

1                   **EDUCATION AGENCY REPORT PROCESS AMENDMENTS**

2   2021 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Susan Pulsipher**

5                                   Senate Sponsor: Derrin R. Owens

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7 **LONG TITLE**

8 **Committee Note:**

9                   The Education Interim Committee recommended this bill.

10                   Legislative Vote: 16 voting for 0 voting against 3 absent

11 **General Description:**

12                   This bill removes certain education reporting requirements and requires the State Board  
13 of Education to establish a policy or procedures to evaluate the impact a report required  
14 in a proposed rule may have on reporting requirements for local education agencies.

15 **Highlighted Provisions:**

16                   This bill:

- 17                   ▶ requires the State Board of Education (state board) to establish a policy or
- 18 procedures to evaluate the impact any report required in a rule proposed by the state
- 19 board may have on reporting requirements for a local education agency;
- 20                   ▶ removes education reporting requirements related to:
  - 21                   • the program evaluation of the dual language immersion program;
  - 22                   • the digital teaching and learning program; and
  - 23                   • the state board's progress implementing certain employee evaluations;
- 24                   ▶ repeals the Student Leadership Skills Development Program;
- 25                   ▶ repeals provisions related to the appropriation for accommodation plans for students
- 26 with Section 504 accommodations; and
- 27                   ▶ defines terms.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53E-1-201**, as last amended by Laws of Utah 2020, Chapters 51, 174, 254, 274, 321,  
35 354, 365 and last amended by Coordination Clause, Laws of Utah 2020, Chapters  
36 254, 274, and 321

37 **53E-1-202**, as last amended by Laws of Utah 2020, Chapters 330 and 354

38 **53F-2-502**, as last amended by Laws of Utah 2020, Chapter 408

39 **53F-2-510**, as last amended by Laws of Utah 2020, Chapter 408

40 **53G-11-505**, as last amended by Laws of Utah 2019, Chapter 293

41 ENACTS:

42 **53E-1-205**, Utah Code Annotated 1953

43 REPEALS:

44 **53F-2-508**, as last amended by Laws of Utah 2020, Chapter 408

45 **53F-2-512**, as last amended by Laws of Utah 2020, Chapter 408



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

48 Section 1. Section **53E-1-201** is amended to read:

49 **53E-1-201. Reports to and action required of the Education Interim Committee.**

50 (1) In accordance with applicable provisions and Section **68-3-14**, the following  
51 recurring reports are due to the Education Interim Committee:

52 (a) the report described in Section **9-22-109** by the STEM Action Center Board,  
53 including the information described in Section **9-22-113** on the status of the computer science  
54 initiative and Section **9-22-114** on the Computing Partnerships Grants Program;

55 (b) the prioritized list of data research described in Section **35A-14-302** and the report  
56 on research described in Section **35A-14-304** by the Utah Data Research Center;

57 (c) the report described in Section **35A-15-303** by the State Board of Education on  
58 preschool programs;

59 (d) the report described in Section 53B-1-402 by the Utah Board of Higher Education  
60 on career and technical education issues and addressing workforce needs;

61 (e) the annual report of the Utah Board of Higher Education described in Section  
62 53B-1-402;

63 (f) the reports described in Section 53B-28-401 by the Utah Board of Higher Education  
64 regarding activities related to campus safety;

65 (g) the State Superintendent's Annual Report by the state board described in Section  
66 53E-1-203;

67 (h) the annual report described in Section 53E-2-202 by the state board on the strategic  
68 plan to improve student outcomes;

69 (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for  
70 the Deaf and the Blind;

71 (j) the report described in Section 53E-10-703 by the Utah Leading through Effective,  
72 Actionable, and Dynamic Education director on research and other activities;

73 (k) the report described in Section 53F-4-203 by the state board and the independent  
74 evaluator on an evaluation of early interactive reading software;

75 (l) the report described in Section 53F-4-407 by the state board on UPSTART;

76 (m) the reports described in Sections 53F-5-214 and 53F-5-215 by the state board  
77 related to grants for professional learning and grants for an elementary teacher preparation  
78 assessment; and

79 (n) the report described in Section 53F-5-405 by the State Board of Education  
80 regarding an evaluation of a partnership that receives a grant to improve educational outcomes  
81 for students who are low income.

