

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

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

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.

32 (c) "Participating LEA" means an LEA that receives access to a digital program under
33 Subsection (5).

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

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

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

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

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

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

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

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

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

51 (i) a national assessment;

52 (ii) a local assessment; and

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

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

55 (i) teacher;

56 (ii) school;

57 (iii) school district, if applicable; or

- 58 (iv) ethnicity;
- 59 (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on
- 60 a single computer screen;
- 61 (e) have the ability to compare the performance of students, for each teacher, based on
- 62 a student's:
 - 63 (i) gender;
 - 64 (ii) special needs, including primary exceptionality as defined by state board rule;
 - 65 (iii) English proficiency;
 - 66 (iv) economic status;
 - 67 (v) migrant status;
 - 68 (vi) ethnicity;
 - 69 (vii) response to tiered intervention;
 - 70 (viii) response to tiered intervention enrollment date;
 - 71 (ix) absence rate;
 - 72 (x) feeder school;
 - 73 (xi) type of school, including primary or secondary, public or private, Title I, or other
 - 74 general school-type category;
 - 75 (xii) course failures; and
 - 76 (xiii) other criteria, as determined by the state board; and
- 77 (f) have the ability to load data from a local, national, or other assessment in the data's
- 78 original format within a reasonable time.
- 79 (4) Subject to legislative appropriations, the online data reporting tool and digital
- 80 program shall:
 - 81 (a) integrate criteria for early warning indicators, including the following criteria:
 - 82 (i) discipline;
 - 83 (ii) attendance;
 - 84 (iii) behavior;
 - 85 (iv) course failures; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

113 (A) the effectiveness of the digital program;

- 114 (B) positive and negative attributes of the digital program;
 - 115 (C) recommendations for improving the online data reporting tool; and
 - 116 (D) any other information regarding a digital program requested by the state board.
 - 117 (c) The state board shall consider recommendations from an LEA for changes to the
 - 118 online data reporting tool.
 - 119 (6) Information described in this section shall be used in accordance with and provided
 - 120 subject to:
 - 121 (a) Title 53E, Chapter 9, Student Privacy and Data Protection; [~~and~~]
 - 122 (b) Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g[-]; and
 - 123 (c) the parental consent requirements in Section 53E-9-203.
 - 124 (7) (a) A parent or guardian may opt the parent's or guardian's student out of
 - 125 participating in a survey prepared by a participating LEA's online data reporting tool described
 - 126 in this section.
 - 127 (b) An LEA shall provide notice to a parent of:
 - 128 (i) the administration of a survey described in Subsection (7)(a);
 - 129 (ii) if applicable, that the survey may request information from students that is non-
 - 130 academic in nature;
 - 131 (iii) where the parent may access the survey described in Subsection (7)(a) to be
 - 132 administered; and
 - 133 (iv) the opportunity to opt a student out of participating in a survey as described in
 - 134 Subsection (7)(a).
 - 135 (c) A participating LEA shall annually provide notice to parents and guardians on how
 - 136 the participating LEA uses student data through the online data reporting tool to provide
 - 137 instruction and intervention to students.
- 138 Section 2. Section **63I-2-253** is amended to read:
- 139 **63I-2-253. Repeal dates -- Titles 53 through 53G.**
- 140 (1) Section 53-1-106.1 is repealed January 1, 2022.
 - 141 (2) (a) Section 53-2a-217, regarding procurement during an epidemic or pandemic

142 emergency, is repealed on December 31, 2021.

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

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

148 [~~(4)~~ (3) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a
149 technical college board of trustees, is repealed July 1, 2022.

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

153 [~~(5)~~ (4) Section 53B-6-105.7 is repealed July 1, 2024.

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

156 [~~(b) Subsection 53B-7-705(6)(b)(iii)(B), regarding comparing a technical college's~~
157 ~~change in performance with the technical college's average performance, is repealed July 1,~~
158 ~~2021.~~]

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

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

163 [~~(8)~~ (5) Section 53B-7-707 regarding performance metrics for technical colleges is
164 repealed July 1, 2023.

