

**EARLY READING AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen H. Urquhart**

House Sponsor: Bradley G. Last

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**LONG TITLE**

**General Description:**

This bill amends provisions related to early reading assessments and interventions in public schools.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions related to a diagnostic assessment system for early reading;
- ▶ requires the State Board of Education to distribute licenses for early reading software to a school district or charter school by a certain date;
- ▶ requires a public school that receives a license for early reading software to comply with certain standards;
- ▶ directs the State Board of Education to establish certain standards;
- ▶ provides for evaluation of the use of early reading software; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-1-606.7**, as enacted by Laws of Utah 2011, Chapter 372

**53A-17a-167**, as last amended by Laws of Utah 2013, Chapter 466

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

31 Section 1. Section **53A-1-606.7** is amended to read:

32 **53A-1-606.7. State Board of Education required to contract for a diagnostic**  
33 **assessment system for reading.**

34 (1) The State Board of Education shall contract with ~~[an]~~ one or more educational  
35 technology ~~[provider]~~ providers, selected through a request for proposals process, for a  
36 diagnostic assessment system for reading for students in kindergarten through grade three that  
37 meets the requirements of this section.

38 (2) ~~[The]~~ Subject to legislative appropriations, a diagnostic assessment system for  
39 reading shall be made available to school districts and charter schools that apply to use ~~[the]~~ a  
40 diagnostic assessment for reading beginning in the 2011-12 school year.

41 (3) ~~[The]~~ A diagnostic assessment system for reading for students in kindergarten  
42 through grade three shall:

43 (a) be in a digital format;

44 ~~[(a)]~~ (b) include benchmark assessments of reading proficiency to be administered at  
45 the beginning, in the middle, and at the end of kindergarten, grade one, grade two, and grade  
46 three;

47 ~~[(b)]~~ (c) include formative assessments to be administered every two to four weeks for  
48 students who are at high risk of not attaining proficiency in reading;

49 ~~[(c)]~~ (d) align with the language arts core curriculum adopted by the State Board of  
50 Education; and

51 ~~[(d)]~~ (e) include a data analysis component hosted by the ~~[contractor]~~ provider that:

52 (i) has the capacity to generate electronic information immediately and produce  
53 individualized student progress reports, class summaries, and class groupings for instruction;

54 (ii) ~~[has]~~ may have the capability of identifying lesson plans that may be used to  
55 develop reading skills;

56 (iii) enables teachers, administrators, and designated supervisors to access reports  
57 through a secured password system;

- 58 (iv) produces electronic printable reports for parents and administrators; and
- 59 (v) has the capability for principals to monitor usage by teachers.

60 ~~[(4) (a) The benchmark and formative assessments specified in Subsections (3)(a) and~~  
61 ~~(b) shall be available to be downloaded to a portable technology device so that a teacher may~~  
62 ~~be able to sit beside a student as the student is being assessed at any location in the classroom~~  
63 ~~or throughout the school.]~~

64 ~~[(b) After an assessment is downloaded to a portable technology device, the device~~  
65 ~~shall have the capability to operate in stand-alone mode if the Internet connection is lost.]~~

66 ~~[(c) After an assessment is completed and uploaded to the data analysis component, the~~  
67 ~~data analysis component shall be capable of allowing data and reports to be viewed and printed~~  
68 ~~immediately.]~~

69 ~~[(5) The State Board of Education shall:]~~

70 ~~[(a) evaluate the effects of the diagnostic assessment system for reading by comparing~~  
71 ~~the learning gains of students in school districts and charter schools that use the diagnostic~~  
72 ~~assessment system for reading with the learning gains of students in school districts and charter~~  
73 ~~schools that do not use the diagnostic assessment system for reading; and]~~

74 ~~[(b) submit a report on the evaluation to the Public Education Appropriations~~  
75 ~~Subcommittee by November 2013.]~~

76 Section 2. Section **53A-17a-167** is amended to read:

77 **53A-17a-167. Early intervention program -- Enhanced kindergarten program --**  
78 **Educational technology.**

79 (1) The State Board of Education shall, as described in Subsection (4), distribute funds  
80 appropriated under this section for an enhanced kindergarten program described in Subsection  
81 (2), to school districts and charter schools that apply for the funds.

82 (2) A school district or charter school shall use funds appropriated in this section to  
83 offer an early intervention program, delivered through an enhanced kindergarten program that:

- 84 (a) is an academic program focused on building age-appropriate literacy and numeracy
- 85 skills;

86 (b) uses an evidence-based early intervention model;

87 (c) is targeted to at-risk students; and

88 (d) is delivered through additional hours or other means.