82 (2) In accordance with applicable provisions and Section 68-3-14, the following  
83 occasional reports are due to the Education Interim Committee:

84 (a) the report described in Section 35A-15-303 by the School Readiness Board by  
85 November 30, 2020, on benchmarks for certain preschool programs;

86 (b) the report described in Section 53B-28-402 by the Utah Board of Higher Education  
87 on or before the Education Interim Committee's November 2021 meeting;

88 (c) the report described in Section 53E-3-519 by the state board regarding counseling  
89 services in schools;

90 (d) the reports described in Section 53E-3-520 by the state board regarding cost centers  
91 and implementing activity based costing;

92 (e) if required, the report described in Section 53E-4-309 by the state board explaining  
93 the reasons for changing the grade level specification for the administration of specific  
94 assessments;

95 (f) if required, the report described in Section 53E-5-210 by the state board of an  
96 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;

97 (g) in 2022 and in 2023, on or before November 30, the report described in Subsection  
98 53E-10-309(7) related to the PRIME pilot program;

99 (h) the report described in Section 53E-10-702 by Utah Leading through Effective,  
100 Actionable, and Dynamic Education;

101 ~~[(i) the report described in Section 53F-2-502 by the state board on the program~~  
102 ~~evaluation of the dual language immersion program;]~~

103 ~~[(j)]~~ (i) if required, the report described in Section 53F-2-513 by the state board  
104 evaluating the effects of salary bonuses on the recruitment and retention of effective teachers in  
105 high poverty schools;

106 ~~[(k)]~~ (j) upon request, the report described in Section 53F-5-207 by the state board on  
107 the Intergenerational Poverty Intervention Grants Program;

108 ~~[(l)]~~ (k) the report described in Section 53F-5-210 by the state board on the Educational  
109 Improvement Opportunities Outside of the Regular School Day Grant Program;

110 ~~[(m)]~~ (l) the report described in Section 53G-7-503 by the state board regarding fees  
111 that LEAs charge during the 2020-2021 school year;

112 ~~[(n)]~~ (m) the reports described in Section 53G-11-304 by the state board regarding  
113 proposed rules and results related to educator exit surveys;

114 ~~[(o) upon request, the report described in Section 53G-11-505 by the state board on~~  
115 ~~progress in implementing employee evaluations;]~~

116 ~~[(p)]~~ (n) the report described in Section 62A-15-117 by the Division of Substance  
117 Abuse and Mental Health, the State Board of Education, and the Department of Health  
118 regarding recommendations related to Medicaid reimbursement for school-based health  
119 services; and

120 ~~[(q)]~~ (o) the reports described in Section 63C-19-202 by the Higher Education Strategic

121 Planning Commission.

122 (3) In accordance with Section 53B-7-705, the Education Interim Committee shall  
123 complete the review of the implementation of performance funding.

124 Section 2. Section 53E-1-202 is amended to read:

125 **53E-1-202. Reports to and action required of the Public Education**  
126 **Appropriations Subcommittee.**

127 (1) In accordance with applicable provisions and Section 68-3-14, the following  
128 recurring reports are due to the Public Education Appropriations Subcommittee:

129 (a) the State Superintendent's Annual Report by the state board described in Section  
130 53E-1-203;

131 (b) the report described in Section 53E-10-703 by the Utah Leading through Effective,  
132 Actionable, and Dynamic Education director on research and other activities; and

133 (c) the report by the STEM Action Center Board described in Section 9-22-109,  
134 including the information described in Section 9-22-113 on the status of the computer science  
135 initiative.

136 (2) [(a)] The one-time report by the state board regarding cost centers and  
137 implementing activity based costing is due to the Public Education Appropriations  
138 Subcommittee in accordance with Section 53E-3-520.

139 ~~[(b) The occasional report, described in Section 53F-2-502 by the state board on the~~  
140 ~~program evaluation of the dual language immersion program, is due to the Public Education~~  
141 ~~Appropriations Subcommittee and in accordance with Section 68-3-14.]~~

142 (3) In accordance with applicable provisions, the Public Education Appropriations  
143 Subcommittee shall complete the following:

144 (a) the evaluation described in Section 53F-2-410 of funding for at-risk students; and

145 (b) if required, the study described in Section 53F-4-304 of scholarship payments.

146 Section 3. Section 53E-1-205 is enacted to read:

147 **53E-1-205. Reporting impact analysis.**

148 (1) As used in this section, "proposed report" means a report that:

149 (a) an LEA is required to prepare or submit to the state board;

150 (b) a rule proposed by the state board requires; and

151 (c) is not required by federal law, Utah Code, or another state entity.

