

HB0481S01 compared with HB0481

~~deleted text~~ shows text that was in HB0481 but was deleted in HB0481S01.

inserted text shows text that was not in HB0481 but was inserted into HB0481S01.

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Representative Susan Pulsipher proposes the following substitute bill:

EDUCATION REPORTING AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Susan Pulsipher

Senate Sponsor: _____

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:

HB0481S01 compared with HB0481

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

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

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

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

(1) As used in this section:

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

(b) "Program money" means:

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

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

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

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

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

(a) core instruction in:

(i) phonological awareness;

(ii) phonics;

(iii) fluency;

HB0481S01 compared with HB0481

(iv) comprehension;

(v) vocabulary;

(vi) oral language; and

(vii) writing;

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

~~[(c) professional development for classroom teachers, literacy coaches, and interventionists in kindergarten through grade 3;]~~

~~[(d)]~~ (c) assessments that support adjustments to core and intervention instruction;

~~[(e)]~~ (d) a growth goal for the school district or charter school that:

(i) is based upon student learning gains as measured by benchmark assessments administered pursuant to Section 53E-4-307; and

(ii) includes a target of at least 60% of all students in grades 1 through 3 meeting the growth goal; and

~~[(f)]~~ (e) at least one goal that is specific to the school district or charter school that:

(i) is measurable;

(ii) addresses current performance gaps in student literacy based on data; and

(iii) includes specific strategies for improving outcomes~~[-and]~~.

~~[(g) if a school uses interactive literacy software, the use of interactive literacy software, including early interactive reading software described in Section 53F-4-203.]~~

(5) (a) There are created within the Early Literacy Program three funding programs:

(i) the Base Level Program;

(ii) the Guarantee Program; and

(iii) the Low Income Students Program.

(b) The state board may use up to \$7,500,000 from an appropriation described in Subsection (3) for computer-assisted instructional learning and assessment programs.

(6) Money appropriated to the state board for the Early Literacy Program and not used by the state board for computer-assisted instructional learning and assessments described in Subsection (5)(b) shall be allocated to the three funding programs as follows:

(a) 8% to the Base Level Program;

(b) 46% to the Guarantee Program; and

(c) 46% to the Low Income Students Program.

HB0481S01 compared with HB0481

(7) (a) For a school district or charter school to participate in the Base Level Program, the LEA governing board shall submit a plan described in Subsection (4) and shall receive approval of the plan from the state board.

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

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

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

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

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

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

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

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

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

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

HB0481S01 compared with HB0481

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

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

(ii) not less than \$0.

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

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

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

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

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

(i) evidence-based intervention curriculum;

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

(iii) focused literacy interventions that may include:

(A) the use of reading specialists or paraprofessionals;

(B) tutoring;

(C) before or after school programs;

(D) summer school programs; or

HB0481S01 compared with HB0481

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

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

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

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

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

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

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

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

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

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

(a) includes information on:

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

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

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

HB0481S01 compared with HB0481

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

(g) "Utah Education and Telehealth Network" or "UETN" means the Utah Education

HB0481S01 compared with HB0481

and Telehealth Network created in Section 53B-17-105.

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

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

(i) the state board;

(ii) UETN;

(iii) LEAs; and

(iv) the Governor's Education Excellence Commission.

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

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

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

(i) student and teacher devices;

(ii) Wi-Fi and wireless compatible technology;

(iii) curriculum software;

(iv) assessment solutions;

(v) technical support;

(vi) change management of LEAs;

(vii) high quality professional learning;

(viii) Internet delivery and capacity; and

(ix) security and privacy of users;

(c) a determination of the requirements for:

(i) statewide technology infrastructure; and

(ii) local LEA technology infrastructure;

(d) standards for high quality professional learning related to implementing and maintaining a digital teaching and learning program;

(e) a statewide technical support plan that will guide the implementation and maintenance of a digital teaching and learning program, including standards and competency

HB0481S01 compared with HB0481

requirements for technical support personnel;

(f) (i) a grant program for LEAs; or

(ii) a distribution formula to fund LEA digital teaching and learning programs;

(g) in consultation with UETN, an inventory of the state public education system's current technology resources and other items and a plan to integrate those resources into a digital teaching and learning program;

(h) an ongoing evaluation process that is overseen by the state board;

(i) proposed rules that incorporate the principles of the master plan into the state's public education system as a whole; and

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

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

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

(4) UETN shall:

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

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

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

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

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

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

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

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

HB0481S01 compared with HB0481

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0481S01 compared with HB0481

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) reduction of funds; or

(c) other interventions to assist the LEA.

~~[(15)]~~ ~~[(14)]~~ (14) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board shall contract with an independent evaluator to:

~~[(a) annually evaluate statewide direct and intermediate outcomes beginning the first~~

HB0481S01 compared with HB0481

~~year that grants are awarded, including baseline data collection for long-term outcomes;]~~

~~[(b) in the fourth year after a grant is awarded, and each year thereafter, evaluate statewide long-term outcomes; and]~~

~~[(c) report on the information described in Subsections (15)(a) and (b) to the state board.]~~

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

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

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

~~†~~ [(16)] ~~(15)~~ 14 (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, or other agreement with one or more providers of technology powered learning solutions and one or more providers of wireless networking solutions may be entered into by:

(i) UETN, in cooperation with or on behalf of, as applicable, the state board, the state board's designee, or an LEA; or

(ii) an LEA.

(b) A contract or agreement entered into under Subsection [(16)] ~~(15)~~ 14(a) may be a contract or agreement that:

(i) UETN enters into with a provider and payment for services is directly appropriated by the Legislature, as funds are available, to UETN;

(ii) UETN enters into with a provider and pays for the provider's services and is reimbursed for payments by an LEA that benefits from the services;

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

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

(c) If an LEA does not reimburse UETN in a reasonable time for services received under a contract or agreement described in Subsection [(16)] ~~(15)~~ 14(b), the state board shall pay the balance due to UETN from the LEA's funds received under [Title 53F,] Chapter 2, State Funding -- Minimum School Program.

HB0481S01 compared with HB0481

(d) If UETN negotiates or enters into an agreement as described in Subsection [(16)(b)(ii) or (16)(b)(iii)] (~~(15)(14)~~(b)(ii) or (~~(15)(14)~~(b)(iii)), and UETN enters into an additional agreement with an LEA that is associated with the agreement described in Subsection [(16)(b)(ii) or (16)(b)(iii)] (~~(15)(14)~~(b)(ii) or (~~(15)(14)~~(b)(iii)), the associated agreement may be treated by UETN and the LEA as a cooperative procurement, as that term is defined in Section 63G-6a-103, regardless of whether the associated agreement satisfies the requirements of Section 63G-6a-2105.

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

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

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

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

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

(ii) one goal that is specific to the school district or charter school as described in Subsection [~~53F-2-503(4)(f)~~] 53F-2-503(4)(e);

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

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

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

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

(ii) one goal that:

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

(B) is measurable;

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

(D) includes specific strategies for improving outcomes; and

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

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

(ii) is measurable;

(iii) addresses current performance gaps in student literacy or mathematics proficiency

HB0481S01 compared with HB0481

based on data; and

(iv) includes specific strategies for improving outcomes.

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

(3) (a) The state board shall:

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

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

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

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

(4) The state board shall:

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

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

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

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

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

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

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