

PUBLIC EDUCATION MODERNIZATION ACT

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Francis D. Gibson

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill creates the Public Education Modernization Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Initiative to modernize the delivery of public education in Utah advisory committee;
- ▶ requires the State Board of Education to develop and implement an Initiative to modernize the delivery of public education in Utah by:
 - designing a master plan; and
 - issuing requests for proposals for education consulting and education technology providers;
- ▶ establishes requirements for the Initiative to modernize the delivery of public education in Utah master plan and individual local education agency plans;
- ▶ establishes requirements for a local education agency to participate in a grant program related to the Initiative to modernize the delivery of public education in Utah;
- ▶ requires a local education agency that participates in the Initiative to modernize the delivery of public education in Utah grant program to report annually to the State Board of Education;



- ▶ requires a local education agency that constructs a school building after July 1, 2015, to meet certain technology infrastructure requirements; and

- ▶ repeals the Smart School Technology Program.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2015:

► to the Related to Basic School Program - Public Education Modernization Program,
as an ongoing appropriation:

- from the General Fund, \$150,000,000; and

► to the Related to Basic School Program - Public Education Modernization Program,
as a one-time appropriation:

- from the Education Fund, \$50,000,000.

Other Special Clauses:

This bill provides an effective date.

Utah Code Sections Affected:

AMENDS:

63M-1-906, as last amended by Laws of Utah 2012, Chapter 208

ENACTS:

53A-1-1201, Utah Code Annotated 1953

53A-1-1202, Utah Code Annotated 1953

53A-1-1203, Utah Code Annotated 1953

53A-1-1204, Utah Code Annotated 1953

53A-1-1205, Utah Code Annotated 1953

53A-1-1206, Utah Code Annotated 1953

REPEALS:

53A-1-709, as last amended by Laws of Utah 2013, Chapter 173

63M-1-909.5, as last amended by Laws of Utah 2013, Chapter 173

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

Section 1. Section **53A-1-1201** is enacted to read:

Part 12. Public Education Modernization Act

53A-1-1201. Title.

This part is known as the "Public Education Modernization Act."

Section 2. Section **53A-1-1202** is enacted to read:

53A-1-1202. Definitions.

As used in this part:

(1) "Advisory committee" means the Initiative to modernize the delivery of public education in Utah advisory committee created in Subsection [53A-1-1203\(2\)\(a\)](#).

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

(3) "Education consultant" includes an organization.

(4) "Educator" means an individual who holds or is required to hold a license under Title 53A, Chapter 6, Educator Licensing and Professional Practices Act.

(5) "High quality professional development" means a comprehensive, sustained, and intensive approach to improving teachers' and principals' effectiveness in raising student achievement and improving the school outcomes described in Subsection [53A-1-1203\(5\)\(h\)\(i\)](#) that meets the high quality professional development standards established by the board.

(6) "Initiative" means the Initiative to modernize the delivery of public education in Utah described in this part.

(7) "LEA plan" means an LEA's plan to implement the initiative.

(8) "Local education agency" or "LEA" means a school district, a charter school, or the Utah Schools for the Deaf and the Blind.

Section 3. Section **53A-1-1203** is enacted to read:

53A-1-1203. Initiative to modernize the delivery of public education in Utah -- Advisory committee -- Request for proposals for education consultant -- Master plan.

(1) (a) In accordance with this part, the board shall oversee the development and implementation of an Initiative to modernize the delivery of public education in Utah for public school students in kindergarten through grade 12.

(b) Through the initiative, the board and participating LEAs shall:

(i) modernize the LEA classroom environment statewide by using one-to-one mobile device technology to fundamentally change the teaching and learning experience;

(ii) focus on preparing and empowering educators as those who will fully realize the potential of the initiative;

(iii) improve student outcomes with respect to the core curriculum;

- (iv) administer computer adaptive testing in accordance with Section [53A-1-603](#); and
(v) measure individual student growth.