152           (2) The state board shall establish a policy or procedures to evaluate the impact a  
153 proposed report may have on reporting requirements for an LEA.

154           (3) The impact described in Subsection (2) may include:

155           (a) the estimated cost to an LEA associated with the proposed report;

156           (b) the estimated time an LEA administrator will spend preparing the proposed report;

157 and

158           (c) any disproportionate impact the proposed report may have on an LEA because of  
159 the LEA's size, location, or other factors.

160           Section 4. Section **53F-2-502** is amended to read:

161           **53F-2-502. Dual language immersion.**

162           (1) As used in this section:

163           (a) "Dual language immersion" means an instructional setting in which a student  
164 receives a portion of instruction in English and a portion of instruction exclusively in a partner  
165 language.

166           (b) "Local education agency" or "LEA" means a school district or a charter school.

167           (c) "Participating LEA" means an LEA selected by the state board to receive a grant  
168 described in this section.

169           (d) "Partner language" means a language other than English in which instruction is  
170 provided in dual language immersion.

171           (2) The state board shall:

172           (a) establish a dual language immersion program;

173           (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
174 make rules that establish:

175           (i) a grant program for an LEA to receive funding for dual language immersion;

176           (ii) the required qualifications for an LEA to be a participating LEA;

177           (iii) subject to this section, requirements of a participating LEA;

178           (iv) a proficiency assessment for each partner language; and

179           (v) a progression of how a school in a participating LEA adds grade levels in which the  
180 school offers dual language immersion; and

181           (c) subject to legislative appropriations:

182           (i) select participating LEAs; and

183 (ii) award to a participating LEA a grant to support dual language immersion in the  
184 LEA[;and].

185 [~~(d) report to a legislative committee on the results of a proficiency assessment~~  
186 ~~described in Subsection (2)(b)(iv) upon request.~~]

187 (3) A participating LEA shall:

188 (a) establish in a school a full-day dual language immersion instructional model that  
189 provides at least 50% of instruction exclusively in a partner language;

190 (b) in accordance with the state board rules described in Subsection (2)(b), add grades  
191 in which dual language immersion is provided in a school; and

192 (c) annually administer to each student in grades 3 through 8 who participates in dual  
193 language immersion an assessment described in Subsection (2)(b)(iv).

194 (4) The state board shall:

195 (a) provide support to a participating LEA, including by:

196 (i) offering professional learning for dual language immersion educators;

197 (ii) developing curriculum related to dual language immersion; or

198 (iii) providing instructional support for a partner language;

199 (b) conduct a program evaluation of the dual language immersion program established  
200 under Subsection (2)(a); and

201 (c) on or before November 1, 2019, report to the Education Interim Committee and the  
202 Public Education Appropriations Subcommittee on the results of the program evaluation  
203 described in Subsection (4)(b).

204 (5) The state board may, in accordance with Title 63G, Chapter 6a, Utah Procurement  
205 Code, contract with a third party to conduct the program evaluation described in Subsection  
206 (4)(b).

207 Section 5. Section **53F-2-510** is amended to read:

208 **53F-2-510. Digital Teaching and Learning Grant Program.**

209 (1) As used in this section:

210 (a) "Advisory committee" means the committee established by the state board under  
211 Subsection (7)(b).

212 (b) "Digital readiness assessment" means an assessment provided by the state board  
213 that:

214 (i) is completed by an LEA analyzing an LEA's readiness to incorporate comprehensive  
215 digital teaching and learning; and

216 (ii) informs the preparation of an LEA's plan for incorporating comprehensive digital  
217 teaching and learning.

218 (c) "High quality professional learning" means the professional learning standards  
219 described in Section [53G-11-303](#).

220 (d) "Implementation assessment" means an assessment that analyzes an LEA's  
221 implementation of an LEA plan, including identifying areas for improvement, obstacles to  
222 implementation, progress toward the achievement of stated goals, and recommendations going  
223 forward.

224 (e) "LEA plan" means an LEA's plan to implement a digital teaching and learning  
225 program that meets the requirements of this section and requirements set forth by the state  
226 board and the advisory committee.

227 (f) "Program" means the Digital Teaching and Learning Grant Program created and  
228 described in Subsections (6) through (11).

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

231 (2) (a) The state board shall establish a digital teaching and learning task force to  
232 develop a funding proposal to present to the Legislature for digital teaching and learning in  
233 elementary and secondary schools.

