

1                   **STUDENT INTERVENTION EARLY WARNING PROGRAM**

2   2022 GENERAL SESSION

3   STATE OF UTAH

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

5                                   Senate Sponsor: Ann Millner

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7 **LONG TITLE**

8 **General Description:**

9           This bill converts the student intervention early warning pilot program into an ongoing  
10 program.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ removes a repeal date for the student intervention early warning program;
- 14           ▶ removes a two-year pilot program limitation on a contract for the program; and
- 15           ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 **AMENDS:**

22           **53F-4-207**, as enacted by Laws of Utah 2020, Chapter 216

23           **63I-2-253**, as last amended by Laws of Utah 2021, First Special Session, Chapter 14

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

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

27           **53F-4-207. Student intervention early warning program.**



28 (1) As used in this section:

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

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

31a ~~§~~→ **(c) "Participating LEA" means an LEA that receives access to a digital program under**  
31b **Subsection (5).** ←~~§~~

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

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

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

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

39 ~~[(e)]~~ (b) Information collected or used by the state board for purposes of enhancing the  
40 online data reporting tool in accordance with this section may not identify a student  
41 individually.

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

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

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

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

49 (i) a national assessment;

50 (ii) a local assessment; and

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

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

53 (i) teacher;

54 (ii) school;

55 (iii) school district, if applicable; or

56 (iv) ethnicity;

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

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

- 61 (i) gender;
- 62 (ii) special needs, including primary exceptionality as defined by state board rule;
- 63 (iii) English proficiency;
- 64 (iv) economic status;
- 65 (v) migrant status;
- 66 (vi) ethnicity;
- 67 (vii) response to tiered intervention;
- 68 (viii) response to tiered intervention enrollment date;
- 69 (ix) absence rate;
- 70 (x) feeder school;
- 71 (xi) type of school, including primary or secondary, public or private, Title I, or other  
72 general school-type category;
- 73 (xii) course failures; and
- 74 (xiii) other criteria, as determined by the state board; and

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

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

- 79 (a) integrate criteria for early warning indicators, including the following criteria:
  - 80 (i) discipline;
  - 81 (ii) attendance;
  - 82 (iii) behavior;
  - 83 (iv) course failures; and
  - 84 (v) other criteria as determined by a local school board or charter school governing

85 board;

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

89 (c) provide data on response to intervention using existing assessments or measures

90 that are manually added, including assessment and nonacademic measures;

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

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

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

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

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

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

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

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

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

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

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

111 (A) the effectiveness of the digital program;

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

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

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

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

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

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

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

120a **(c) the parental consent requirements in Section 53E-9-203.** ~~and~~

120b **~~and~~ (7) (a) A parent or guardian may opt the parent's or guardian's student out of**  
120c **participating in a survey prepared by a participating LEA's online data reporting** ~~and~~

- 120d **tool described in this section.**
- 120e **(b) An LEA shall provide notice to a parent of:**
- 120f **(i) the administration of a survey described in Subsection (7)(a);**
- 120g **(ii) if applicable, that the survey may request information from students that is non-academic**
- 120h **in nature;**
- 120i **(iii) where the parent may access the survey described in Subsection (7)(a) to be administered;**
- 120j **and**
- 120k **(iv) the opportunity to opt a student out of participating in a survey as described in Subsection**
- 120l **(7)(a).**
- 120m **(c) A participating LEA shall annually provide notice to parents and guardians on how the**
- 120n **participating LEA uses student data through the online data reporting tool to provide**
- 120o **instruction and intervention to students.** ←Ŝ

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

122 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

123 (1) Section **53-1-106.1** is repealed January 1, 2022.

124 (2) (a) Section **53-2a-217**, regarding procurement during an epidemic or pandemic  
125 emergency, is repealed on December 31, 2021.

126 (b) When repealing Section **53-2a-217**, the Office of Legislative Research and General  
127 Counsel shall, in addition to the office's authority under Subsection **36-12-12(3)**, make  
128 necessary changes to subsection numbering and cross references.

129 [~~(3) Section **53-2a-219**, in relation to termination of emergency powers pertaining to  
130 COVID-19, is repealed on July 1, 2021.~~]

131 [~~(4)~~] (3) (a) Subsection **53B-2a-108(5)**, regarding exceptions to the composition of a  
132 technical college board of trustees, is repealed July 1, 2022.

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

136 [~~(5)~~] (4) Section **53B-6-105.7** is repealed July 1, 2024.

