

**READING SOFTWARE AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill clarifies that an existing requirement for demonstrating a certain statistical effect does not apply to reading software.

**Highlighted Provisions:**

This bill:

- ▶ clarifies that an existing requirement for demonstrating a certain statistical effect does not apply to reading software; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**53E-4-307**, as last amended by Laws of Utah 2022, Chapter 285

**53F-4-203**, as last amended by Laws of Utah 2020, Chapter 324

**53G-11-303**, as last amended by Laws of Utah 2022, Chapter 285

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

Section 1. Section **53E-4-307** is amended to read:

**53E-4-307. Benchmark assessments in reading -- Report to parent.**

(1) As used in this section:

(a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or ability that has been organized into a hierarchical arrangement leading to higher levels of knowledge, skill, or ability.

(b) "Diagnostic assessment" means an assessment that measures key literacy skills, including phonemic awareness, sound-symbol recognition, alphabet knowledge, decoding and

33 encoding skills, and comprehension, to determine a student's specific strengths and weaknesses  
34 in a skill area.

35 (c) "Evidence-based" means the same as that term is defined in Section 53G-11-303.

36 (d) "Evidence-informed" means the same as that term is defined in Section  
37 53G-11-303.

38 (2) The state board shall approve a benchmark assessment for use statewide by school  
39 districts and charter schools to assess the reading competency of students in grades 1 through 6  
40 as provided by this section.

41 (3) A school district or charter school shall:

42 (a) administer benchmark assessments to students in grades 1, 2, and 3 at the  
43 beginning, middle, and end of the school year using the benchmark assessment approved by the  
44 state board; and

45 (b) after administering a benchmark assessment, report the results to a student's parent.

46 (4) (a) If a benchmark assessment or supplemental reading assessment indicates a  
47 student lacks competency in a reading skill, or is lagging behind other students in the student's  
48 grade in acquiring a reading skill, the school district or charter school shall:

49 ~~(a)~~ (i) administer diagnostic assessments to the student;

50 ~~(b)~~ (ii) using data from the diagnostic assessment, provide specific, focused, and  
51 individualized intervention or tutoring to develop the reading skill;

52 ~~(c)~~ (iii) administer formative assessments and progress monitoring at recommended  
53 levels for the benchmark assessment to measure the success of the focused intervention;

54 ~~(d)~~ (iv) inform the student's parent of activities that the parent may engage in with the  
55 student to assist the student in improving reading proficiency;

56 ~~(e)~~ (v) provide information to the parent regarding appropriate interventions available  
57 to the student outside of the regular school day that may include tutoring, before and after  
58 school programs, or summer school; and

59 ~~(f)~~ (vi) provide instructional materials that are evidence-informed for core instruction  
60 and evidence-based for intervention and supplemental instruction.

61 (b) Nothing in this section or in Section 53F-4-203 or 53G-11-303 requires a reading  
62 software product to demonstrate the statistically significant effect size described in Subsection  
63 53G-11-303(1)(a) in order to be used as an instructional material described in Subsection

64 (4)(a)(vi).

65 (5) (a) In accordance with Section 53F-4-201 and except as provided in Subsection  
66 (5)(b), the state board shall contract with one or more educational technology providers for a  
67 benchmark assessment system for reading for students in kindergarten through grade 6.

68 (b) If revenue is insufficient for the benchmark assessment system for the grades  
69 described in Subsection (5)(a), the state board shall first prioritize funding a benchmark  
70 assessment for students in kindergarten through grade 3.

71 Section 2. Section **53F-4-203** is amended to read:

72 **53F-4-203. Early interactive reading software -- Independent evaluator.**

73 (1) (a) Subject to legislative appropriations, the state board shall select and contract  
74 with one or more technology providers, through a request for proposals process, to provide  
75 early interactive reading software for literacy instruction and assessments for students in  
76 kindergarten through grade 3.

77 (b) By August 1 of each year, the state board shall distribute licenses for early  
78 interactive reading software described in Subsection (1)(a) to the school districts and charter  
79 schools of LEA governing boards that apply for the licenses.

80 (c) Except as provided in state board rule, a school district or charter school that  
81 received a license described in Subsection (1)(b) during the prior year shall be given first  
82 priority to receive an equivalent license during the current year.

83 (d) Licenses distributed to school districts and charter schools in addition to the  
84 licenses described in Subsection (1)(c) shall be distributed through a competitive process.

85 (2) A public school that receives a license described in Subsection (1)(b) shall use the  
86 license for a student in kindergarten or grade 1, 2, or 3:

87 (a) for intervention for the student if the student is reading below grade level; or

88 (b) for advancement beyond grade level for the student if the student is reading at or  
89 above grade level.

90 (3) (a) On or before August 1 of each year, the state board shall select and contract with  
91 an independent evaluator, through a request for proposals process, to act as an independent  
92 contractor to evaluate early interactive reading software provided under this section.

93 (b) The state board shall ensure that a contract with an independent evaluator requires  
94 the independent evaluator to:

95 (i) evaluate a student's learning gains as a result of using early interactive reading  
 96 software provided under Subsection (1);

97 (ii) for the evaluation under Subsection (3)(b)(i), use an assessment that is not  
 98 developed by a provider of early interactive reading software; and

99 (iii) determine the extent to which a public school uses the early interactive reading  
 100 software.

