

Representative John Knotwell proposes the following substitute bill:

PERSONALIZED LEARNING AND TEACHING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Knotwell

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill creates the Digital Teaching and Learning Grant Program.

Highlighted Provisions:

This bill:

▶ enacts Title 53A, Chapter 1, Part 14, Digital Teaching and Learning Grant Program, including provisions related to the following:

- definitions;
- the digital teaching and learning master plan;
- readiness assessments;
- State Board of Education duties and LEA plan requirements;
- implementation assessments and board interventions; and
- procurement;

▶ sunsets the Smart School Technology Program;
▶ repeals language related to a whole-school one-to-one mobile device technology deployment plan; and

▶ makes technical and conforming corrections.

Money Appropriated in this Bill:

This bill appropriates:



26 ▶ to the State Board of Education -- Minimum School Program -- Related to Basic
27 School Program -- Digital Teaching and Learning Program, as a one-time
28 appropriation:

- 29 • from the Education Fund, \$750,000;

30 ▶ to the State Board of Education -- Minimum School Program -- Related to Basic
31 School Program -- Digital Teaching and Learning Program, as an ongoing
32 appropriation:

- 33 • from the Education Fund, \$47,500,000;

34 ▶ to the State Board of Education -- Minimum School Program -- Related to Basic
35 School Program -- Digital Teaching and Learning Program, as a one-time
36 appropriation:

- 37 • from Education Fund, \$24,250,000;

38 ▶ to the Utah Education and Telehealth Network -- Digital Teaching and Learning
39 Program, as an ongoing appropriation:

- 40 • from the Education Fund, \$500,000; and

41 ▶ to the Utah Education and Telehealth Network -- Digital Teaching and Learning
42 Program, as a one-time appropriation:

- 43 • \$23,000,000.

44 **Other Special Clauses:**

45 This bill provides a special effective date.

46 This bill provides a coordination clause.

47 **Utah Code Sections Affected:**

48 AMENDS:

49 **63I-2-253**, as last amended by Laws of Utah 2015, Chapters 258, 418, and 456

50 **63I-2-263**, as last amended by Laws of Utah 2015, Chapters 182, 258, 283, 292, and

51 297

52 ENACTS:

53 **53A-1-1401**, Utah Code Annotated 1953

54 **53A-1-1402**, Utah Code Annotated 1953

55 **53A-1-1404**, Utah Code Annotated 1953

56 **53A-1-1405**, Utah Code Annotated 1953

57 [53A-1-1406](#), Utah Code Annotated 1953

58 [53A-1-1407](#), Utah Code Annotated 1953

59 RENUMBERS AND AMENDS:

60 [53A-1-1403](#), (Renumbered from 53A-1-710, as enacted by Laws of Utah 2015, Chapter
61 446)

62 **Utah Code Sections Affected by Coordination Clause:**

63 [53A-1-1402](#), Utah Code Annotated 1953

64 [53A-1-1403](#), Utah Code Annotated 1953

65 [53A-1-1405](#), Utah Code Annotated 1953



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

68 Section 1. Section [53A-1-1401](#) is enacted to read:

69 **Part 14. Digital Teaching and Learning Grant Program**

70 **[53A-1-1401](#). Title.**

71 This part is known as "Digital Teaching and Learning Grant Program."

72 Section 2. Section [53A-1-1402](#) is enacted to read:

73 **[53A-1-1402](#). Definitions.**

74 As used in this part:

75 (1) "Advisory committee" means the committee established by the board under Section
76 [53A-1-1406](#).

77 (2) "Board" means the State Board of Education.

78 (3) "Digital readiness assessment" means an assessment provided by the board that:

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

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

83 (4) "High quality professional learning" means the professional learning standards
84 described in Section [53A-3-701](#).

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

88 forward.

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

92 (7) "Local education agency" or "LEA" means:

93 (a) a school district;

94 (b) a charter school; or

95 (c) the Utah Schools for the Deaf and the Blind.

96 (8) "Program" means the Digital Teaching and Learning Grant Program established in
97 this part and as described in a proposal adopted by the digital teaching and learning task force
98 in accordance with Section [53A-1-1403](#).