137 [~~(6) (a) Subsection **53B-7-705(6)(b)(iii)(A)**, the language that states "Except as  
138 provided in Subsection (6)(b)(iii)(B)," is repealed July 1, 2021.~~]

139 [~~(b) Subsection **53B-7-705(6)(b)(iii)(B)**, regarding comparing a technical college's  
140 change in performance with the technical college's average performance, is repealed July 1,  
141 2021.~~]

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

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

146 [~~(8)~~] (5) Section **53B-7-707** regarding performance metrics for technical colleges is  
147 repealed July 1, 2023.

148 [~~(9)~~] (6) Section **53B-8-114** is repealed July 1, 2024.

149 [~~(10)~~] (7) The following sections, regarding the Regents' scholarship program, are  
150 repealed on July 1, 2023:

151 (a) Section **53B-8-202**;

- 152 (b) Section [53B-8-203](#);
- 153 (c) Section [53B-8-204](#); and
- 154 (d) Section [53B-8-205](#).
- 155 ~~[(11)]~~ (8) Section [53B-10-101](#) is repealed on July 1, 2027.
- 156 ~~[(12)]~~ (9) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is  
157 repealed July 1, 2023.
- 158 ~~[(13)]~~ (10) Section [53E-1-202.2](#), regarding a Public Education Appropriations  
159 Subcommittee evaluation and recommendations, is repealed January 1, 2024.
- 160 ~~[(14)]~~ Section [53E-3-520](#) is repealed July 1, 2021.]
- 161 ~~[(15)]~~ (11) Subsection [53E-10-309\(7\)](#), related to the PRIME pilot program, is repealed  
162 July 1, 2024.
- 163 ~~[(16)]~~ (12) In Subsections [53F-2-205\(4\)](#) and (5), regarding the State Board of  
164 Education's duties if contributions from the minimum basic tax rate are overestimated or  
165 underestimated, the language that states "or [53F-2-301.5](#), as applicable" is repealed July 1,  
166 2023.
- 167 ~~[(17)]~~ (13) Section [53F-2-209](#), regarding local education agency budgetary flexibility,  
168 is repealed July 1, 2024.
- 169 ~~[(18)]~~ (14) Subsection [53F-2-301\(1\)](#), relating to the years the section is not in effect, is  
170 repealed July 1, 2023.
- 171 ~~[(19)]~~ (15) Section [53F-2-302.1](#), regarding the Enrollment Growth Contingency  
172 Program, is repealed July 1, 2023.
- 173 ~~[(20)]~~ (16) Subsection [53F-2-314\(4\)](#), relating to a one-time expenditure between the  
174 at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.
- 175 ~~[(21)]~~ (17) Section [53F-2-418](#), regarding the Supplemental Educator COVID-19  
176 Stipend, is repealed January 1, 2022.
- 177 ~~[(22)]~~ (18) In Subsection [53F-2-515\(1\)](#), the language that states "or [53F-2-301.5](#), as  
178 applicable" is repealed July 1, 2023.
- 179 ~~[(23)]~~ Section [53F-4-207](#) is repealed July 1, 2022.]
- 180 ~~[(24)]~~ (19) Subsection [53F-4-401\(3\)\(b\)](#), regarding a child enrolled or eligible for  
181 enrollment in kindergarten, is repealed July 1, 2022.
- 182 ~~[(25)]~~ (20) In Subsection [53F-4-404\(4\)\(c\)](#), the language that states "Except as provided

183 in Subsection (4)(d)" is repealed July 1, 2022.

184 ~~[(26)]~~ (21) Subsection 53F-4-404(4)(d) is repealed July 1, 2022.

185 ~~[(27)]~~ (22) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as  
186 applicable" is repealed July 1, 2023.

187 ~~[(28)]~~ (23) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as  
188 applicable" is repealed July 1, 2023.

189 ~~[(29)]~~ (24) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as  
190 applicable" is repealed July 1, 2023.

191 ~~[(30)]~~ (25) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,  
192 as applicable" is repealed July 1, 2023.

193 ~~[(31)]~~ (26) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(6),  
194 related to the civics engagement pilot program, are repealed on July 1, 2023.

195 ~~[(32)]~~ (27) On July 1, 2023, when making changes in this section, the Office of  
196 Legislative Research and General Counsel shall, in addition to the office's authority under  
197 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections  
198 identified in this section are complete sentences and accurately reflect the office's perception of  
199 the Legislature's intent.