

**EDUCATION REPORTING AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Susan Pulsipher**

Senate Sponsor: Lincoln Fillmore

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**LONG TITLE**

**General Description:**

This bill reduces certain reporting requirements on local education agencies.

**Highlighted Provisions:**

This bill:

- ▶ eliminates certain components of a literacy proficiency plan that a local education agency (LEA) is required to submit to the State Board of Education (state board);
- ▶ eliminates an assessment and reporting requirement for LEAs participating in the Digital Teaching and Learning Grant Program;
- ▶ amends a provision requiring the state board to contract with an independent evaluator regarding the grant program; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53F-2-503**, as last amended by Laws of Utah 2021, Chapter 251

**53F-2-510**, as last amended by Laws of Utah 2021, Chapter 251

**53G-7-218**, as enacted by Laws of Utah 2020, Chapter 174

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

30 Section 1. Section **53F-2-503** is amended to read:

31 **53F-2-503. Early Literacy Program -- Literacy proficiency plan.**

32 (1) As used in this section:

33 (a) "Program" means the Early Literacy Program.

34 (b) "Program money" means:

35 (i) school district revenue allocated to the program from other money available to the  
36 school district, except money provided by the state, for the purpose of receiving state funds  
37 under this section; and

38 (ii) money appropriated by the Legislature to the program.

39 (2) The Early Literacy Program consists of program money and is created to  
40 supplement other school resources for early literacy.

41 (3) Subject to future budget constraints, the Legislature may annually appropriate  
42 money to the Early Literacy Program.

43 (4) An LEA governing board of a school district or a charter school that serves students  
44 in any of grades kindergarten through grade 3 shall submit, in accordance with Section  
45 [53G-7-218](#), a plan to the state board for literacy proficiency improvement that incorporates the  
46 following components:

47 (a) core instruction in:

48 (i) phonological awareness;

49 (ii) phonics;

50 (iii) fluency;

51 (iv) comprehension;

52 (v) vocabulary;

53 (vi) oral language; and

54 (vii) writing;

55 (b) intervention strategies that are aligned to student needs;

- 56 ~~[(c) professional development for classroom teachers, literacy coaches, and~~  
57 ~~interventionists in kindergarten through grade 3;]~~
- 58 ~~[(d)]~~ (c) assessments that support adjustments to core and intervention instruction;
- 59 ~~[(e)]~~ (d) a growth goal for the school district or charter school that:
- 60 (i) is based upon student learning gains as measured by benchmark assessments  
61 administered pursuant to Section 53E-4-307; and
- 62 (ii) includes a target of at least 60% of all students in grades 1 through 3 meeting the  
63 growth goal; and
- 64 ~~[(f)]~~ (e) at least one goal that is specific to the school district or charter school that:
- 65 (i) is measurable;
- 66 (ii) addresses current performance gaps in student literacy based on data; and
- 67 (iii) includes specific strategies for improving outcomes~~[; and]~~.
- 68 ~~[(g) if a school uses interactive literacy software, the use of interactive literacy~~  
69 ~~software, including early interactive reading software described in Section 53F-4-203.]~~
- 70 (5) (a) There are created within the Early Literacy Program three funding programs:
- 71 (i) the Base Level Program;
- 72 (ii) the Guarantee Program; and
- 73 (iii) the Low Income Students Program.
- 74 (b) The state board may use up to \$7,500,000 from an appropriation described in  
75 Subsection (3) for computer-assisted instructional learning and assessment programs.
- 76 (6) Money appropriated to the state board for the Early Literacy Program and not used  
77 by the state board for computer-assisted instructional learning and assessments described in  
78 Subsection (5)(b) shall be allocated to the three funding programs as follows:
- 79 (a) 8% to the Base Level Program;
- 80 (b) 46% to the Guarantee Program; and
- 81 (c) 46% to the Low Income Students Program.
- 82 (7) (a) For a school district or charter school to participate in the Base Level Program,

83 the LEA governing board shall submit a plan described in Subsection (4) and shall receive  
84 approval of the plan from the state board.

85 (b) (i) The local school board of a school district qualifying for Base Level Program  
86 funds and the charter school governing boards of qualifying elementary charter schools  
87 combined shall receive a base amount.