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

235 (i) the state board;

236 (ii) UETN;

237 (iii) LEAs; and

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

239 (3) As funding allows, the state board shall develop a master plan for a statewide  
240 digital teaching and learning program, including the following:

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

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



- 245 (i) student and teacher devices;
- 246 (ii) Wi-Fi and wireless compatible technology;
- 247 (iii) curriculum software;
- 248 (iv) assessment solutions;
- 249 (v) technical support;
- 250 (vi) change management of LEAs;
- 251 (vii) high quality professional learning;
- 252 (viii) Internet delivery and capacity; and
- 253 (ix) security and privacy of users;
- 254 (c) a determination of the requirements for:
- 255 (i) statewide technology infrastructure; and
- 256 (ii) local LEA technology infrastructure;
- 257 (d) standards for high quality professional learning related to implementing and
- 258 maintaining a digital teaching and learning program;
- 259 (e) a statewide technical support plan that will guide the implementation and
- 260 maintenance of a digital teaching and learning program, including standards and competency
- 261 requirements for technical support personnel;
- 262 (f) (i) a grant program for LEAs; or
- 263 (ii) a distribution formula to fund LEA digital teaching and learning programs;
- 264 (g) in consultation with UETN, an inventory of the state public education system's
- 265 current technology resources and other items and a plan to integrate those resources into a
- 266 digital teaching and learning program;
- 267 (h) an ongoing evaluation process that is overseen by the state board;
- 268 (i) proposed rules that incorporate the principles of the master plan into the state's
- 269 public education system as a whole; and
- 270 (j) a plan to ensure long-term sustainability that:
- 271 (i) accounts for the financial impacts of a digital teaching and learning program; and
- 272 (ii) facilitates the redirection of LEA savings that arise from implementing a digital
- 273 teaching and learning program.
- 274 (4) UETN shall:
- 275 (a) in consultation with the state board, conduct an inventory of the state public

276 education system's current technology resources and other items as determined by UETN,  
277 including software;

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

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

283 (5) Beginning July 1, 2016, and ending July 1, 2021, each LEA, including each school  
284 within an LEA, shall annually complete a digital readiness assessment.

285 (6) There is created the Digital Teaching and Learning Grant Program to improve  
286 educational outcomes in public schools by effectively incorporating comprehensive digital  
287 teaching and learning technology.

288 (7) The state board shall:

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

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

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

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

297 ~~[(iv) an LEA to report on funds from expenses previous to the implementation of the  
298 LEA plan that the LEA has redirected after implementation;]~~

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

301 (c) in accordance with this section, approve LEA plans and award grants.

302 (8) (a) The state board shall, subject to legislative appropriations, award a grant to an  
303 LEA:

304 (i) that submits an LEA plan that meets the requirements described in Subsection (9);  
305 and

306 (ii) for which the LEA's leadership and management members have completed a digital

307 teaching and learning leadership and implementation training as provided in Subsection (8)(b).

308 (b) The state board or its designee shall provide the training described in Subsection  
309 (8)(a)(ii).

310 (9) The state board shall establish requirements of an LEA plan that shall include:

311 (a) the results of the LEA's digital readiness assessment and a proposal to remedy an  
312 obstacle to implementation or other issues identified in the assessment;

313 (b) a proposal to provide high quality professional learning for educators in the use of  
314 digital teaching and learning technology;

315 (c) a proposal for leadership training and management restructuring, if necessary, for  
316 successful implementation;

317 (d) clearly identified targets for improved student achievement, student learning, and  
318 college readiness through digital teaching and learning; and

319 (e) any other requirement established by the state board in rule made in accordance  
320 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including an application  
321 process and metrics to analyze the quality of a proposed LEA plan.

322 (10) The state board or the state board's designee shall establish an interactive  
323 dashboard available to each LEA that is awarded a grant for the LEA to track and report the  
324 LEA's long-term, intermediate, and direct outcomes in ~~[realtime]~~ real time and for the LEA to  
325 use to create customized reports.

326 (11) (a) There is no federal funding, federal requirement, federal education agreement,  
327 or national program included or related to this state adopted program.

328 (b) Any inclusion of federal funding, federal requirement, federal education agreement,  
329 or national program shall require separate express approval as provided in Title 53E, Chapter 3,  
330 Part 8, Implementing Federal or National Education Programs.

