

EARLY LEARNING TRAINING AND ASSESSMENT

2020 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill provides programs and assessments to improve early learning in literacy and mathematics.

Highlighted Provisions:

This bill:

- ▶ requires the State Board of Education (the state board) to:
 - make rules regarding and requires local education agencies (LEAs) to establish an early learning plan that includes early literacy and early mathematics components;
 - select a mathematics benchmark assessment that LEAs administer in certain grades;
 - administer a grant for professional learning and job-embedded coaching support for elementary educators; and
 - administer a grant for license applicants taking a certain examination;
- ▶ amends provisions regarding an examination required to obtain a license to teach;
- ▶ allows for LEAs in certain circumstances to hire implementation support coaches or otherwise obtain funding to support job-embedded coaching; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-6-301, as last amended by Laws of Utah 2019, Chapter 186

53F-2-503, as last amended by Laws of Utah 2019, Chapters 186 and 324

53G-4-410, as last amended by Laws of Utah 2019, Chapter 293

33 ENACTS:

34 **53E-3-521**, Utah Code Annotated 1953

35 **53E-4-307.5**, Utah Code Annotated 1953

36 **53F-5-214**, Utah Code Annotated 1953

37 **53F-5-215**, Utah Code Annotated 1953

38 **53G-7-218**, Utah Code Annotated 1953

39

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

41 Section 1. Section **53E-3-521** is enacted to read:

42 **53E-3-521. Requirements for early mathematics plan.**

43 The state board shall make rules to:

44 (1) define the components of the early mathematics plan that a local school board or
 45 charter school governing board is required to submit under Section 53G-7-218 for mathematics
 46 proficiency improvement; and

47 (2) establish a state-wide target using data from the mathematics benchmark
 48 assessment, described in Section 53E-4-307.5, for local growth goals described in Section
 49 53G-7-218 regarding mathematics.

50 Section 2. Section **53E-4-307.5** is enacted to read:

51 **53E-4-307.5. Mathematics benchmark assessment.**

52 (1) As used in this section, "early mathematics benchmark assessment" or "benchmark
 53 assessment" means a standardized assessment to measure the acquisition of mathematics skills
 54 in kindergarten and grades 1 through 3 that includes predictive indicators of academic
 55 achievement based on measures of early mathematics, computation, and problem solving.

56 (2) The state board shall approve a benchmark assessment for use statewide by LEAs
 57 to assess the mathematics competency of students in kindergarten and grades 1 through 3.

58 (3) An LEA shall:

59 (a) administer benchmark assessments to students at the beginning, middle, and end of
 60 the school year using the mathematics benchmark assessment in:

61 (i) kindergarten, as an optional assessment; and

62 (ii) grades 1 through 3, as a required assessment; and

63 (b) after administering a benchmark assessment described in Subsection (3)(a) to a

64 student, report the results to the student's parent.

65 (4) In making the approval described in Subsection (2), the state board shall:

66 (a) prioritize the assessment's reliability, validity, speed, and efficiency; and

67 (b) ensure the mathematics benchmark assessment's ability to:

68 (i) identify students who may be at risk for mathematics difficulties; and

69 (ii) measure students' progress through data.

70 Section 3. Section **53E-6-301** is amended to read:

71 **53E-6-301. Qualifications of applicants for licenses -- Changes in qualifications.**

72 (1) The state board shall establish by rule the scholarship, training, and experience
73 required of license applicants.

74 (2) (a) The state board shall announce any increase in the requirements when made.

75 (b) An increase in requirements shall become effective not less than one year from the
76 date of the announcement.

77 (3) (a) The state board may determine by examination or otherwise the qualifications of
78 license applicants.

79 (b) If the state board uses an examination under Subsection (3)(a):

80 (i) the state board shall make rules to allow an LEA to hire a license applicant who
81 does not successfully pass the examination for a limited duration pending successful passage;
82 and

83 (ii) the license applicant is not eligible for a professional educator license described in
84 Section 53E-6-201 until the license applicant successfully passes the examination.

85 Section 4. Section **53F-2-503** is amended to read:

86 **53F-2-503. Early Literacy Program -- Literacy proficiency plan.**

87 (1) As used in this section:

88 (a) "Program" means the Early Literacy Program.

89 (b) "Program money" means:

90 (i) school district revenue allocated to the program from other money available to the
91 school district, except money provided by the state, for the purpose of receiving state funds
92 under this section; and

93 (ii) money appropriated by the Legislature to the program.

94 (2) The Early Literacy Program consists of program money and is created to

95 supplement other school resources for early literacy.

