

1                   **PERSONALIZED LEARNING AND TEACHING AMENDMENTS**

2   2016 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: John Knotwell**

5                                   Senate Sponsor: J. Stuart Adams

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7   **LONG TITLE**

8   **General Description:**

9           This bill creates the Digital Teaching and Learning Grant Program.

10 **Highlighted Provisions:**

11       This bill:

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

- 14           • definitions;
- 15           • the digital teaching and learning master plan;
- 16           • readiness assessments;
- 17           • State Board of Education duties and LEA plan requirements;
- 18           • implementation assessments and board interventions; and
- 19           • procurement;
- 20           ▶ sunsets the Smart School Technology Program;
- 21           ▶ repeals language related to a whole-school one-to-one mobile device technology  
22 deployment plan; and
- 23           ▶ makes technical and conforming corrections.

24 **Money Appropriated in this Bill:**

25       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, \$220,000;

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, \$9,840,000;

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 the Education Fund, \$3,780,000;

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

40           • from the Education Fund, \$160,000; and

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

43           • from the Education Fund, \$1,000,000.

44 **Other Special Clauses:**

45           None

46 **Utah Code Sections Affected:**

47 AMENDS:

48           **63I-2-253**, as last amended by Laws of Utah 2015, Chapters 258, 418, and 456

49           **63I-2-263**, as last amended by Laws of Utah 2015, Chapters 182, 258, 283, 292, and  
50 297

51 ENACTS:

52           **53A-1-1401**, Utah Code Annotated 1953

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

54           **53A-1-1404**, Utah Code Annotated 1953

55           **53A-1-1405**, Utah Code Annotated 1953

56           **53A-1-1406**, Utah Code Annotated 1953

57           **53A-1-1407**, Utah Code Annotated 1953

58 RENUMBERS AND AMENDS:

59 [53A-1-1403](#), (Renumbered from 53A-1-710, as enacted by Laws of Utah 2015, Chapter  
60 446)

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

62 [53A-1-1402](#), Utah Code Annotated 1953

63 [53A-1-1403](#), Utah Code Annotated 1953

64 [53A-1-1405](#), Utah Code Annotated 1953



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

67 Section 1. Section **53A-1-1401** is enacted to read:

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

69 **53A-1-1401. Title.**

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

71 Section 2. Section **53A-1-1402** is enacted to read:

72 **53A-1-1402. Definitions.**

73 As used in this part:

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

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

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

78 (a) is completed by an LEA analyzing an LEA's readiness to incorporate

79 comprehensive digital teaching and learning; and

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

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

84 (5) "Implementation assessment" means an assessment that analyzes an LEA's  
85 implementation of an LEA plan, including identifying areas for improvement, obstacles to

86 implementation, progress toward the achievement of stated goals, and recommendations going  
87 forward.

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

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

92 (a) a school district;

93 (b) a charter school; or

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

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

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

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

102 **[53A-1-710].            53A-1-1403. Digital teaching and learning program task**  
103 **force -- Funding proposal for a program -- Master plan -- Reporting requirements.**

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

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

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

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

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

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

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

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

113 ~~[(d) "LEA plan" means an LEA's plan to implement a digital teaching and learning~~

114 program that meets requirements set by the board.]

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

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

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

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

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

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

124 [~~(2)~~] (1) (a) The board shall establish a digital teaching and learning task force to  
125 develop a funding proposal to present to the Legislature for digital teaching and learning in  
126 elementary and secondary schools.

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

128 (i) the board;

129 (ii) UETN;

130 (iii) LEAs; and

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

132 [~~(3)~~] (2) (a) The board, in consultation with the digital teaching and learning task force  
133 created in Subsection [~~(2)~~] (1), shall create a funding proposal for a statewide digital teaching  
134 and learning program designed to:

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

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

139 (b) The board shall:

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

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

144 [~~4~~] (3) As funding allows, the board shall develop a master plan for a statewide  
145 digital teaching and learning program, including the following:

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

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

150 (i) student and teacher devices;

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

152 (iii) curriculum software;

153 (iv) assessment solutions;

154 (v) technical support;

155 (vi) change management of LEAs;

156 (vii) high quality professional learning;

157 (viii) Internet delivery and capacity; and

158 (ix) security and privacy of users;

159 (c) a determination of the requirements for:

160 (i) statewide technology infrastructure; and

161 (ii) local LEA technology infrastructure;

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

164 (e) a statewide technical support plan that will guide the implementation and  
165 maintenance of a digital teaching and learning program, including standards and competency  
166 requirements for technical support personnel;

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

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

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

170 current technology resources and other items and a plan to integrate those resources into a  
171 digital teaching and learning program;

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

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

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

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

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

179 [~~5~~] (4) UETN shall:

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

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

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

188 [~~6~~] (5) On or before December 1, 2015, the board and UETN shall present the  
189 funding proposal for a statewide digital teaching and learning program described in Subsection  
190 [~~3~~] (2) to the Education Interim Committee and the Executive Appropriations Committee,  
191 including:

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

194 (b) the progress of UETN on the inventory and study described in Subsection [~~5~~] (4).

195 Section 4. Section **53A-1-1404** is enacted to read:

196 **53A-1-1404. Readiness assessments.**

197 Beginning July 1, 2016, and ending July 1, 2021, each LEA, including each school

198 within an LEA, shall annually complete a digital readiness assessment.

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

200 **53A-1-1405. Digital Teaching and Learning Grant Program -- Board duties --**  
201 **Advisory committee -- LEA plan requirements.**

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

205 (2) The board shall:

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

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

210 (ii) an LEA plan to include robust goals for learning outcomes and appropriate  
211 measurements of goal achievement;

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

214 (iv) an LEA to report on funds from expenses previous to the implementation of the  
215 LEA plan that the LEA has redirected after implementation;

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

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

219 (3) (a) The board shall, subject to legislative appropriations, award a grant to an LEA:

220 (i) that submits an LEA plan that meets the requirements described in Subsection (4);

221 and

222 (ii) for which the LEA's leadership and management members have completed a digital  
223 teaching and learning leadership and implementation training as provided in Subsection (3)(b).

224 (b) The board or its designee shall provide the training described in Subsection

225 (3)(a)(ii).



- 226           (4) The board shall establish requirements of an LEA plan that shall include:  
227           (a) the results of the LEA's digital readiness assessment and a proposal to remedy an  
228 obstacle to implementation or other issues identified in the assessment;  
229           (b) a proposal to provide high quality professional learning for educators in the use of  
230 digital teaching and learning technology;  
231           (c) a proposal for leadership training and management restructuring, if necessary, for  
232 successful implementation;  
233           (d) clearly identified targets for improved student achievement, student learning, and  
234 college readiness through digital teaching and learning; and  
235           (e) any other requirement established by the board in rule in accordance with Title  
236 63G, Chapter 3, Utah Administrative Rulemaking Act, including an application process and  
237 metrics to analyze the quality of a proposed LEA plan.  
238           (5) The board or the board's designee shall establish an interactive dashboard available  
239 to each LEA that is awarded a grant for the LEA to track and report the LEA's long-term,  
240 intermediate, and direct outcomes in realtime and for the LEA to use to create customized  
241 reports.  
242           (6) (a) There is no federal funding, federal requirement, federal education agreement,  
243 or national program included or related to this state adopted program.  
244           (b) Any inclusion of federal funding, federal requirement, federal education agreement,  
245 or national program shall require separate express approval as provided in Title 53A, Chapter  
246 1, Part 9, Implementing Federal or National Education Program Act.  
247           Section 6. Section **53A-1-1406** is enacted to read:  
248           **53A-1-1406. Implementation assessment -- Board intervention.**  
249           (1) (a) An LEA that receives a grant as provided in Section [53A-1-1405](#) shall:  
250           (i) subject to Subsection (1)(b), complete an implementation assessment for each year  
251 that the LEA is expending grant money; and  
252           (ii) (A) report the findings of the implementation assessment to the board; and  
253           (B) submit to the board a plan to resolve issues raised in the implementation

254 assessment.

255 (b) Each school within the LEA shall:

256 (i) complete an implementation assessment; and

257 (ii) submit a compilation report that meets the requirements described in Subsections

258 (1)(a)(ii)(A) and (B).

259 (2) The board or the board's designee shall review an implementation assessment and

260 review each participating LEA's progress from the previous year, as applicable.

261 (3) The board shall establish interventions for an LEA that does not make progress on

262 implementation of the LEA's implementation plan, including:

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

264 (b) reduction of funds; or

265 (c) other interventions to assist the LEA.