(2) (a) There is created until June 30, 2015, the Initiative to modernize the delivery of public education in Utah advisory committee to:

(i) assist the board with developing selection criteria for and selecting the education consultant described in Subsection (3); and

(ii) give input and feedback on the development of the master plan described in Subsection (4).

(b) The advisory committee shall be composed of:

(i) the following members appointed by the speaker of the House of Representatives and the president of the Senate:

(A) one member who has extensive digital content experience;

(B) one member who is a current or former school district superintendent who has extensive experience with leading a technology initiative;

(C) one member who is an assistant superintendent for curriculum and instruction and has extensive experience with a technology initiative;

(D) one member who has extensive experience with mobile device infrastructure;

(E) one member who is a nationally recognized change leadership or change management expert;

(F) one member who has extensive experience as a school business official; and

(G) one member who has extensive experience in independent program evaluation of technology initiatives;

(ii) the executive director of UEN hired under Section [53B-17-102](#); and

(iii) the executive director of the STEM Action Center appointed under Section [63M-1-3203](#).

(c) Board staff shall staff the advisory committee.

(3) On or before June 15, 2014, the board shall select, through a request for proposals process, a single education consultant with integrated whole-school learning and teaching with technology deployment experience.

(4) In consultation with the education consultant described in Subsection (3), the board shall develop a master plan for the initiative.

121 (5) The master plan described in Subsection (4) shall include:
122 (a) a statement of purpose that describes the results the board will accomplish by
123 implementing the initiative;
124 (b) a determination of the infrastructure requirements for:
125 (i) a statewide network; and
126 (ii) local LEA networks;
127 (c) standards for educator high quality professional development related to
128 implementing and maintaining the initiative;
129 (d) a detailed definition of the type or types of personal mobile learning devices to be
130 used by LEAs and distributed to:
131 (i) educators; and
132 (ii) public school students in kindergarten through grade 12;
133 (e) a statewide technical support plan for:
134 (i) implementation of the initiative; and
135 (ii) maintenance of the initiative;
136 (f) a grant program for participating LEAs developed in accordance with Section
137 53A-1-1205;
138 (g) specifications for an LEA plan that include:
139 (i) format and submission requirements;
140 (ii) a statement of purpose that describes the measurable outcomes the LEA will
141 accomplish by implementing the initiative;
142 (iii) other LEA plan requirements, including the requirements described in Subsection
143 53A-1-1204(5);
144 (iv) a schedule that coordinates grant program requirements with the requirements
145 described in Subsection (5)(g)(iii); and
146 (v) a disclosure by the LEA of the LEA's current technology expenditures;
147 (h) an ongoing evaluation process that is monitored by the board, performed by an
148 independent contractor under contract with the board, and based on:
149 (i) school level outcomes, including, as appropriate:
150 (A) student achievement on statewide tests;
151 (B) rate of student learning;

152 (C) attendance;
153 (D) discipline incidents;
154 (E) parental involvement;
155 (F) community involvement;
156 (G) graduation rates;
157 (H) student enrollment in higher education;
158 (I) dropout rates;
159 (J) student technology proficiency for college and career readiness;
160 (K) teacher satisfaction and engagement; and
161 (L) cost savings and improved efficiency relating to instructional materials, facilities,
162 or maintenance; and
163 (ii) technology system functionality;
164 (i) metrics of improved growth in the rate of student learning that will serve as a
165 benchmark for LEA initiative implementation outcomes; and
166 (j) a plan to ensure long term sustainability that:
167 (i) accounts for the financial impacts of the initiative; and
168 (ii) facilitates the repurposing of all LEA savings that arise from implementing the
169 initiative.

170 Section 4. Section **53A-1-1204** is enacted to read:

171 **53A-1-1204. Request for proposals for education technology providers --**
172 **Preparation of local education agency plans.**

173 (1) In consultation with the education consultant described in Section [53A-1-1203](#), the
174 board shall, through a request for proposals process, select three or more education technology
175 providers.