96 (3) Subject to future budget constraints, the Legislature may annually appropriate
97 money to the Early Literacy Program.

98 (4) ~~[(A)]~~ An LEA governing board of a school district or a charter school that serves
99 students in any of grades kindergarten through grade 3 shall submit, in accordance with Section
100 53G-7-218, a plan to the state board for literacy proficiency improvement that incorporates the
101 following components:

102 ~~[(i)]~~ (a) core instruction in:

103 ~~[(A)]~~ (i) phonological awareness;

104 ~~[(B)]~~ (ii) phonics;

105 ~~[(C)]~~ (iii) fluency;

106 ~~[(D)]~~ (iv) comprehension;

107 ~~[(E)]~~ (v) vocabulary;

108 ~~[(F)]~~ (vi) oral language; and

109 ~~[(G)]~~ (vii) writing;

110 ~~[(ii)]~~ (b) intervention strategies that are aligned to student needs;

111 ~~[(iii)]~~ (c) professional development for classroom teachers, literacy coaches, and
112 interventionists in kindergarten through grade 3;

113 ~~[(iv)]~~ (d) assessments that support adjustments to core and intervention instruction;

114 ~~[(v)]~~ (e) a growth goal for the school district or charter school that:

115 ~~[(A)]~~ (i) is based upon student learning gains as measured by benchmark assessments
116 administered pursuant to Section 53E-4-307; and

117 ~~[(B)]~~ (ii) includes a target of at least 60% of all students in grades 1 through 3 meeting
118 the growth goal;

119 ~~[(vi)]~~ (f) at least ~~[two goals that are]~~ one goal that is specific to the school district or
120 charter school that:

121 ~~[(A)]~~ (i) ~~[are]~~ is measurable;

122 ~~[(B)]~~ (ii) ~~[address]~~ addresses current performance gaps in student literacy based on
123 data; and

124 ~~[(C)]~~ (iii) ~~[include]~~ includes specific strategies for improving outcomes; and

125 ~~[(vii)]~~ (g) if a school uses interactive literacy software, the use of interactive literacy

126 software, including early interactive reading software described in Section 53F-4-203.

127 ~~[(b) An LEA governing board shall approve a plan described in Subsection (4)(a) in a~~
128 ~~public meeting before submitting the plan to the state board.]~~

129 ~~[(c) The state board shall provide model plans that an LEA governing board may use,~~
130 ~~or an LEA governing board may develop the LEA governing board's own plan.]~~

131 ~~[(d) A plan developed by an LEA governing board shall be approved by the state~~
132 ~~board.]~~

133 ~~[(e) The state board shall develop uniform standards for acceptable growth goals that~~
134 ~~an LEA governing board adopts for a school district or charter school as described in this~~
135 ~~Subsection (4).]~~

136 (5) (a) There are created within the Early Literacy Program three funding programs:

137 (i) the Base Level Program;

138 (ii) the Guarantee Program; and

139 (iii) the Low Income Students Program.

140 (b) The state board may use up to \$7,500,000 from an appropriation described in
141 Subsection (3) for computer-assisted instructional learning and assessment programs.

142 (6) Money appropriated to the state board for the Early Literacy Program and not used
143 by the state board for computer-assisted instructional learning and assessments described in
144 Subsection (5)(b) shall be allocated to the three funding programs as follows:

145 (a) 8% to the Base Level Program;

146 (b) 46% to the Guarantee Program; and

147 (c) 46% to the Low Income Students Program.

148 (7) (a) For a school district or charter school to participate in the Base Level Program,
149 the LEA governing board shall submit a plan described in Subsection (4) and shall receive
150 approval of the plan from the state board.

151 (b) (i) The local school board of a school district qualifying for Base Level Program
152 funds and the charter school governing boards of qualifying elementary charter schools
153 combined shall receive a base amount.

154 (ii) The base amount for the qualifying elementary charter schools combined shall be
155 allocated among each charter school in an amount proportionate to:

156 (A) each existing charter school's prior year fall enrollment in grades kindergarten

157 through grade 3; and

158 (B) each new charter school's estimated fall enrollment in grades kindergarten through
159 grade 3.

160 (8) (a) A local school board that applies for program money in excess of the Base Level
161 Program funds may choose to first participate in the Guarantee Program or the Low Income
162 Students Program.

163 (b) A school district shall fully participate in either the Guarantee Program or the Low
164 Income Students Program before the local school board may elect for the school district to
165 either fully or partially participate in the other program.

166 (c) For a school district to fully participate in the Guarantee Program, the local school
167 board shall allocate to the program money available to the school district, except money
168 provided by the state, equal to the amount of revenue that would be generated by a tax rate of
169 .000056.