101 (c) The state board and the independent evaluator selected under Subsection (3)(a)  
 102 shall submit a report on the results of the evaluation in accordance with Section 53E-1-201.

103 (4) The state board may acquire an analytical software program that:

104 (a) monitors, for an individual school, early intervention interactive reading software  
 105 use and the associated impact on student performance; and

106 (b) analyzes the information gathered under Subsection (4)(a) to prescribe individual  
 107 school usage time to maximize the beneficial impact on student performance.

108 (5) The state board may use up to 4% of the appropriation provided under Subsection  
 109 (1)(a):

110 (a) to contract with an independent evaluator selected under Subsection (3)(a); and

111 (b) for administrative costs associated with this section.

112 (6) Nothing in this section or in Section 53E-4-307 or 53G-11-303 requires a reading  
 113 software product to demonstrate the statistically significant effect size described in Subsection  
 114 53G-11-303(1)(a) in order to be used as an instructional material.

115 Section 3. Section **53G-11-303** is amended to read:

116 **53G-11-303. Professional learning standards.**

117 (1) As used in this section:

118 (a) "Evidence-based" means that a strategy, not including reading software,

119 demonstrates a statistically significant effect, of at least a 0.40 effect size, on improving student  
 120 outcomes based on:

121 (i) strong evidence from at least one well-designed and well-implemented experimental  
 122 study, as the state board further defines; or

123 (ii) moderate evidence from at least one well-designed and well-implemented  
 124 quasi-experimental study, as the state board further defines.

125 (b) "Evidence-informed" means that a strategy:

126 (i) is developed using high-quality research outside of a controlled setting in the given  
127 field, as the state board further defines; and

128 (ii) includes strategies and activities with a strong scientific basis for use, as the state  
129 board further defines.

130 (c) "Professional learning" means a comprehensive, sustained, and evidence-based  
131 approach to improving teachers' and principals' effectiveness in raising student achievement.

132 (2) A school district or charter school shall implement high quality professional  
133 learning that meets the following standards:

134 (a) professional learning occurs within learning communities committed to continuous  
135 improvement, individual and collective responsibility, and goal alignment;

136 (b) professional learning requires skillful leaders who develop capacity, advocate, and  
137 create support systems, for professional learning;

138 (c) professional learning requires prioritizing, monitoring, and coordinating resources  
139 for educator learning;

140 (d) professional learning uses a variety of sources and types of student, educator, and  
141 system data to plan, assess, and evaluate professional learning;

142 (e) professional learning integrates theories, research, and models of human learning to  
143 achieve its intended outcomes;

144 (f) professional learning applies research on change and sustains support for  
145 implementation of professional learning for long-term change;

146 (g) professional learning aligns its outcomes with:

147 (i) performance standards for teachers and school administrators as described in rules  
148 of the state board; and

149 (ii) performance standards for students as described in the core standards for Utah  
150 public schools adopted by the state board pursuant to Section 53E-4-202;

151 (h) professional learning:

152 (i) incorporates the use of technology in the design, implementation, and evaluation of  
153 high quality professional learning practices; and

154 (ii) includes targeted professional learning on the use of technology devices to enhance  
155 the teaching and learning environment and the integration of technology in content delivery;  
156 and

157 (i) professional learning uses evidence-informed core materials and evidence-based  
158 instructional practices and intervention materials.

159 (3) School districts and charter schools shall use money appropriated by the Legislature  
160 for professional learning or federal grant money awarded for professional learning to  
161 implement professional learning that meets the standards specified in Subsection (2).

162 (4) The state board, ULEAD, as that term is defined in Section 53E-10-701, and the  
163 Center for the School of the Future, established in Section 53B-18-801, shall jointly, in  
164 collaboration with an independent university-based research center, develop and maintain a  
165 repository of evidence-based practice and evidence-informed intervention materials to support  
166 school districts and charter schools in meeting the standards described in Subsection (2).

167 (5) (a) In the fall of 2014, the state board, through the state superintendent, and in  
168 collaboration with an independent consultant acquired through a competitive bid process, shall  
169 conduct a statewide survey of school districts and charter schools to:

170 (i) determine the current state of professional learning for educators as aligned with the  
171 standards specified in Subsection (2);

172 (ii) determine the effectiveness of current professional learning practices; and

173 (iii) identify resources to implement professional learning as described in Subsection  
174 (2).

175 (b) The state board shall select a consultant from bidders who have demonstrated  
176 successful experience in conducting a statewide analysis of professional learning.

177 (c) (i) Annually in the fall, beginning in 2015 through 2020, the state board, through  
178 the state superintendent, in conjunction with school districts and charter schools, shall gather  
179 and use data to determine the impact of professional learning efforts and resources.

180 (ii) Data used to determine the impact of professional learning efforts and resources  
181 under Subsection (5)(c)(i) shall include:

182 (A) student achievement data;

183 (B) educator evaluation data; and

184 (C) survey data.

185 Section 4. **Effective date.**

186 If approved by two-thirds of all the members elected to each house, this bill takes effect  
187 upon approval by the governor, or the day following the constitutional time limit of Utah

188 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
189 the date of veto override.