331 (12) ~~[(a)]~~ An LEA that receives a grant as part of the program shall:

332 ~~[(i)]~~ (a) ~~[subject to Subsection (12)(b), complete]~~ complete an implementation  
333 assessment for each year that the LEA is expending grant money; and

334 ~~[(ii)-(A)]~~ (b) (i) report the findings of the implementation assessment to the state board;  
335 and

336 ~~[(B)]~~ (ii) submit to the state board a plan to resolve issues raised in the implementation  
337 assessment.

338           ~~[(b) Each school within the LEA shall:]~~  
339           ~~[(i) complete an implementation assessment; and]~~  
340           ~~[(ii) submit a compilation report that meets the requirements described in Subsections~~  
341 ~~(12)(a)(ii)(A) and (B).]~~

342           (13) The state board or the state board's designee shall review an implementation  
343 assessment and review each participating LEA's progress from the previous year, as applicable.

344           (14) The state board shall establish interventions for an LEA that does not make  
345 progress on implementation of the LEA's implementation plan, including:

- 346           (a) nonrenewal of, or time period extensions for, the LEA's grant;
- 347           (b) reduction of funds; or
- 348           (c) other interventions to assist the LEA.

349           (15) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board  
350 shall contract with an independent evaluator to:

- 351           (a) annually evaluate statewide direct and intermediate outcomes beginning the first  
352 year that grants are awarded, including baseline data collection for long-term outcomes;
- 353           (b) in the fourth year after a grant is awarded, and each year thereafter, evaluate  
354 statewide long-term outcomes; and
- 355           (c) report on the information described in Subsections (15)(a) and (b) to the state  
356 board.

357           (16) (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter  
358 6a, Utah Procurement Code, or other agreement with one or more providers of technology  
359 powered learning solutions and one or more providers of wireless networking solutions may be  
360 entered into by:

- 361           (i) UETN, in cooperation with or on behalf of, as applicable, the state board, the state  
362 board's designee, or an LEA; or
- 363           (ii) an LEA.

364           (b) A contract or agreement entered into under Subsection (16)(a) may be a contract or  
365 agreement that:

- 366           (i) UETN enters into with a provider and payment for services is directly appropriated  
367 by the Legislature, as funds are available, to UETN;
- 368           (ii) UETN enters into with a provider and pays for the provider's services and is

369 reimbursed for payments by an LEA that benefits from the services;

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

372 (iv) an LEA enters into directly, pays a provider, and receives preapproved  
373 reimbursement from a UETN fund established for this purpose.

374 (c) If an LEA does not reimburse UETN in a reasonable time for services received  
375 under a contract or agreement described in Subsection (16)(b), the state board shall pay the  
376 balance due to UETN from the LEA's funds received under Title 53F, Chapter 2, State Funding  
377 -- Minimum School Program.

378 (d) If UETN negotiates or enters into an agreement as described in Subsection  
379 (16)(b)(ii) or (16)(b)(iii), and UETN enters into an additional agreement with an LEA that is  
380 associated with the agreement described in Subsection (16)(b)(ii) or (16)(b)(iii), the associated  
381 agreement may be treated by UETN and the LEA as a cooperative procurement, as that term is  
382 defined in Section 63G-6a-103, regardless of whether the associated agreement satisfies the  
383 requirements of Section 63G-6a-2105.

384 Section 6. Section 53G-11-505 is amended to read:

385 **53G-11-505. State board rules -- Reporting to Legislature.**

386 ~~[(1)]~~ Subject to Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509,  
387 53G-11-510, and 53G-11-511, rules adopted by the state board under Section 53G-11-504  
388 shall:

389 ~~[(a)]~~ (1) provide general guidelines, requirements, and procedures for the development  
390 and implementation of employee evaluations;

391 ~~[(b)]~~ (2) establish required components and allow for optional components of  
392 employee evaluations;

393 ~~[(c)]~~ (3) require school districts to choose valid and reliable methods and tools to  
394 implement the evaluations; and

395 ~~[(d)]~~ (4) establish a timeline for school districts to implement employee evaluations.

396 ~~[(2)]~~ The state board shall report to the Education Interim Committee, as requested, on  
397 progress in implementing employee evaluations in accordance with this section and Sections  
398 53G-11-504, 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, and  
399 53G-11-511.]

400           Section 7. **Repealer.**  
401           This bill repeals:  
402           Section **53F-2-508, Student Leadership Skills Development Program.**  
403           Section **53F-2-512, Appropriation for accommodation plans for students with**  
404   **Section 504 accommodations.**