170 (d) For a school district to fully participate in the Low Income Students Program, the
171 local school board shall allocate to the program money available to the school district, except
172 money provided by the state, equal to the amount of revenue that would be generated by a tax
173 rate of .000065.

174 (e) (i) The state board shall verify that a local school board allocates the money
175 required in accordance with Subsections (8)(c) and (d) before the state board distributes funds
176 in accordance with this section.

177 (ii) The State Tax Commission shall provide the state board the information the state
178 board needs in order to comply with Subsection (8)(e)(i).

179 (9) (a) Except as provided in Subsection (9)(c), the local school board of a school
180 district that fully participates in the Guarantee Program shall receive state funds in an amount
181 that is:

182 (i) equal to the difference between \$21 multiplied by the school district's total WPUs
183 and the revenue the local school board is required to allocate under Subsection (8)(c) for the
184 school district to fully participate in the Guarantee Program; and

185 (ii) not less than \$0.

186 (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive
187 under the Guarantee Program an amount equal to \$21 times the elementary charter school's

188 total WPU.

189 (c) The state board may adjust the \$21 guarantee amount described in Subsections
190 (9)(a) and (b) to account for actual appropriations and money used by the state board for
191 computer-assisted instructional learning and assessments.

192 (10) The state board shall distribute Low Income Students Program funds in an amount
193 proportionate to the number of students in each school district or charter school who qualify for
194 free or reduced price school lunch multiplied by two.

195 (11) A school district that partially participates in the Guarantee Program or Low
196 Income Students Program shall receive program funds based on the amount of school district
197 revenue allocated to the program as a percentage of the amount of revenue that could have been
198 allocated if the school district had fully participated in the program.

199 (12) (a) An LEA governing board shall use program money for early literacy
200 interventions and supports in kindergarten through grade 3 that have proven to significantly
201 increase the percentage of students who are proficient in literacy, including:

202 (i) evidence-based intervention curriculum;

203 (ii) literacy assessments that identify student learning needs and monitor learning
204 progress; or

205 (iii) focused literacy interventions that may include:

206 (A) the use of reading specialists or paraprofessionals;

207 (B) tutoring;

208 (C) before or after school programs;

209 (D) summer school programs; or

210 (E) the use of interactive computer software programs for literacy instruction and
211 assessments for students.

212 (b) An LEA governing board may use program money for portable technology devices
213 used to administer literacy assessments.

214 (c) Program money may not be used to supplant funds for existing programs, but may
215 be used to augment existing programs.

216 (13) (a) An LEA governing board shall annually submit a report to the state board
217 accounting for the expenditure of program money in accordance with the LEA governing
218 board's plan described in Subsection (4).

219 (b) If an LEA governing board uses program money in a manner that is inconsistent
 220 with Subsection (12), the school district or charter school is liable for reimbursing the state
 221 board for the amount of program money improperly used, up to the amount of program money
 222 received from the state board.

223 (14) (a) The state board shall make rules to implement the program.

224 (b) (i) The rules under Subsection (14)(a) shall require each LEA governing board to
 225 annually report progress in meeting goals described in Subsections ~~[(4)(a)(v) and (vi)]~~ (4)(e)
 226 and (f), including the strategies the school district or charter school uses to address the goals.

227 (ii) If a school district or charter school does not meet or exceed the school district's or
 228 charter school's goals described in ~~[Subsection (4)(a)(v) or (vi)]~~ Subsections (4)(e) or (f), the
 229 LEA governing board shall prepare a new plan that corrects deficiencies.

230 (iii) The new plan described in Subsection (14)(b)(ii) shall be approved by the state
 231 board before the LEA governing board receives an allocation for the next year.

232 ~~[(15) (a) The state board shall:]~~

233 ~~[(i) develop strategies to provide support for a school district or charter school that fails~~
 234 ~~to meet a goal described in Subsection (4)(a)(v) or (vi); and]~~

235 ~~[(ii) provide increasing levels of support to a school district or charter school that fails~~
 236 ~~to meet a goal described in Subsection (4)(a)(v) or (vi) for two consecutive years.]~~

237 ~~[(b) (i) The state board shall use a digital reporting platform to provide information to~~
 238 ~~school districts and charter schools about interventions that increase proficiency in literacy:]~~

239 ~~[(ii) The digital reporting platform shall include performance information for a school~~
 240 ~~district or charter school on the goals described in Subsections (4)(a)(v) and (vi).]~~

241 ~~[(16) (15) The state board may use up to 3% of the funds appropriated by the~~
 242 ~~Legislature to carry out the provisions of this section for administration of the program.~~