165 [~~(9)~~ (6) Section 53B-8-114 is repealed July 1, 2024.

166 [~~(10)~~ (7) The following sections, regarding the Regents' scholarship program, are
167 repealed on July 1, 2023:

168 (a) Section 53B-8-202;

169 (b) Section 53B-8-203;

- 170 (c) Section [53B-8-204](#); and
- 171 (d) Section [53B-8-205](#).
- 172 ~~[(11)]~~ [\(8\)](#) Section [53B-10-101](#) is repealed on July 1, 2027.
- 173 ~~[(12)]~~ [\(9\)](#) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
- 174 repealed July 1, 2023.
- 175 ~~[(13)]~~ [\(10\)](#) Section [53E-1-202.2](#), regarding a Public Education Appropriations
- 176 Subcommittee evaluation and recommendations, is repealed January 1, 2024.
- 177 ~~[(14)]~~ ~~Section [53E-3-520](#) is repealed July 1, 2021.~~
- 178 ~~[(15)]~~ [\(11\)](#) Subsection [53E-10-309\(7\)](#), related to the PRIME pilot program, is repealed
- 179 July 1, 2024.
- 180 ~~[(16)]~~ [\(12\)](#) In Subsections [53F-2-205\(4\)](#) and (5), regarding the State Board of
- 181 Education's duties if contributions from the minimum basic tax rate are overestimated or
- 182 underestimated, the language that states "or [53F-2-301.5](#), as applicable" is repealed July 1,
- 183 2023.
- 184 ~~[(17)]~~ [\(13\)](#) Section [53F-2-209](#), regarding local education agency budgetary flexibility,
- 185 is repealed July 1, 2024.
- 186 ~~[(18)]~~ [\(14\)](#) Subsection [53F-2-301\(1\)](#), relating to the years the section is not in effect, is
- 187 repealed July 1, 2023.
- 188 ~~[(19)]~~ [\(15\)](#) Section [53F-2-302.1](#), regarding the Enrollment Growth Contingency
- 189 Program, is repealed July 1, 2023.
- 190 ~~[(20)]~~ [\(16\)](#) Subsection [53F-2-314\(4\)](#), relating to a one-time expenditure between the
- 191 at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.
- 192 ~~[(21)]~~ [\(17\)](#) Section [53F-2-418](#), regarding the Supplemental Educator COVID-19
- 193 Stipend, is repealed January 1, 2022.
- 194 ~~[(22)]~~ [\(18\)](#) In Subsection [53F-2-515\(1\)](#), the language that states "or [53F-2-301.5](#), as
- 195 applicable" is repealed July 1, 2023.
- 196 ~~[(23)]~~ ~~Section [53F-4-207](#) is repealed July 1, 2022.~~
- 197 ~~[(24)]~~ [\(19\)](#) Subsection [53F-4-401\(3\)\(b\)](#), regarding a child enrolled or eligible for

198 enrollment in kindergarten, is repealed July 1, 2022.

199 ~~[(25)]~~ (20) In Subsection 53F-4-404(4)(c), the language that states "Except as provided
200 in Subsection (4)(d)" is repealed July 1, 2022.

201 ~~[(26)]~~ (21) Subsection 53F-4-404(4)(d) is repealed July 1, 2022.

202 ~~[(27)]~~ (22) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
203 applicable" is repealed July 1, 2023.

204 ~~[(28)]~~ (23) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
205 applicable" is repealed July 1, 2023.

206 ~~[(29)]~~ (24) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
207 applicable" is repealed July 1, 2023.

208 ~~[(30)]~~ (25) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,
209 as applicable" is repealed July 1, 2023.

210 ~~[(31)]~~ (26) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(6),
211 related to the civics engagement pilot program, are repealed on July 1, 2023.

212 ~~[(32)]~~ (27) On July 1, 2023, when making changes in this section, the Office of
213 Legislative Research and General Counsel shall, in addition to the office's authority under
214 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections
215 identified in this section are complete sentences and accurately reflect the office's perception of
216 the Legislature's intent.