

**STUDENT INTERVENTION EARLY WARNING PROGRAM**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Val L. Peterson**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

This bill converts the student intervention early warning pilot program into an ongoing program.

**Highlighted Provisions:**

This bill:

- ▶ removes a repeal date for the student intervention early warning program;
- ▶ removes a two-year pilot program limitation on a contract for the program; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53F-4-207**, as enacted by Laws of Utah 2020, Chapter 216

**63I-2-253**, as last amended by Laws of Utah 2021, First Special Session, Chapter 14

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

Section 1. Section **53F-4-207** is amended to read:

**53F-4-207. Student intervention early warning program.**

(1) As used in this section:

(a) "Digital program" means a program that provides information for student early

intervention as described in this section.

(b) "Online data reporting tool" means a system described in Section 53E-4-311.

(c) "Participating LEA" means an LEA that receives access to a digital program under Subsection (5).

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

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

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

~~[(b) The contract described in Subsection (2)(a)(ii) shall be for a two-year pilot program;]~~

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

~~[(d)]~~ (c) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define the primary exceptionalities described in Subsection (3)(e)(ii).

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

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

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

(i) a national assessment;

(ii) a local assessment; and

(iii) a standards assessment described in Section 53E-4-303;

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

(i) teacher;

(ii) school;

(iii) school district, if applicable; or

- 58 (iv) ethnicity;
- 59 (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on
- 60 a single computer screen;
- 61 (e) have the ability to compare the performance of students, for each teacher, based on
- 62 a student's:
- 63 (i) gender;
- 64 (ii) special needs, including primary exceptionality as defined by state board rule;
- 65 (iii) English proficiency;
- 66 (iv) economic status;
- 67 (v) migrant status;
- 68 (vi) ethnicity;
- 69 (vii) response to tiered intervention;
- 70 (viii) response to tiered intervention enrollment date;
- 71 (ix) absence rate;
- 72 (x) feeder school;
- 73 (xi) type of school, including primary or secondary, public or private, Title I, or other
- 74 general school-type category;
- 75 (xii) course failures; and
- 76 (xiii) other criteria, as determined by the state board; and
- 77 (f) have the ability to load data from a local, national, or other assessment in the data's
- 78 original format within a reasonable time.
- 79 (4) Subject to legislative appropriations, the online data reporting tool and digital
- 80 program shall:
- 81 (a) integrate criteria for early warning indicators, including the following criteria:
- 82 (i) discipline;
- 83 (ii) attendance;
- 84 (iii) behavior;
- 85 (iv) course failures; and

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

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

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

(d) provide a user the ability to share interventions within a reporting environment and add comments to inform other teachers, administrators, and parents;

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

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

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

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

(i) have the ability to generate parent communication to alert the parent of academic plans or interventions; and

(j) configure alerts based upon student academic results, including a student's performance on the previous year's standards assessment described in Section 53E-4-303.

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

(b) An LEA that receives access to a digital program shall:

(i) pay for 50% of the cost of providing access to the digital program to the LEA; and

(ii) no later than one school year after accessing a digital program, report to the state board in a format required by the state board on:

(A) the effectiveness of the digital program;

(B) positive and negative attributes of the digital program;

(C) recommendations for improving the online data reporting tool; and

(D) any other information regarding a digital program requested by the state board.

(c) The state board shall consider recommendations from an LEA for changes to the online data reporting tool.

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

(a) Title 53E, Chapter 9, Student Privacy and Data Protection; ~~and~~

(b) Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g[-]; and

(c) the parental consent requirements in Section 53E-9-203.

(7) (a) A parent or guardian may opt the parent's or guardian's student out of participating in a survey prepared by a participating LEA's online data reporting tool described in this section.

(b) An LEA shall provide notice to a parent of:

(i) the administration of a survey described in Subsection (7)(a);

(ii) if applicable, that the survey may request information from students that is non-academic in nature;

(iii) where the parent may access the survey described in Subsection (7)(a) to be administered; and

(iv) the opportunity to opt a student out of participating in a survey as described in Subsection (7)(a).

(c) A participating LEA shall annually provide notice to parents and guardians on how the participating LEA uses student data through the online data reporting tool to provide instruction and intervention to students.

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

**63I-2-253. Repeal dates -- Titles 53 through 53G.**

(1) Section **53-1-106.1** is repealed January 1, 2022.

(2) (a) Section **53-2a-217**, regarding procurement during an epidemic or pandemic

emergency, is repealed on December 31, 2021.