88 (ii) The base amount for the qualifying elementary charter schools combined shall be  
89 allocated among each charter school in an amount proportionate to:

90 (A) each existing charter school's prior year fall enrollment in grades kindergarten  
91 through grade 3; and

92 (B) each new charter school's estimated fall enrollment in grades kindergarten through  
93 grade 3.

94 (8) (a) A local school board that applies for program money in excess of the Base Level  
95 Program funds may choose to first participate in the Guarantee Program or the Low Income  
96 Students Program.

97 (b) A school district shall fully participate in either the Guarantee Program or the Low  
98 Income Students Program before the local school board may elect for the school district to  
99 either fully or partially participate in the other program.

100 (c) For a school district to fully participate in the Guarantee Program, the local school  
101 board shall allocate to the program money available to the school district, except money  
102 provided by the state, equal to the amount of revenue that would be generated by a tax rate of  
103 .000056.

104 (d) For a school district to fully participate in the Low Income Students Program, the  
105 local school board shall allocate to the program money available to the school district, except  
106 money provided by the state, equal to the amount of revenue that would be generated by a tax  
107 rate of .000065.

108 (e) (i) The state board shall verify that a local school board allocates the money  
109 required in accordance with Subsections (8)(c) and (d) before the state board distributes funds

110 in accordance with this section.

111 (ii) The State Tax Commission shall provide the state board the information the state  
112 board needs in order to comply with Subsection (8)(e)(i).

113 (9) (a) Except as provided in Subsection (9)(c), the local school board of a school  
114 district that fully participates in the Guarantee Program shall receive state funds in an amount  
115 that is:

116 (i) equal to the difference between \$21 multiplied by the school district's total WPU's  
117 and the revenue the local school board is required to allocate under Subsection (8)(c) for the  
118 school district to fully participate in the Guarantee Program; and

119 (ii) not less than \$0.

120 (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive  
121 under the Guarantee Program an amount equal to \$21 times the elementary charter school's  
122 total WPU's.

123 (c) The state board may adjust the \$21 guarantee amount described in Subsections  
124 (9)(a) and (b) to account for actual appropriations and money used by the state board for  
125 computer-assisted instructional learning and assessments.

126 (10) The state board shall distribute Low Income Students Program funds in an amount  
127 proportionate to the number of students in each school district or charter school who qualify for  
128 free or reduced price school lunch multiplied by two.

129 (11) A school district that partially participates in the Guarantee Program or Low  
130 Income Students Program shall receive program funds based on the amount of school district  
131 revenue allocated to the program as a percentage of the amount of revenue that could have been  
132 allocated if the school district had fully participated in the program.

133 (12) (a) An LEA governing board shall use program money for early literacy  
134 interventions and supports in kindergarten through grade 3 that have proven to significantly  
135 increase the percentage of students who are proficient in literacy, including:

136 (i) evidence-based intervention curriculum;

137 (ii) literacy assessments that identify student learning needs and monitor learning  
138 progress; or

139 (iii) focused literacy interventions that may include:

140 (A) the use of reading specialists or paraprofessionals;

141 (B) tutoring;

142 (C) before or after school programs;

143 (D) summer school programs; or

144 (E) the use of interactive computer software programs for literacy instruction and  
145 assessments for students.

146 (b) An LEA governing board may use program money for portable technology devices  
147 used to administer literacy assessments.

148 (c) Program money may not be used to supplant funds for existing programs, but may  
149 be used to augment existing programs.

150 (13) If an LEA governing board uses program money in a manner that is inconsistent  
151 with Subsection (12), the school district or charter school is liable for reimbursing the state  
152 board for the amount of program money improperly used, up to the amount of program money  
153 received from the state board.

154 (14) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
155 Act, the state board shall make rules to implement the program.

156 (b) (i) The rules under Subsection (14)(a) shall require each LEA governing board to  
157 annually report progress in meeting goals described in Subsections [~~(4)(c)~~] (4)(d) and [~~(f)~~] (e),  
158 including the strategies the school district or charter school uses to address the goals.

159 (ii) If a school district or charter school does not meet or exceed the school district's or  
160 charter school's goals described in Subsections [~~(4)(c)~~] (4)(d) or [~~(f)~~] (e), the LEA governing  
161 board shall prepare a new plan that corrects deficiencies.