243 ~~[(17) (16) The state board shall make an annual report in accordance with Section~~
 244 ~~53E-1-203 that:~~

245 (a) includes information on:

246 (i) student learning gains in early literacy for the past school year and the five-year
 247 trend;

248 (ii) the percentage of grade 3 students who are proficient in English language arts in the
 249 past school year and the five-year trend;

250 (iii) the progress of school districts and charter schools in meeting goals described in a
251 plan described in Subsection (4)~~(a)~~; and

252 (iv) the specific strategies or interventions used by school districts or charter schools
253 that have significantly improved early grade literacy proficiency; and

254 (b) may include recommendations on how to increase the percentage of grade 3
255 students who are proficient in English language arts, including how to use a strategy or
256 intervention described in Subsection ~~(17)~~ (16)(a)(iv) to improve literacy proficiency for
257 additional students.

258 ~~(18)~~ (17) The report described in Subsection ~~(17)~~ (16) shall include information
259 provided through the digital reporting platform described in Subsection ~~(15)(b)~~
260 53G-7-218(5)(a).

261 Section 5. Section **53F-5-214** is enacted to read:

262 **53F-5-214. Grant for professional learning and job-embedded coaching support.**

263 (1) As used in this section:

264 (a) "Implementation support coach" means an individual who conducts job-embedded
265 coaching to support educators in professional learning related to literacy and mathematics.

266 (b) "Job-embedded coaching" means individualized coaching, feedback, and support of
267 an educator that is tailored to professional learning that the educator receives.

268 (2) Subject to legislative appropriations, the state board shall award grants to LEAs to
269 provide teachers in pre-kindergarten, kindergarten, and grades 1 through 3 with:

270 (a) professional learning opportunities in early literacy and mathematics; and

271 (b) support through job-embedded coaching.

272 (3) To qualify for a grant under this section, an LEA shall submit to the state board an
273 application, as provided by the state board, that contains:

274 (a) a description of the evidence-based, based on assessment data, professional learning
275 opportunities the LEA will provide that are:

276 (i) aligned with the professional learning standards described in Section 53G-11-303;

277 and

278 (ii) targeted to attaining the local and state early learning goals described in Section

279 53G-7-218; and

280 (b) a description of the LEA's plan for job-embedded coaching to reinforce and provide

281 feedback related to the professional learning opportunities described in Subsection (3)(a)(i).

282 (4) The state board shall make rules to describe:

283 (a) required elements of the professional learning opportunities and job-embedded
284 coaching described in Subsection (3); and

285 (b) requirements for implementation coaches, including eligibility criteria, training, and
286 responsibilities.

287 Section 6. Section **53F-5-215** is enacted to read:

288 **53F-5-215. Elementary teacher preparation assessment grant.**

289 (1) As used in this section:

290 (a) "License" means a license that:

291 (i) is described in Section 53E-6-102; and

292 (ii) qualifies an individual to teach elementary school.

293 (b) "Preparation assessment" means an examination that addresses the science of
294 reading that the state board uses to determine license qualification, as described in Section
295 53E-6-301, related to literacy instruction for an elementary teacher.

296 (2) Beginning September 1, 2021, subject to legislative appropriations, the state board
297 shall award grants to institutions of higher education for the initial attempt of the preparation
298 assessment for license applicants graduating from the institution during the year relevant to the
299 grant.

300 (3) The state board may make rules to establish the license, type of license, or license
301 concentration eligible for the grant described in this section.

302 (4) An institution of higher education may apply for a grant described in this section by
303 submitting to the state board an application, as provided by the state board, including an
304 estimate of the number and names of prospective license applicants expected to graduate in the
305 year relevant to the grant application.

306 Section 7. Section **53G-4-410** is amended to read:

307 **53G-4-410. Regional service centers.**

308 (1) ~~[For purposes of]~~ As used in this section[;]:

309 (a) ~~["eligible"]~~ "Eligible regional service center" means a regional service center formed
310 by two or more school districts as an interlocal entity, in accordance with Title 11, Chapter 13,
311 Interlocal Cooperation Act.

312 (b) "Implementation support coach" means the same as that term is defined in Section
313 53F-5-214.

314 (2) The Legislature strongly encourages school districts to collaborate and cooperate to
315 provide educational services in a manner that will best utilize resources for the overall
316 operation of the public education system.

317 (3) An eligible regional service center formed by an interlocal agreement, in
318 accordance with Title 11, Chapter 13, Interlocal Cooperation Act, may receive a distribution
319 described in Subsection ~~(5)~~ (6) if the Legislature appropriates money for eligible regional
320 service centers.

