

Effective 5/1/2024

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 encoding skills, and comprehension, to determine a student's specific strengths and weaknesses in a skill area.
 - (c) "Dyslexia" means a learning disorder that:
 - (i) is neurological in origin and is characterized by difficulties with:
 - (A) accurate or fluent word recognition; and
 - (B) poor spelling and decoding abilities; and
 - (ii) typically results from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction.
 - (d) "Evidence-based" means the same as that term is defined in Section 53G-11-303.
 - (e) "Evidence-informed" means the same as that term is defined in Section 53G-11-303.
- (2) The state board shall approve a benchmark assessment for use statewide by school districts and charter schools to assess the reading competency of students in grades 1 through 6 as provided by this section.
- (3) A school district or charter school shall:
 - (a) administer benchmark assessments to students in grades 1, 2, and 3 at the beginning, middle, and end of the school year using the benchmark assessment approved by the state board; and
 - (b) after administering a benchmark assessment, report the results to a student's parent.
- (4)
 - (a) If a benchmark assessment or supplemental reading assessment indicates a student lacks competency in a reading skill, is demonstrating characteristics of dyslexia, or is lagging behind other students in the student's grade in acquiring a reading skill, the school district or charter school shall:
 - (i) administer diagnostic assessments to the student;
 - (ii) using data from the diagnostic assessment, provide specific, focused, and individualized intervention or tutoring to develop the reading skill;
 - (iii) administer formative assessments and progress monitoring at recommended levels for the benchmark assessment to measure the success of the focused intervention;
 - (iv) inform the student's parent of activities that the parent may engage in with the student to assist the student in improving reading proficiency;
 - (v) provide information to the parent regarding appropriate interventions available to the student outside of the regular school day that may include tutoring, before and after school programs, or summer school; and
 - (vi) provide instructional materials that are evidence-informed for core instruction and evidence-based for intervention and supplemental instruction.
 - (b) Nothing in this section or in Section 53F-4-203 or 53G-11-303 requires a reading software product to demonstrate the statistically significant effect size described in Subsection 53G-11-303(1)(a) in order to be used as an instructional material described in Subsection (4)(a)(vi).

- (5)
- (a) In accordance with Section 53F-4-201 and except as provided in Subsection (5)(b), the state board shall contract with one or more educational technology providers for a benchmark assessment system for reading for students in kindergarten through grade 6.
 - (b) If revenue is insufficient for the benchmark assessment system for the grades described in Subsection (5)(a), the state board shall first prioritize funding a benchmark assessment for students in kindergarten through grade 3.
- (6) A student with dyslexia is only eligible for special education services if the student meets federal eligibility criteria.

Amended by Chapter 60, 2024 General Session