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

101 Section 3. Section **53A-1-1403**, which is renumbered from Section 53A-1-710 is
102 renumbered and amended to read:

103 ~~[53A-1-710].~~ **53A-1-1403. Digital teaching and learning program task**
104 **force -- Funding proposal for a program -- Master plan -- Reporting requirements.**

105 ~~[(1) As used in this section:]~~

106 ~~[(a) "Board" means the State Board of Education.]~~

107 ~~[(b) "Core subject areas" means the following subject areas:]~~

108 ~~[(i) English language arts;]~~

109 ~~[(ii) mathematics;]~~

110 ~~[(iii) science; and]~~

111 ~~[(iv) social studies.]~~

112 ~~[(c) "High quality professional learning" means the professional learning standards~~
113 ~~described in Section [53A-3-701](#).]~~

114 ~~[(d) "LEA plan" means an LEA's plan to implement a digital teaching and learning~~
115 ~~program that meets requirements set by the board.]~~

116 ~~[(e) "Local education agency" or "LEA" means:]~~

117 ~~[(i) a school district;]~~

118 ~~[(ii) a charter school; or]~~

119 ~~[(iii) the Utah Schools for the Deaf and the Blind.]~~

120 ~~[(f) "Statewide assessment" means a test of student achievement in English language~~
121 ~~arts, mathematics, or science, including a test administered in a computer adaptive format,~~
122 ~~which is administered statewide under Part 6, Achievement Tests.]~~

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

125 ~~[(2)]~~ (1) (a) The board shall establish a digital teaching and learning task force to
126 develop a funding proposal to present to the Legislature for digital teaching and learning in
127 elementary and secondary schools.

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

129 (i) the board;

130 (ii) UETN;

131 (iii) LEAs; and

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

133 ~~[(3)]~~ (2) (a) The board, in consultation with the digital teaching and learning task force
134 created in Subsection ~~[(2)]~~ (1), shall create a funding proposal for a statewide digital teaching
135 and learning program designed to:

136 (i) improve student outcomes through the use of digital teaching and learning
137 technology; and

138 (ii) provide high quality professional learning for educators to improve student
139 outcomes through the use of digital teaching and learning technology.

140 (b) The board shall:

141 (i) identify outcome based metrics to measure student achievement related to a digital
142 teaching and learning program; and

143 (ii) develop minimum benchmark standards for student achievement and school level
144 outcomes to measure successful implementation of a digital teaching and learning program.

145 ~~[(4)]~~ (3) As funding allows, the board shall develop a master plan for a statewide
146 digital teaching and learning program, including the following:

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

149 (b) a forecast for fundamental components needed to implement a digital teaching and

150 learning program, including a forecast for:

151 (i) student and teacher devices;

152 (ii) Wi-Fi and wireless compatible technology;

153 (iii) curriculum software;

154 (iv) assessment solutions;

155 (v) technical support;

156 (vi) change management of LEAs;

157 (vii) high quality professional learning;

158 (viii) Internet delivery and capacity; and

159 (ix) security and privacy of users;

160 (c) a determination of the requirements for:

161 (i) statewide technology infrastructure; and

162 (ii) local LEA technology infrastructure;

163 (d) standards for high quality professional learning related to implementing and

164 maintaining a digital teaching and learning program;

165 (e) a statewide technical support plan that will guide the implementation and

166 maintenance of a digital teaching and learning program, including standards and competency

167 requirements for technical support personnel;

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

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

170 (g) in consultation with UETN, an inventory of the state public education system's

171 current technology resources and other items and a plan to integrate those resources into a

172 digital teaching and learning program;

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

174 (i) proposed rules that incorporate the principles of the master plan into the state's

175 public education system as a whole; and

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

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

178 (ii) facilitates the redirection of LEA savings that arise from implementing a digital

179 teaching and learning program.

180 [~~5~~] (4) UETN shall:

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

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

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

189 ~~[(6)]~~ (5) On or before December 1, 2015, the board and UETN shall present the
190 funding proposal for a statewide digital teaching and learning program described in Subsection
191 ~~[(3)]~~ (2) to the Education Interim Committee and the Executive Appropriations Committee,
192 including:

193 (a) the board's progress on the development of a master plan described in Subsection
194 ~~[(4)]~~ (3); and

195 (b) the progress of UETN on the inventory and study described in Subsection ~~[(5)]~~ (4).
196 Section 4. Section **53A-1-1404** is enacted to read:

197 **53A-1-1404. Readiness assessments.**

198 Beginning July 1, 2016, and ending July 1, 2021, each LEA, including each school
199 within an LEA, shall annually complete a digital readiness assessment.

200 Section 5. Section **53A-1-1405** is enacted to read:

201 **53A-1-1405. Digital Teaching and Learning Grant Program -- Board duties --**
202 **Advisory committee -- LEA plan requirements.**

203 (1) There is created the Digital Teaching and Learning Grant Program to improve
204 educational outcomes in public schools by effectively incorporating comprehensive digital
205 teaching and learning technology.

