000 of the appropriation under this section for enhancement of the online data reporting tool as described in Section 53F-4-207.~~

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