

1 **EARLY WARNING PILOT PROGRAM**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Val L. Peterson**

5 Senate Sponsor: Ann Millner

7 **LONG TITLE**

8 **General Description:**

9 This bill provides for systems to identify students in need of early intervention.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ directs the State Board of Education (board) to enhance the online data reporting
- 14 tool and contract with a provider for a two-year pilot digital program;
- 15 ▶ provides certain standards and functionality that are to be included in the
- 16 enhancements to the online data reporting tool and a digital program;
- 17 ▶ directs the board to provide a digital program to a local education agency (LEA);
- 18 ▶ requires an LEA to pay half the cost of a digital program;
- 19 ▶ requires an LEA to report to the board on the effectiveness of a digital program and
- 20 recommendations for enhancement of the online data reporting tool;
- 21 ▶ provides a repeal date; and
- 22 ▶ makes technical and conforming changes.

23 **Money Appropriated in this Bill:**

24 This bill appropriates:

- 25 ▶ to the State Board of Education -- Initiative Programs, as a one-time appropriation:
 - 26 • from the Education Fund \$125,000; and
- 27 ▶ to the State Board of Education -- Initiative Programs, as a ongoing appropriation:
 - 28 • from the Education Fund \$250,000.

29 **Other Special Clauses:**

30 This bill provides a coordination clause.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **63I-2-253**, as last amended by Laws of Utah 2016, Chapters 128, 229, 236, 271, and
34 318

35 ENACTS:

36 **53A-1-415**, Utah Code Annotated 1953

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

38 **53A-1-415**, Utah Code Annotated 1953



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

41 Section 1. Section **53A-1-415** is enacted to read:

42 **53A-1-415. Student intervention early warning pilot program.**

43 (1) As used in this section:

44 (a) "Board" means the State Board of Education.

45 (b) "Digital program" means a program that provides information for student early
46 intervention as described in this section.

47 (c) "Local education agency" or "LEA" means:

48 (i) a district school;

49 (ii) a charter school; or

50 (iii) the Utah Schools for the Deaf and the Blind.

51 (d) "Online data reporting tool" means a system described in Section **53A-1-605**.

52 (2) (a) The board shall, subject to legislative appropriations:

53 (i) enhance the online data reporting tool and provide additional formative actionable
54 data on student outcomes subject to Subsection (2)(c); and

55 (ii) select through a competitive contract process a provider to provide to an LEA a
56 digital program as described in this section.

57 (b) The contract described in Subsection (2)(a)(ii) shall be for a two-year pilot

58 program.

59 (c) Information collected or used by the board for purposes of enhancing the online
60 data reporting tool in accordance with this section may not identify a student individually.

61 (3) The enhancement to the online data reporting tool and the digital program shall:

62 (a) be designed with a user-appropriate interface for use by teachers, school
63 administrators, and parents;

64 (b) provide reports on a student's results at the student level on:

65 (i) a national assessment;

66 (ii) a local assessment; and

67 (iii) a statewide criterion-referenced test or online computer adaptive test described in

68 Section [53A-1-603](#);

69 (c) have the ability to provide data from aggregate student reports based on a student's:

70 (i) teacher;

71 (ii) school;

72 (iii) school district, if applicable; or

73 (iv) ethnicity;

74 (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on
75 a single computer screen;

76 (e) have the ability to compare the performance of students, for each teacher, based on
77 a student's:

78 (i) gender;

79 (ii) special needs, including primary exceptionality;

80 (iii) English proficiency;

81 (iv) economic status;

82 (v) migrant status;

83 (vi) ethnicity;

84 (vii) response to tiered intervention;

85 (viii) response to tiered-intervention enrollment date;

- 86 (ix) absence rate;
- 87 (x) feeder school;
- 88 (xi) type of school, including primary or secondary, public or private, Title I, or other
- 89 general school-type category;
- 90 (xii) course failures; and
- 91 (xiii) other criteria, as determined by the board; and
- 92 (f) have the ability to load data from a local, national, or other assessment in the data's
- 93 original format within a reasonable time.

94 (4) Subject to legislative appropriations, the online data reporting tool and digital
95 program shall:

96 (a) integrate criteria for early warning indicators, including the following criteria:

- 97 (i) discipline;
- 98 (ii) attendance;
- 99 (iii) behavior;

100 (iv) course failures; and

101 (v) other criteria as determined by a local school board or charter school governing
102 board; and

103 (b) provide a teacher or administrator the ability to view the early warning indicators
104 described in Subsection (4)(a) with a student's assessment results described in Subsection
105 (3)(b).

