

**Effective 5/12/2015**

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

- (1) The State Board of Education shall, as described in Subsection (4), distribute funds appropriated under this section for an enhanced kindergarten program described in Subsection (2), to school districts and charter schools that apply for the funds.
- (2) A school district or charter school shall use funds appropriated in this section to offer an early intervention program, delivered through an enhanced kindergarten program that:
  - (a) is an academic program focused on building age-appropriate literacy and numeracy skills;
  - (b) uses an evidence-based early intervention model;
  - (c) is targeted to at-risk students; and
  - (d) is delivered through additional hours or other means.
- (3) A school district or charter school may not require a student to participate in an enhanced kindergarten program described in Subsection (2).
- (4) The State Board of Education shall distribute funds appropriated under this section for an enhanced kindergarten program described in Subsection (2) as follows:
  - (a)
    - (i) the total allocation for charter schools shall be calculated by:
      - (A) dividing the number of charter school students by the total number of students in the public education system in the prior school year; and
      - (B) multiplying the resulting percentage by the total amount of available funds; and
    - (ii) the amount calculated under Subsection (4)(a) shall be distributed to charter schools with the greatest need for an enhanced kindergarten program, as determined by the State Board of Education in consultation with the State Charter School Board;
  - (b) each school district shall receive the amount calculated by:
    - (i) multiplying the value of the weighted pupil unit by 0.45; and
    - (ii) multiplying the result by 20; and
  - (c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b) are made, shall be distributed to applicant school districts by:
    - (i) determining the number of students eligible to receive free lunch in the prior school year for each school district; and
    - (ii) prorating the remaining funds based on the number of students eligible to receive free lunch in each district.
- (5) In addition to an enhanced kindergarten program described in Subsection (2), the early intervention program includes a component to address early reading through the use of early interactive reading software.
- (6)
  - (a) Subject to legislative appropriations, the State Board of Education shall select and contract with one or more technology providers, through a request for proposals process, to provide early interactive reading software for literacy instruction and assessments for students in kindergarten through grade 3.
  - (b) By August 1 of each year, the State Board of Education shall distribute licenses for early interactive reading software described in Subsection (6)(a) to school districts and charter schools that apply for the licenses.
  - (c) Except as provided in Subsection (7)(c), a school district or charter school that received a license described in Subsection (6)(b) during the prior year shall be given first priority to receive an equivalent license during the current year.

- (d) Licenses distributed to school districts and charter schools in addition to the licenses described in Subsection (6)(c) shall be distributed through a competitive process.
- (7)
- (a) As used in this Subsection (7), "dosage" means amount of instructional time.
  - (b) A public school that receives a license described in Subsection (6)(b) shall use the license:
    - (i) for a student in kindergarten or grade 1:
      - (A) for intervention for the student if the student is reading below grade level; or
      - (B) for advancement beyond grade level for the student if the student is reading at or above grade level;
    - (ii) for a student in grade 2 or 3, for intervention for the student if the student is reading below grade level; and
    - (iii) in accordance with the technology provider's dosage recommendations.
  - (c) A public school that does not use the early interactive reading software in accordance with the technology provider's dosage recommendations for two consecutive years may not continue to receive a license.
- (8)
- (a) On or before August 1 of each year, the State Board of Education shall select and contract with an independent evaluator, through a request for proposals process, to act as an independent contractor to evaluate early interactive reading software provided under this section.
  - (b) The State Board of Education shall ensure that a contract with an independent evaluator requires the independent evaluator to:
    - (i) evaluate a student's learning gains as a result of using early interactive reading software provided under Subsection (6);
    - (ii) for the evaluation under Subsection (8)(b)(i), use an assessment that is not developed by a provider of early interactive reading software; and
    - (iii) determine the extent to which a public school uses the early interactive reading software in accordance with a technology provider's dosage recommendations under Subsection (7).
  - (c) The State Board of Education and the independent evaluator selected under Subsection (8)
    - (a) shall report annually on the results of the evaluation to the Education Interim Committee and the governor.
  - (d) The State Board of Education may use up to 4% of the appropriation provided under Subsection (6)(a) to contract with an independent evaluator selected under Subsection (8)(a).

Amended by Chapter 372, 2015 General Session