206 (2) The board shall:

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

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

211 (ii) an LEA plan to include robust goals for learning outcomes and appropriate

212 measurements of goal achievement;
213 (iii) an LEA to demonstrate that the LEA plan can be fully funded by grant funds or a
214 combination of grant and local funds; and
215 (iv) an LEA to report on funds from expenses previous to the implementation of the
216 LEA plan that the LEA has redirected after implementation;
217 (b) establish an advisory committee to make recommendations on the program and
218 LEA plan requirements and report to the board; and
219 (c) in accordance with this part, approve LEA plans and award grants.
220 (3) (a) The board shall, subject to legislative appropriations, award a grant to an LEA:
221 (i) that submits an LEA plan that meets the requirements described in Subsection (4);
222 and
223 (ii) for which the LEA's leadership and management members have completed a digital
224 teaching and learning leadership and implementation training as provided in Subsection (3)(b).
225 (b) The board or its designee shall provide the training described in Subsection
226 (3)(a)(ii).
227 (4) The board shall establish requirements of an LEA plan that shall include:
228 (a) the results of the LEA's digital readiness assessment and a proposal to remedy an
229 obstacle to implementation or other issues identified in the assessment;
230 (b) a proposal to provide high quality professional learning for educators in the use of
231 digital teaching and learning technology;
232 (c) a proposal for leadership training and management restructuring, if necessary, for
233 successful implementation;
234 (d) clearly identified targets for improved student achievement, student learning, and
235 college readiness through digital teaching and learning; and
236 (e) any other requirement established by the board in rule in accordance with Title
237 63G, Chapter 3, Utah Administrative Rulemaking Act, including an application process and
238 metrics to analyze the quality of a proposed LEA plan.
239 (5) The board or the board's designee shall establish an interactive dashboard available
240 to each LEA that is awarded a grant for the LEA to track and report the LEA's long-term,
241 intermediate, and direct outcomes in realtime and for the LEA to use to create customized
242 reports.

243 (6) (a) There is no federal funding, federal requirement, federal education agreement,
244 or national program included or related to this state adopted program.

245 (b) Any inclusion of federal funding, federal requirement, federal education agreement,
246 or national program shall require separate express approval as provided in Title 53A, Chapter
247 1, Part 9, Implementing Federal or National Education Program Act.

248 Section 6. Section **53A-1-1406** is enacted to read:

249 **53A-1-1406. Implementation assessment -- Board intervention.**

250 (1) (a) An LEA that receives a grant as provided in Section [53A-1-1405](#) shall:

251 (i) subject to Subsection (1)(b), complete an implementation assessment for each year
252 that the LEA is expending grant money; and

253 (ii) (A) report the findings of the implementation assessment to the board; and

254 (B) submit to the board a plan to resolve issues raised in the implementation
255 assessment.

256 (b) Each school within the LEA shall:

257 (i) complete an implementation assessment; and

258 (ii) submit a compilation report that meets the requirements described in Subsections
259 (1)(a)(ii)(A) and (B).

260 (2) The board or the board's designee shall review an implementation assessment and
261 review each participating LEA's progress from the previous year, as applicable.

262 (3) The board shall establish interventions for an LEA that does not make progress on
263 implementation of the LEA's implementation plan, including:

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

265 (b) reduction of funds; or

266 (c) other interventions to assist the LEA.

267 Section 7. Section **53A-1-1407** is enacted to read:

268 **53A-1-1407. Procurement -- Independent evaluator.**

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

271 (a) annually evaluate statewide direct and intermediate outcomes beginning the first
272 year that grants are awarded, including baseline data collection for long-term outcomes;

273 (b) in the fourth year after a grant is awarded, and each year thereafter, evaluate

274 statewide long-term outcomes; and

275 (c) report on the information described in Subsections (1)(a) and (b) to the board.

276 (2) (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter
277 6a, Utah Procurement Code, or other agreement with one or more providers of technology
278 powered learning solutions and one or more providers of wireless networking solutions may be
279 entered into by:

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

282 (ii) an LEA.

283 (b) A contract or agreement entered into under Subsection (2)(a) may be a contract or
284 agreement which:

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

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

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

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

293 (c) If an LEA does not reimburse UETN in a reasonable time for services received
294 under a contract or agreement described in Subsection (2)(b), the board shall pay the balance
295 due to UETN from the LEA's funds received under Chapter 17a, Part 1, Minimum School
296 Program.

297 (d) If UETN negotiates or enters into an agreement as described in Subsection (2)(b)(ii)
298 or (2)(b)(iii), and UETN enters into an additional agreement with an LEA that is associated
299 with the agreement described in Subsection (2)(b)(ii) or (2)(b)(iii), the associated agreement
300 may be treated by UETN and the LEA as a cooperative procurement, as that term is defined in
301 Section [63G-6a-103](#), regardless of whether the associated agreement satisfies the requirements
302 of Section [63G-6a-2105](#).

303 Section 8. Section **63I-2-253** is amended to read:

304 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

- 305 (1) Section [53A-1-403.5](#) is repealed July 1, 2017.
- 306 (2) Subsection [53A-1-410\(5\)](#) is repealed July 1, 2015.
- 307 (3) Section [53A-1-411](#) is repealed July 1, 2017.
- 308 (4) Section [53A-1a-513.5](#) is repealed July 1, 2017.
- 309 (5) Section [53A-1-709](#) is repealed July 1, 2020.
- 310 [~~5~~] (6) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2019.
- 311 [~~6~~] (7) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is
- 312 repealed July 1, 2017.