176 (2) An education technology provider that responds to the request for proposals
177 described in Subsection (1) shall submit a proposed generic LEA plan that ensures a reliable,
178 scalable, and effective implementation of the initiative across a wide range of students and
179 LEAs.

180 (3) In evaluating a proposal submitted under Subsection (1), the board's evaluation
181 criteria shall weigh heavily the education technology provider's ability to prepare and
182 customize an LEA plan.

(4) To participate in the grant program described in Section [53A-1-1205](#), an LEA shall select one of the education technology providers chosen by the board under Subsection (1) to work with the LEA to prepare and implement a customized LEA plan.

(5) An LEA plan created by the LEA in collaboration with an education technology provider under Subsection (4) shall describe:

(a) design criteria that enables the LEA to achieve improved outcomes;
(b) each task and its related dependencies required for a successful, scalable implementation of the initiative that yields significantly positive results;

(c) an organizational development process structured to yield the desired outcomes;

(d) infrastructure acquisition;

(e) high quality, digital instructional materials aligned with board standards;

(f) educator high quality professional development that includes superintendent and principal development;

(g) procurement and distribution of:

(i) devices;

(ii) digital content;

(iii) software; and

(iv) support service;

(h) technical support for implementation and maintenance of the initiative that:

(i) provides for significant uptime of the entire technology environment, including devices, printers, and Internet access; and

(ii) removes technical support burdens from the classroom teacher;

(i) security policies, including security audits and remediation of identified lapses;

(j) how the LEA will address the needs of students affected by intergenerational poverty, as defined in Section [35A-9-102](#), in implementing the initiative;

(k) how the LEA will put the cost savings and increased efficiency gained by implementing the initiative toward maintaining the initiative;

(l) a detailed plan for student engagement in personalized learning;

(m) ongoing periodic coaching of the superintendent, school principals, and teachers;

and

(n) other criteria required by the master plan developed under Section [53A-1-1203](#).

(6) An LEA may subject an LEA plan to a peer review.

Section 5. Section **53A-1-1205** is enacted to read:

53A-1-1205. Grant program -- Board approval of local education agency plans.

(1) In consultation with the education consultant described in Section [53A-1-1203](#), the board shall develop a grant program in accordance with this section to assist an LEA to implement the initiative.

(2) To be eligible for a grant payment, an LEA:

(a) shall comply with the master plan;

(b) shall, before receiving a grant payment, complete each master plan component conditioned on receiving the grant payment;

(c) may not supplant funds previously used for the LEA's current technology program to fund nontechnology programs;

(d) shall have an LEA plan approved by the board in accordance with Subsection (3);
and

(e) shall consistently meet defined LEA plan goals.

(3) (a) An LEA that applies to the board for a grant to implement the initiative shall, as part of the application, submit an LEA plan to the board for approval.

(b) The board shall work with the education consultant to review and approve each submitted LEA plan.

(c) The board may not approve an LEA plan unless the LEA plan meets:

(i) the requirements described in Subsection [53A-1-1204](#)(5); and

(ii) the applicable standards, criteria, and timelines established in the master plan.

(4) The board shall award grants on the basis of available funding, giving priority to LEA plans that are timely, well developed, and board approved.

(5) (a) An LEA that is currently participating in the grant program shall prepare and submit to the board an annual progress report that:

(i) gives a detailed summary of the LEA's LEA plan; and

(ii) describes the effect of the LEA plan in addressing the outcomes described in Subsections [53A-1-1203](#)(5)(g)(ii) and (h)(i).

(b) The progress report described in Subsection (5)(a) is due by August 1 of each year.

Section 6. Section **53A-1-1206** is enacted to read:

53A-1-1206. Initiative compliance for construction of new schools.