89 (3) A school district or charter school may not require a student to participate in an  
90 enhanced kindergarten program described in Subsection (2).

91 (4) The State Board of Education shall distribute funds appropriated under this section  
92 for an enhanced kindergarten program described in Subsection (2) as follows:

93 (a) (i) the total allocation for charter schools shall be calculated by:

94 (A) dividing the number of charter school students by the total number of students in  
95 the public education system in the prior school year; and

96 (B) multiplying the resulting percentage by the total amount of available funds; and

97 (ii) the amount calculated under Subsection (4)(a) shall be distributed to charter  
98 schools with the greatest need for an enhanced kindergarten program, as determined by the  
99 State Board of Education in consultation with the State Charter School Board;

100 (b) each school district shall receive the amount calculated by:

101 (i) multiplying the value of the weighted pupil unit by 0.45; and

102 (ii) multiplying the result by 20; and

103 (c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b)  
104 are made, shall be distributed to applicant school districts by:

105 (i) determining the number of students eligible to receive free lunch in the prior school  
106 year for each school district; and

107 (ii) prorating the remaining funds based on the number of students eligible to receive  
108 free lunch in each district.

109 (5) In addition to an enhanced kindergarten program described in Subsection (2), the  
110 early intervention program includes a component to address early ~~[intervention]~~ reading  
111 through the use of ~~[an interactive computer software program]~~ early interactive reading  
112 software.

113 (6) (a) Subject to legislative appropriations, ~~[by September 1 of each year,]~~ the State

114 Board of Education shall select and contract with one or more technology providers, through a  
115 request for proposals process, to provide [~~an interactive computer software program~~] early  
116 interactive reading software for literacy instruction and assessments for students in  
117 kindergarten through grade 3.

118 (b) [~~The~~] By August 1 of each year, the State Board of Education shall distribute  
119 licenses for [~~an interactive computer software program~~] early interactive reading software  
120 described in Subsection (6)(a) to school districts and charter schools that apply for the licenses.

121 (c) [~~A~~] Except as provided in Subsection (7)(c), a school district or charter school that  
122 received a license described in Subsection (6)(b) during the prior year shall be given first  
123 priority to receive an equivalent license during the current year.

124 (d) Licenses distributed to school districts and charter schools in addition to the  
125 licenses described in Subsection (6)(c) shall be distributed through a competitive process.

126 [~~(7) On or before November 1, 2013, and every year thereafter, the State Board of~~  
127 ~~Education shall report final testing data regarding an interactive computer software program~~  
128 ~~described in Subsection (6), including student learning gains as a result of the interactive~~  
129 ~~computer software program, to:]~~

130 [~~(a) the Education Interim Committee; and]~~

131 [~~(b) the governor.]~~

132 (7) (a) As used in this Subsection (7), "dosage" means amount of instructional time.

133 (b) A public school that receives a license described in Subsection (6)(b) shall use the  
134 license:

135 (i) for a student in kindergarten or grade 1:

136 (A) for intervention for the student if the student is reading below grade level; or

137 (B) for advancement beyond grade level for the student if the student is reading at or  
138 above grade level;

139 (ii) for a student in grade 2 or 3, for intervention for the student if the student is reading  
140 below grade level; and

141 (iii) in accordance with the technology provider's dosage recommendations.

142 (c) A public school that does not use the early interactive reading software in  
143 accordance with the technology provider's dosage recommendations for two consecutive years  
144 may not continue to receive a license.

145 (8) (a) On or before August 1 of each year, the State Board of Education shall select  
146 and contract with an independent evaluator, through a request for proposals process, to act as  
147 an independent contractor to evaluate early interactive reading software provided under this  
148 section.

149 (b) The State Board of Education shall ensure that a contract with an independent  
150 evaluator requires the independent evaluator to:

151 (i) evaluate a student's learning gains as a result of using early interactive reading  
152 software provided under Subsection (6);

153 (ii) for the evaluation under Subsection (8)(b)(i), use an assessment that is not  
154 developed by a provider of early interactive reading software; and

155 (iii) determine the extent to which a public school uses the early interactive reading  
156 software in accordance with a technology provider's dosage recommendations under  
157 Subsection (7).

158 (c) The State Board of Education and the independent evaluator selected under  
159 Subsection (8)(a) shall report annually on the results of the evaluation to the Education Interim  
160 Committee and the governor.

161 (d) The State Board of Education may use up to 4% of the appropriation provided  
162 under Subsection (6)(a) to contract with an independent evaluator selected under Subsection  
163 (8)(a).