

Representative Susan Pulsipher proposes the following substitute bill:

EDUCATION REPORTING AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Susan Pulsipher

Senate Sponsor: Lincoln Fillmore

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



26 **53F-2-510**, as last amended by Laws of Utah 2021, Chapter 251

27 **53G-7-218**, as enacted by Laws of Utah 2020, Chapter 174



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 ~~[(f)]~~ (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.

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)(e)~~] (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)(e)~~] (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)(e)~~] [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).