321 (4) (a) If local school boards enter into an interlocal agreement to confirm or formalize
322 a regional service center in operation before July 1, 2011, the interlocal agreement may not
323 eliminate any rights or obligations of the regional service center in effect before entering into
324 the interlocal agreement.

325 (b) An interlocal agreement entered into to confirm or formalize an existing regional
326 service center shall have the effect of confirming and ratifying in the regional service center,
327 the title to any property held in the name, or for the benefit of the regional service center as of
328 the effective date of the interlocal agreement.

329 (5) (a) A school district in a regional service center may coordinate with the regional
330 service center to hire, subject to legislative appropriation, implementation support coaches in
331 accordance with Subsection (5)(b).

332 (b) The state board shall distribute funds appropriated under this Subsection (5) to
333 regional service centers based on the number of full-time equivalent teachers in
334 pre-kindergarten, kindergarten, and grades 1 through 3 in the school districts that participate in
335 the regional service center, as of October 1 of the previous school year.

336 (c) A charter school in a regional service center may coordinate with the regional
337 service center to support job-embedded coaching.

338 ~~(5)~~ (6) (a) The state board shall distribute any funding appropriated to eligible
339 regional service centers as provided by the Legislature.

340 (b) The state board may provide funding to an eligible regional service center in
341 addition to legislative appropriations.

342 ~~(6)~~ (7) The state board shall make rules regarding eligible regional service centers

343 including:

344 (a) the distribution of legislative appropriations to eligible regional service centers;

345 (b) the designation of eligible regional service centers as agents to distribute Utah
346 Education and Telehealth Network services; and

347 (c) the designation of eligible regional service centers as agents for regional
348 coordination of public education and higher education services.

349 Section 8. Section **53G-7-218** is enacted to read:

350 **53G-7-218. Establishment of early learning plan -- Digital reporting platform.**

351 (1) A local school board of a school district or a charter school governing board of a
352 charter school that serves students in any of kindergarten or grades 1 through 3 shall annually
353 submit to the state board an early learning plan that includes:

354 (a) the early literacy plan described in Section 53F-2-503, including:

355 (i) the growth goal described in Subsection 53F-2-503(4)(e); and

356 (ii) one goal that is specific to the school district or charter school as described in
357 Subsection 53F-2-503(4)(f);

358 (b) the early mathematics plan described in Section 53E-3-521, including:

359 (i) a growth goal for the school district or charter school that:

360 (A) is based upon student learning gains as measured by the mathematics benchmark
361 assessment described in Section 53E-4-307.5; and

362 (B) includes the target that the state board establishes under Section 53E-3-521; and

363 (ii) one goal that:

364 (A) is specific to the school district or charter school;

365 (B) is measurable;

366 (C) addresses current performance gaps in student mathematics proficiency based on
367 data; and

368 (D) includes specific strategies for improving outcomes; and

369 (c) one additional goal related to literacy or mathematics that:

370 (i) is specific to the school district or charter school;

371 (ii) is measurable;

372 (iii) addresses current performance gaps in student literacy or mathematics proficiency
373 based on data; and

374 (iv) includes specific strategies for improving outcomes.

375 (2) A local school board or charter school governing board shall approve a plan
376 described in Subsection (1) in a public meeting before submitting the plan to the state board.

377 (3) (a) The state board shall:

378 (i) provide model plans that a local school board or a charter school governing board
379 may use;

380 (ii) develop uniform standards for acceptable growth goals that a local school board or
381 a charter school governing board adopts for a school district or charter school under this
382 section; and

383 (iii) review and approve or disapprove a plan submitted under this section.

384 (b) Notwithstanding Subsection (3)(a), a local school board or a charter school
385 governing board may develop the board's own plan.

386 (4) The state board shall:

387 (a) develop strategies to provide support for a school district or charter school that fails
388 to meet:

389 (i) (A) the growth goal related to the state literacy target described in Subsection
390 (1)(a)(i); or

391 (B) the growth goal related to the state mathematics target described in Subsection
392 (1)(b)(i); and

393 (ii) one of the goals specific to the school district or charter school described in
394 Subsections (1)(a)(ii), (1)(b)(ii), or (1)(c); and

395 (b) provide increasing levels of support to a school district or charter school that fails
396 to meet the combination of goals described in Subsection (4)(a) for two consecutive years.

397 (5) (a) The state board shall use a digital reporting platform to provide information to
398 school districts and charter schools about interventions that increase proficiency in literacy and
399 mathematics.

400 (b) The digital reporting platform described in Subsection (5)(a) shall include
401 performance information for a school district or charter school on the goals described in
402 Subsection (1).