162 (iii) The new plan described in Subsection (14)(b)(ii) shall be approved by the state  
163 board before the LEA governing board receives an allocation for the next year.

164 (15) The state board may use up to 3% of the funds appropriated by the Legislature to  
165 carry out the provisions of this section for administration of the program.

166 (16) The state board shall make an annual report in accordance with Section 53E-1-203  
167 that:

168 (a) includes information on:

169 (i) student learning gains in early literacy for the past school year and the five-year  
170 trend;

171 (ii) the percentage of grade 3 students who are proficient in English language arts in the  
172 past school year and the five-year trend;

173 (iii) the progress of school districts and charter schools in meeting goals described in a  
174 plan described in Subsection (4); and

175 (iv) the specific strategies or interventions used by school districts or charter schools  
176 that have significantly improved early grade literacy proficiency; and

177 (b) may include recommendations on how to increase the percentage of grade 3  
178 students who are proficient in English language arts, including how to use a strategy or  
179 intervention described in Subsection (16)(a)(iv) to improve literacy proficiency for additional  
180 students.

181 (17) The report described in Subsection (16) shall include information provided  
182 through the digital reporting platform described in Subsection 53G-7-218(5)(a).

183 Section 2. Section 53F-2-510 is amended to read:

184 **53F-2-510. Digital Teaching and Learning Grant Program.**

185 (1) As used in this section:

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

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

190 (i) is completed by an LEA analyzing an LEA's readiness to incorporate comprehensive

191 digital teaching and learning; and

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

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

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

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

203 (f) "Program" means the Digital Teaching and Learning Grant Program created and  
204 described in Subsections [~~(6)~~] [\(5\)](#) through [~~(11)~~] [\(10\)](#).

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

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

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

211 (i) the state board;

212 (ii) UETN;

213 (iii) LEAs; and

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

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

217 (a) a statement of purpose that describes the objectives or goals the state board will



- 218 accomplish by implementing a digital teaching and learning program;
- 219 (b) a forecast for fundamental components needed to implement a digital teaching and
- 220 learning program, including a forecast for:
- 221 (i) student and teacher devices;
  - 222 (ii) Wi-Fi and wireless compatible technology;
  - 223 (iii) curriculum software;
  - 224 (iv) assessment solutions;
  - 225 (v) technical support;
  - 226 (vi) change management of LEAs;
  - 227 (vii) high quality professional learning;
  - 228 (viii) Internet delivery and capacity; and
  - 229 (ix) security and privacy of users;
- 230 (c) a determination of the requirements for:
- 231 (i) statewide technology infrastructure; and
  - 232 (ii) local LEA technology infrastructure;
- 233 (d) standards for high quality professional learning related to implementing and
- 234 maintaining a digital teaching and learning program;
- 235 (e) a statewide technical support plan that will guide the implementation and
- 236 maintenance of a digital teaching and learning program, including standards and competency
- 237 requirements for technical support personnel;
- 238 (f) (i) a grant program for LEAs; or
  - 239 (ii) a distribution formula to fund LEA digital teaching and learning programs;
- 240 (g) in consultation with UETN, an inventory of the state public education system's
- 241 current technology resources and other items and a plan to integrate those resources into a
- 242 digital teaching and learning program;
- 243 (h) an ongoing evaluation process that is overseen by the state board;
  - 244 (i) proposed rules that incorporate the principles of the master plan into the state's

245 public education system as a whole; and

246 (j) a plan to ensure long-term sustainability that:

247 (i) accounts for the financial impacts of a digital teaching and learning program; and

248 (ii) facilitates the redirection of LEA savings that arise from implementing a digital  
249 teaching and learning program.

250 (4) UETN shall:

251 (a) in consultation with the state board, conduct an inventory of the state public  
252 education system's current technology resources and other items as determined by UETN,  
253 including software;

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

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

259 ~~[(5) Beginning July 1, 2016, and ending July 1, 2021, each LEA, including each school  
260 within an LEA, shall annually complete a digital readiness assessment.]~~

261 ~~[(6)]~~ (5) There is created the Digital Teaching and Learning Grant Program to improve  
262 educational outcomes in public schools by effectively incorporating comprehensive digital  
263 teaching and learning technology.