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

267 **53A-1-1407. Procurement -- Independent evaluator.**

268 (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall

269 contract with an independent evaluator to:

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

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

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

273 statewide long-term outcomes; and

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

275 (2) (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter

276 6a, Utah Procurement Code, or other agreement with one or more providers of technology

277 powered learning solutions and one or more providers of wireless networking solutions may be

278 entered into by:

279 (i) UETN, in cooperation with or on behalf of, as applicable, the board, the board's

280 designee, or an LEA; or

281 (ii) an LEA.

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

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

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

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

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

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

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

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

303 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

304 (1) Section **53A-1-403.5** is repealed July 1, 2017.

305 (2) Subsection **53A-1-410(5)** is repealed July 1, 2015.

306 (3) Section **53A-1-411** is repealed July 1, 2017.

307 (4) Section **53A-1a-513.5** is repealed July 1, 2017.

308 (5) Section **53A-1-709** is repealed July 1, 2020.

309 [~~5~~] (6) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2019.

310 [~~(6)~~] (7) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is  
311 repealed July 1, 2017.

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

313 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

314 (1) Section 63A-5-104.1 is repealed on January 1, 2016.

315 (2) Section 63C-9-501.1 is repealed on July 1, 2015.

316 (3) Title 63C, Chapter 15, Prison Relocation Commission, is repealed on January 1,  
317 2016.

318 (4) Subsection 63N-3-103(1)(d) is repealed on July 1, 2015.

319 (5) Subsection 63N-3-109(2)(f)(i)(B) is repealed July 1, 2020.

320 (6) Section 63N-3-110 is repealed July 1, 2020.

321 [~~(5)~~] (7) Subsection 63N-12-208(3) is repealed on January 1, 2016.

322 Section 10. **Appropriation.**

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

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

330 From Education Fund, One-time \$220,000

331 Schedule of Programs:

332 Digital Teaching and Learning Program \$220,000

333 The Legislature intends that:

334 (1) the State Board of Education use \$220,000 of the appropriation under this section  
335 to administer and evaluate the program, provide professional development and other assistance  
336 to LEAs, and contract with third party providers to assist with the administration of the  
337 program as described in Title 53A, Chapter 1, Part 14, Digital Teaching and Learning Grant

338 Program; and  
339 (2) under Section 63J-1-603, the appropriations described in this section not lapse at  
340 the close of fiscal year 2016.

341 Section 11. **Appropriation.**

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

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

349 From Education Fund \$9,840,000  
350 From Education Fund, One-time \$3,780,000

351 Schedule of Programs:

352 Digital Teaching and Learning Program \$13,620,000

353 Item 2 To Utah Education and Telehealth Network -- Digital Teaching and Learning  
354 Program

355 From Education Fund \$160,000  
356 From Education Fund, One-time \$1,000,000

357 Schedule of Programs:

358 Digital Teaching and Learning Program \$1,160,000

359 The Legislature intends that:

360 (1) except as provided in Subsection (2) or (3), the State Board of Education use the  
361 appropriation to the State Board of Education under this section to distribute money to LEAs as  
362 part of the grant program described in Title 53A, Chapter 1, Part 14, Digital Teaching and  
363 Learning Grant Program;

364 (2) the State Board of Education may use up to \$187,600 of the ongoing appropriation  
365 to the State Board of Education to administer and evaluate the program, and provide other

366 assistance to LEAs;

367 (3) the State Board of Education may use up to \$780,000 of the one-time appropriation  
368 to the State Board of Education to administer and evaluate the program, provide professional  
369 development, and contract with third party providers to assist with the administration of the  
370 program as described in Title 53A, Chapter 1, Part 14, Digital Teaching and Learning Grant  
371 Program;

372 (4) the Utah Education and Telehealth Network may use up to \$160,000 of the ongoing  
373 appropriation to the Utah Education and Telehealth Network to administer the program;

374 (5) the Utah Education and Telehealth Network use the \$1,000,000 one-time  
375 appropriation to the Utah Education and Telehealth Network for infrastructure and other  
376 technology for LEAs; and

377 (6) under Section [63J-1-603](#), the appropriations described in this section:

378 (a) not lapse at the close of fiscal year 2017; and

379 (b) may be used in fiscal year 2018, 2019, or 2020.