106 (5) Subject to legislative appropriations, the online data reporting tool and the digital
107 program shall:

108 (a) provide data on response to intervention using existing assessments or measures
109 that are manually added, including assessment and nonacademic measures;

110 (b) provide a user the ability to share interventions within a reporting environment and
111 add comments to inform other teachers, administrators, and parents or guardians;

112 (c) save and share reports among different teachers and school administrators, subject
113 to the student population information a teacher or administrator has the rights to access;

114 (d) automatically flag a student profile when early warning thresholds are met so that a
115 teacher can easily identify a student who may be in need of intervention;

116 (e) incorporate a variety of algorithms to support student learning outcomes and
117 provide student growth reporting by teacher;

118 (f) integrate response to intervention tiers and activities as filters for the reporting of
119 individual student data and aggregated data, including by ethnicity, school, or teacher;

120 (g) have the ability to generate student parent or guardian communication to alert the
121 parent or guardian of academic plans or interventions; and

122 (h) configure alerts based upon student academic results, including a student's
123 performance on the previous year statewide criterion-referenced test or online computer
124 adaptive test described in Section [53A-1-603](#).

125 (6) (a) The board shall, subject to legislative appropriations, select an LEA to receive
126 access to a digital program through a provider described in Subsection (2)(a)(ii).

127 (b) An LEA that receives access to a digital program shall pay for 50% of the cost of
128 the digital program.

129 (c) An LEA that receives access to a digital program shall no later than one school year
130 after accessing a digital program report to the board in a format required by the board on the
131 effectiveness of the digital program, positive and negative attributes of the digital program,
132 recommendations for improving the online data reporting tool, and any other information
133 regarding a digital program requested by the board.

134 (d) The board shall consider recommendations from an LEA for changes to the online
135 data reporting tool.

136 (7) Information described in this section shall be used in accordance with and provided
137 subject to:

138 (a) Chapter 1, Part 14, Student Data Protection Act;

139 (b) Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act; and

140 (c) Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

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

142 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

143 (1) Section [53A-1-403.5](#) is repealed July 1, 2017.

144 (2) Section [53A-1-411](#) is repealed July 1, 2017.

145 (3) Section [53A-1-415](#) is repealed July 1, 2019.

146 [~~(3)~~] (4) Section [53A-1-709](#) is repealed July 1, 2020.

147 [~~(4)~~] (5) Subsection [53A-1a-513](#)(4) is repealed July 1, 2017.

148 [~~(5)~~] (6) Section [53A-1a-513.5](#) is repealed July 1, 2017.

149 [~~(6)~~] (7) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2019.

150 [~~(7)~~] (8) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is
151 repealed July 1, 2017.

152 [~~(8)~~] (9) Sections [53A-24-601](#) and [53A-24-602](#) are repealed January 1, 2018.

153 [~~(9)~~] (10) (a) Subsections [53B-2a-103](#)(2) and (4) are repealed July 1, 2019.

154 (b) When repealing Subsections [53B-2a-103](#)(2) and (4), the Office of Legislative
155 Research and General Counsel shall, in addition to its authority under Subsection [36-12-12](#)(3),
156 make necessary changes to subsection numbering and cross references.

157 [~~(10)~~] (11) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,
158 is repealed July 1, 2023.

159 **Section 3. Appropriation.**

160 The following sums of money are appropriated for the fiscal year beginning July 1,
161 2017, and ending June 30, 2018. These are additions to amounts previously appropriated for
162 fiscal year 2018. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
163 Act, the Legislature appropriates the following sums of money from the funds or accounts
164 indicated for the use and support of the government of the state of Utah.

165 ITEM 1

166 To State Board of Education - Initiative Programs

167 From Education Fund, One-time \$125,000

168 Schedule of Programs:

169 Early Warning Pilot Program \$125,000

170 ITEM 2

171 To State Board of Education - Initiative Programs

172 From Education Fund, Ongoing \$250,000

173 Schedule of Programs:

174 Early Warning Pilot Program \$250,000

175 The Legislature intends that the State Board of Education:

176 (1) use \$125,000 of the appropriation under this section for enhancement of the online
177 data reporting tool as described in Section 53A-1-415; and

178 (2) use \$250,000 of the appropriation under this section for paying 50% of the cost for
179 an LEA to access a digital program as described in Section 53A-1-415.

180 **Section 4. Coordinating H.B. 404 with S.B. 220 -- Substantive and technical**
181 **amendment.**

182 If this H.B. 404 and S.B. 220, Student Assessment and School Accountability
183 Amendments, both pass and become law, it is the intent of the Legislature that the Office of
184 Legislative Research and General Counsel shall prepare the Utah Code database for publication
185 by:

186 (1) modifying Subsection 53A-1-415(3)(b)(iii) to read:

187 "(iii) a standards assessment described in Section 53A-1-604;" and

188 (2) modifying Subsection 53A-1-415(5)(h) to read:

189 "(h) configure alerts based upon student academic results, including a student's
190 performance on the previous year standards assessment described in Section 53A-1-604."