264 ~~[(7)]~~ (6) The state board shall:

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

267 (i) an LEA to complete a digital readiness assessment;

268 ~~[(i)]~~ (ii) an LEA plan to include measures to ensure that the LEA monitors and  
269 implements technology with best practices, including the recommended use for effectiveness;

270 ~~[(ii)]~~ (iii) an LEA plan to include robust goals for learning outcomes and appropriate  
271 measurements of goal achievement; and

272           ~~[(iii)]~~ (iv) an LEA to demonstrate that the LEA plan can be fully funded by grant funds  
273 or a combination of grant and local funds;

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

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

277           ~~[(8)]~~ (7) (a) The state board shall, subject to legislative appropriations, award a grant to  
278 an LEA:

279           (i) that submits an LEA plan that meets the requirements described in Subsection ~~[(9)]~~  
280 (8); and

281           (ii) for which the LEA's leadership and management members have completed a digital  
282 teaching and learning leadership and implementation training as provided in Subsection ~~[(8)]~~  
283 (7)(b).

284           (b) The state board or its designee shall provide the training described in Subsection  
285 ~~[(8)]~~ (7)(a)(ii).

286           ~~[(9)]~~ (8) The state board shall establish requirements of an LEA plan that shall include:

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

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

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

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

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

298           ~~[(10)]~~ (9) The state board or the state board's designee shall establish an interactive

299 dashboard available to each LEA that is awarded a grant for the LEA to track and report the  
300 LEA's long-term, intermediate, and direct outcomes in real time and for the LEA to use to  
301 create customized reports.

302 ~~[(11)]~~ (10) (a) There is no federal funding, federal requirement, federal education  
303 agreement, or national program included or related to this state adopted program.

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

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

308 ~~[(a) complete an implementation assessment for each year that the LEA is expending~~  
309 ~~grant money; and]~~

310 ~~[(b) (i) report the findings of the implementation assessment to the state board; and]~~

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

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

315 (a) support each LEA that receives a grant as part of the program to complete an  
316 implementation assessment for each year that the LEA participates;

317 (b) report the findings of an implementation assessment to the state board; and

318 (c) submit to the state board recommendations to resolve issues that an implementation  
319 assessment raises.

320 ~~[(13)]~~ (12) The state board or the state board's designee shall review an implementation  
321 assessment and review each participating LEA's progress from the previous year, as applicable.

322 ~~[(14)]~~ (13) The state board shall establish interventions for an LEA that does not make  
323 progress on implementation of the LEA's implementation plan, including:

324 (a) nonrenewal of, or time period extensions for, the LEA's grant;

325 (b) reduction of funds; or

326 (c) other interventions to assist the LEA.  
327 [~~(15)~~ In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state  
328 board shall contract with an independent evaluator to:]  
329 [~~(a)~~ annually evaluate statewide direct and intermediate outcomes beginning the first  
330 year that grants are awarded, including baseline data collection for long-term outcomes;]  
331 [~~(b)~~ in the fourth year after a grant is awarded, and each year thereafter, evaluate  
332 statewide long-term outcomes; and]  
333 [~~(c)~~ report on the information described in Subsections ~~(15)~~(a) and (b) to the state  
334 board.]  
335 [~~(16)~~] (14) (a) To implement an LEA plan, a contract, in accordance with Title 63G,  
336 Chapter 6a, Utah Procurement Code, or other agreement with one or more providers of  
337 technology powered learning solutions and one or more providers of wireless networking  
338 solutions may be entered into by:  
339 (i) UETN, in cooperation with or on behalf of, as applicable, the state board, the state  
340 board's designee, or an LEA; or  
341 (ii) an LEA.  
342 (b) A contract or agreement entered into under Subsection [~~(16)~~] (14)(a) may be a  
343 contract or agreement that:  
344 (i) UETN enters into with a provider and payment for services is directly appropriated  
345 by the Legislature, as funds are available, to UETN;  
346 (ii) UETN enters into with a provider and pays for the provider's services and is  
347 reimbursed for payments by an LEA that benefits from the services;  
348 (iii) UETN negotiates the terms of on behalf of an LEA that enters into the contract or  
349 agreement directly with the provider and the LEA pays directly for the provider's services; or  
350 (iv) an LEA enters into directly, pays a provider, and receives preapproved  
351 reimbursement from a UETN fund established for this purpose.  
352 (c) If an LEA does not reimburse UETN in a reasonable time for services received

353 under a contract or agreement described in Subsection ~~[(16)]~~ (14)(b), the state board shall pay  
354 the balance due to UETN from the LEA's funds received under ~~[Title 53F,]~~ Chapter 2, State  
355 Funding -- Minimum School Program.