(b) When repealing Section 53-2a-217, the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

~~[(3) Section 53-2a-219, in relation to termination of emergency powers pertaining to COVID-19, is repealed on July 1, 2021.]~~

~~[(4)]~~ (3) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a technical college board of trustees, is repealed July 1, 2022.

(b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

~~[(5)]~~ (4) Section 53B-6-105.7 is repealed July 1, 2024.

~~[(6) (a) Subsection 53B-7-705(6)(b)(iii)(A), the language that states "Except as provided in Subsection (6)(b)(iii)(B)," is repealed July 1, 2021.]~~

~~[(b) Subsection 53B-7-705(6)(b)(iii)(B), regarding comparing a technical college's change in performance with the technical college's average performance, is repealed July 1, 2021.]~~

~~[(7) (a) Subsection 53B-7-707(3)(a)(ii), the language that states "Except as provided in Subsection (3)(b)," is repealed July 1, 2021.]~~

~~[(b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college during a fiscal year before fiscal year 2020, is repealed July 1, 2021.]~~

~~[(8)]~~ (5) Section 53B-7-707 regarding performance metrics for technical colleges is repealed July 1, 2023.

~~[(9)]~~ (6) Section 53B-8-114 is repealed July 1, 2024.

~~[(10)]~~ (7) The following sections, regarding the Regents' scholarship program, are repealed on July 1, 2023:

(a) Section 53B-8-202;

(b) Section 53B-8-203;

(c) Section 53B-8-204; and

(d) Section 53B-8-205.

~~[(11)]~~ (8) Section 53B-10-101 is repealed on July 1, 2027.

~~[(12)]~~ (9) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is repealed July 1, 2023.

~~[(13)]~~ (10) Section 53E-1-202.2, regarding a Public Education Appropriations Subcommittee evaluation and recommendations, is repealed January 1, 2024.

~~[(14)]~~ Section 53E-3-520 is repealed July 1, 2021.]

~~[(15)]~~ (11) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed July 1, 2024.

~~[(16)]~~ (12) In Subsections 53F-2-205(4) and (5), regarding the State Board of Education's duties if contributions from the minimum basic tax rate are overestimated or underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(17)]~~ (13) Section 53F-2-209, regarding local education agency budgetary flexibility, is repealed July 1, 2024.

~~[(18)]~~ (14) Subsection 53F-2-301(1), relating to the years the section is not in effect, is repealed July 1, 2023.

~~[(19)]~~ (15) Section 53F-2-302.1, regarding the Enrollment Growth Contingency Program, is repealed July 1, 2023.

~~[(20)]~~ (16) Subsection 53F-2-314(4), relating to a one-time expenditure between the at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

~~[(21)]~~ (17) Section 53F-2-418, regarding the Supplemental Educator COVID-19 Stipend, is repealed January 1, 2022.

~~[(22)]~~ (18) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(23)]~~ Section 53F-4-207 is repealed July 1, 2022.]

~~[(24)]~~ (19) Subsection 53F-4-401(3)(b), regarding a child enrolled or eligible for

198 enrollment in kindergarten, is repealed July 1, 2022.

199       ~~[(25)]~~ (20) In Subsection **53F-4-404**(4)(c), the language that states "Except as provided  
200 in Subsection (4)(d)" is repealed July 1, 2022.

201       ~~[(26)]~~ (21) Subsection **53F-4-404**(4)(d) is repealed July 1, 2022.

202       ~~[(27)]~~ (22) In Subsection **53F-9-302**(3), the language that states "or **53F-2-301.5**, as  
203 applicable" is repealed July 1, 2023.

204       ~~[(28)]~~ (23) In Subsection **53F-9-305**(3)(a), the language that states "or **53F-2-301.5**, as  
205 applicable" is repealed July 1, 2023.

206       ~~[(29)]~~ (24) In Subsection **53F-9-306**(3)(a), the language that states "or **53F-2-301.5**, as  
207 applicable" is repealed July 1, 2023.

208       ~~[(30)]~~ (25) In Subsection **53G-3-304**(1)(c)(i), the language that states "or **53F-2-301.5**,  
209 as applicable" is repealed July 1, 2023.

210       ~~[(31)]~~ (26) Subsections **53G-10-204**(1)(c) through (e), and Subsection **53G-10-204**(6),  
211 related to the civics engagement pilot program, are repealed on July 1, 2023.

212       ~~[(32)]~~ (27) On July 1, 2023, when making changes in this section, the Office of  
213 Legislative Research and General Counsel shall, in addition to the office's authority under  
214 Subsection **36-12-12**(3), make corrections necessary to ensure that sections and subsections  
215 identified in this section are complete sentences and accurately reflect the office's perception of  
216 the Legislature's intent.