

EARLY READING AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: Bradley G. Last

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

30

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.

Legislative Review Note
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Office of Legislative Research and General Counsel