356 (d) If UETN negotiates or enters into an agreement as described in Subsection  
357 ~~[(16)(b)(ii) or (16)(b)(iii)]~~ (14)(b)(ii) or (14)(b)(iii), and UETN enters into an additional  
358 agreement with an LEA that is associated with the agreement described in Subsection  
359 ~~[(16)(b)(ii) or (16)(b)(iii)]~~ (14)(b)(ii) or (14)(b)(iii), the associated agreement may be treated by  
360 UETN and the LEA as a cooperative procurement, as that term is defined in Section  
361 [63G-6a-103](#), regardless of whether the associated agreement satisfies the requirements of  
362 Section [63G-6a-2105](#).

363 Section 3. Section **53G-7-218** is amended to read:

364 **53G-7-218. Establishment of early learning plan -- Digital reporting platform.**

365 (1) A local school board of a school district or a charter school governing board of a  
366 charter school that serves students in any of kindergarten or grades 1 through 3 shall annually  
367 submit to the state board an early learning plan that includes:

368 (a) the early literacy plan described in Section [53F-2-503](#), including:

369 (i) the growth goal described in Subsection ~~[[53F-2-503\(4\)\(c\)](#)]~~ [53F-2-503\(4\)\(d\)](#); and

370 (ii) one goal that is specific to the school district or charter school as described in

371 Subsection ~~[[53F-2-503\(4\)\(f\)](#)]~~ [53F-2-503\(4\)\(e\)](#);

372 (b) the early mathematics plan described in Section [53E-3-521](#), including:

373 (i) a growth goal for the school district or charter school that:

374 (A) is based upon student learning gains as measured by the mathematics benchmark  
375 assessment described in Section [53E-4-307.5](#); and

376 (B) includes the target that the state board establishes under Section [53E-3-521](#); and

377 (ii) one goal that:

378 (A) is specific to the school district or charter school;

379 (B) is measurable;

380 (C) addresses current performance gaps in student mathematics proficiency based on  
381 data; and

382 (D) includes specific strategies for improving outcomes; and

383 (c) one additional goal related to literacy or mathematics that:

384 (i) is specific to the school district or charter school;

385 (ii) is measurable;

386 (iii) addresses current performance gaps in student literacy or mathematics proficiency  
387 based on data; and

388 (iv) includes specific strategies for improving outcomes.

389 (2) A local school board or charter school governing board shall approve a plan  
390 described in Subsection (1) in a public meeting before submitting the plan to the state board.

391 (3) (a) The state board shall:

392 (i) provide model plans that a local school board or a charter school governing board  
393 may use;

394 (ii) develop uniform standards for acceptable growth goals that a local school board or  
395 a charter school governing board adopts for a school district or charter school under this  
396 section; and

397 (iii) review and approve or disapprove a plan submitted under this section.

398 (b) Notwithstanding Subsection (3)(a), a local school board or a charter school  
399 governing board may develop the board's own plan.

400 (4) The state board shall:

401 (a) develop strategies to provide support for a school district or charter school that fails  
402 to meet:

403 (i) (A) the growth goal related to the state literacy target described in Subsection  
404 (1)(a)(i); or

405 (B) the growth goal related to the state mathematics target described in Subsection  
406 (1)(b)(i); and

407 (ii) one of the goals specific to the school district or charter school described in  
408 Subsections (1)(a)(ii), (1)(b)(ii), or (1)(c); and

409 (b) provide increasing levels of support to a school district or charter school that fails  
410 to meet the combination of goals described in Subsection (4)(a) for two consecutive years.

411 (5) (a) The state board shall use a digital reporting platform to provide information to  
412 school districts and charter schools about interventions that increase proficiency in literacy and  
413 mathematics.

414 (b) The digital reporting platform described in Subsection (5)(a) shall include  
415 performance information for a school district or charter school on the goals described in  
416 Subsection (1).