An LEA shall ensure that a school building constructed by the LEA on or after July 1, 2015, meets the infrastructure requirements for the initiative as established by the board in accordance with Section [53A-1-1203](#).

Section 7. Section **63M-1-906** is amended to read:

63M-1-906. Qualification for assistance.

(1) Except as provided in Section [63M-1-908](#)[;] or [63M-1-909](#), [~~or [63M-1-909.5](#)~~] the administrator shall determine which industries, companies, and individuals qualify to receive money from the Industrial Assistance Account. Except as provided by Subsection (2), to qualify for financial assistance from the restricted account, an applicant shall:

(a) demonstrate to the satisfaction of the administrator that the applicant will expend funds in Utah with employees, vendors, subcontractors, or other businesses in an amount proportional with money provided from the restricted account at a minimum ratio of 2 to 1 per year or other more stringent requirements as established from time to time by the board for a minimum period of five years beginning with the date the loan or grant was approved;

(b) demonstrate to the satisfaction of the administrator the applicant's ability to sustain economic activity in the state sufficient to repay, by means of cash or appropriate credits, the loan provided by the restricted account; and

(c) satisfy other criteria the administrator considers appropriate.

(2) (a) The administrator may exempt an applicant from the requirements of Subsection (1)(a) or (b) if:

(i) the financial assistance is provided to an applicant for the purpose of locating all or any portion of its operations to an economically disadvantaged rural area;

(ii) the applicant is part of a targeted industry;

(iii) the applicant is a quasi-public corporation organized under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, or Title 63E, Chapter 2, Independent Corporations Act, and its operations, as demonstrated to the satisfaction of the administrator, will provide significant economic stimulus to the growth of commerce and industry in the state; or

(iv) the applicant is an entity offering an economic opportunity under Section [63M-1-909](#).

(b) The administrator may not exempt the applicant from the requirement under

Subsection 63M-1-905(2)(b) that the loan be structured so that the repayment or return to the state equals at least the amount of the assistance together with an annual interest charge.

(3) The administrator shall:

(a) for applicants not described in Subsection (2)(a):

(i) make findings as to whether or not each applicant has satisfied each of the conditions set forth in Subsection (1); and

(ii) monitor the continued compliance by each applicant with each of the conditions set forth in Subsection (1) for five years;

(b) for applicants described in Subsection (2)(a), make findings as to whether the economic activities of each applicant has resulted in the creation of new jobs on a per capita basis in the economically disadvantaged rural area or targeted industry in which the applicant is located;

(c) monitor the compliance by each applicant with the provisions of any contract or agreement entered into between the applicant and the state as provided in Section 63M-1-907; and

(d) make funding decisions based upon appropriate findings and compliance.

Section 8. **Repealer.**

This bill repeals:

Section 53A-1-709, **Smart School Technology Program.**

Section 63M-1-909.5, **Selection of educational technology provider to implement whole-school one-to-one mobile device technology deployment plan for schools.**

Section 9. **Appropriation.**

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or accounts indicated. These sums of money are in addition to any amounts previously appropriated for fiscal year 2015.

To Related to Basic School Program

<u>From General Fund</u>	<u>\$150,000,000</u>
--------------------------	----------------------

<u>From Education Fund, one-time</u>	<u>\$50,000,000</u>
--------------------------------------	---------------------

Schedule of Programs:

307 Public Education Modernization Program \$200,000,000
308 Under Section [63J-1-603](#), the Legislature intends that the appropriation for the Public
309 Education Modernization Act is:
310 (1) to be used as provided in Section [53A-1-1203](#); and
311 (2) nonlapsing.
312 Section 10. **Effective date.**
313 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
314 elected to each house, this bill takes effect upon approval by the governor, or the day following
315 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
316 signature, or in the case of a veto, the date of veto override.
317 (2) Uncodified Section 9, Appropriation, takes effect on July 1, 2014.

Legislative Review Note
as of 2-13-14 8:59 AM

Office of Legislative Research and General Counsel