Section 9. Section **63I-2-263** is amended to read:

63I-2-263. Repeal dates, Title 63A to Title 63N.

- 313 (1) Section [63A-5-104.1](#) is repealed on January 1, 2016.
- 314 (2) Section [63C-9-501.1](#) is repealed on July 1, 2015.
- 315 (3) Title 63C, Chapter 15, Prison Relocation Commission, is repealed on January 1,
- 316 2016.
- 317 (4) Subsection [63N-3-103\(1\)\(d\)](#) is repealed on July 1, 2015.
- 318 (5) Subsection [63N-3-109\(2\)\(f\)\(i\)\(B\)](#) is repealed July 1, 2020.
- 319 (6) Section [63N-3-110](#) is repealed July 1, 2020.
- 320 [~~5~~] (7) Subsection [63N-12-208\(3\)](#) is repealed on January 1, 2016.

Section 10. **Appropriation.**

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or amounts indicated. These sums of money are in addition to amounts previously appropriated for fiscal year 2016.

To State Board of Education -- Minimum School Program -- Related to Basic School Program -- Digital Teaching and Learning Program

<u>From Education Fund, One-time</u>	<u>\$750,000</u>
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Schedule of Programs:

<u>Digital Teaching and Learning Program</u>	<u>\$750,000</u>
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The Legislature intends that the State Board of Education use \$750,000 of the appropriation under this section to administer and evaluate the program, provide professional

336 development and other assistance to LEAs, and contract with third party providers to assist
337 with the administration of the program as described in Title 53A, Chapter 1, Part 14, Digital
338 Teaching and Learning Grant Program.

339 Section 11. **Appropriation.**

340 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
341 the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money
342 are appropriated from resources not otherwise appropriated, or reduced from amounts
343 previously appropriated, out of the funds or amounts indicated. These sums of money are in
344 addition to amounts previously appropriated for fiscal year 2017.

345 Item 1 To State Board of Education -- Minimum School Program -- Related to Basic
346 School Program -- Digital Teaching and Learning Program

347 From Education Fund \$47,500,000

348 From Education Fund, One-time \$24,250,000

349 Schedule of Programs:

350 Digital Teaching and Learning Program \$71,750,000

351 Item 2 To Utah Education and Telehealth Network -- Digital Teaching and Learning
352 Program

353 From Education Fund \$500,000

354 From Education Fund, One-time \$23,000,000

355 Schedule of Programs:

356 Digital Teaching and Learning Program \$23,500,000

357 The Legislature intends that:

358 (1) except as provided in Subsection (2), the State Board of Education use the
359 appropriation to the State Board of Education under this section to distribute money to LEAs as
360 part of the grant program described in Title 53A, Chapter 1, Part 14, Digital Teaching and
361 Learning Grant Program;

362 (2) the State Board of Education may use up to \$2,250,000 of the ongoing
363 appropriation to the State Board of Education to administer and evaluate the program, provide
364 professional development and other assistance to LEAs, and contract with third party providers
365 to assist with the administration of the program as described in Title 53A, Chapter 1, Part 14,
366 Digital Teaching and Learning Grant Program;

367 (3) the Utah Education and Telehealth Network may use up to \$500,000 of the ongoing
368 appropriation to the Utah Education and Telehealth Network to administer the program;

369 (4) the Utah Education and Telehealth Network use the \$23,000,000 one-time
370 appropriation to the Utah Education and Telehealth Network for infrastructure and other
371 technology for LEAs; and

372 (5) under Section [63J-1-603](#), the appropriations described in this section not lapse at
373 the close of fiscal year 2017.

374 Section 12. **Effective date.**

375 If approved by two-thirds of all the members elected to each house, this bill takes effect
376 upon approval by the governor, or the day following the constitutional time limit of Utah
377 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
378 the date of veto override.

379 Section 13. **Coordinating H.B. 277 with H.B. 28 -- Modifying substantive**
380 **language -- Changing technical cross references.**

381 If this H.B. 277 and H.B. 28, Grants for Educator Professional Learning, both pass and
382 become law, it is the intent of the Legislature that the Office of Legislative Research and
383 General Counsel prepare the Utah Code database for publication by changing references in:

384 (1) Subsection [53A-1-1402](#)(4), Subsections [53A-1-1403](#)(2) and (3), and Subsection
385 [53A-1-1405](#)(4) from "high quality professional learning" to "effective professional learning";
386 and

387 (2) Subsection [53A-1-1402](#)(4) from Section "[53A-3-701](#)" to Section "[53A-15-1703](#)".