

**EARLY READING AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen H. Urquhart**

House Sponsor: \_\_\_\_\_

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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:

- ▶ allows the State Board of Education to select more than one provider to provide a diagnostic assessment system for early reading;
  - ▶ changes the date by which the State Board of Education is required to select one or more providers to provide certain early reading software;
  - ▶ requires a school district or charter school that receives a license for certain early reading software to comply with certain requirements;
  - ▶ directs the State Board of Education to establish certain standards and guidelines;
- and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



28 **53A-1-606.7**, as enacted by Laws of Utah 2011, Chapter 372  
29 **53A-17a-167**, as last amended by Laws of Utah 2013, Chapter 466



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

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

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

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

39 (2) The diagnostic assessment system for reading shall be made available to school  
40 districts and charter schools that apply to use the diagnostic assessment for reading beginning  
41 in the 2011-12 school year.

42 (3) The diagnostic assessment system for reading for students in kindergarten through  
43 grade three shall:

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

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

48 (c) align with the language arts core curriculum adopted by the State Board of  
49 Education; and

50 (d) include a data analysis component hosted by the contractor that:

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

53 (ii) has the capability of identifying lesson plans that may be used to develop reading  
54 skills;

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

57 (iv) produces electronic printable reports for parents and administrators; and

58 (v) has the capability for principals to monitor usage by teachers.

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

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

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

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

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

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

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

76 **53A-17a-167. Early intervention program -- Enhanced kindergarten program --  
77 Educational technology.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

101 (ii) multiplying the result by 20; and

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

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

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

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

112 (6) (a) Subject to legislative appropriations, by ~~[September]~~ August 1 of each year, the  
113 State Board of Education shall select one or more technology providers, through a request for  
114 proposals process, to provide ~~[an interactive computer software program]~~ early interactive  
115 reading software for literacy instruction and assessments for students in kindergarten through  
116 grade 3.

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

120 (c) A school district or charter school that received a license described in Subsection

121 (6)(b) during the prior year shall be given first priority to receive an equivalent license during  
122 the current year.

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

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

129 ~~[(a) the Education Interim Committee, and]~~

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

131 (7) A school district or charter school that receives a license described in Subsection  
132 (6)(b) shall use the license:

133 (a) for a student in kindergarten or grade 1:

134 (i) for intervention for a student that is reading below grade level; and

135 (ii) for advancement beyond grade level for a student reading at or above grade level;

136 (b) for a student in grade 2 or 3, for intervention for a student that is reading below  
137 grade level; and

138 (c) in accordance with the standards established by the State Board of Education under  
139 Subsection (8)(a).

140 (8) The State Board of Education shall coordinate with a technology provider selected  
141 under Subsection (6)(a) to:

142 (a) establish standards for the use of the interactive reading software, including  
143 standards to ensure that the software is used for a sufficient amount of instructional time to  
144 achieve the learning objectives described in Subsections (7)(a) and (b); and

145 (b) provide guidelines on using the software within the school day to complement and  
146 enhance regular classroom instruction.

147 (9) A school district or charter school that does not use the early interactive reading  
148 software in accordance with the standards established under Subsection (8)(a) for two  
149 consecutive years may not continue to receive a license.

150 (10) On or before November 1, the State Board of Education shall annually report to  
151 the Education Interim Committee and the governor on the early interactive reading software

152 described in Subsection (6), including:

153 (a) the standards set under Subsection (8)(a);

154 (b) the extent to which LEAs used the early interactive reading software in accordance  
155 with the standards set under Subsection (8)(a); and

156 (c) student learning gains as a result of using the early interactive reading software.

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**Legislative Review Note**  
**as of 2-24-15 6:08 PM**

**Office of Legislative Research and General Counsel**