

90 intervention software are using the software at a rate that is at least 80% of the recommended
 91 dosage by the technology provider during any school year following the first year of
 92 implementation of the reading intervention software.

93 (b) A public school that receives a license described in Subsection (6)(b) shall use the
 94 license:

95 (i) for a student in kindergarten or grade 1:

96 (A) for intervention for the student if the student is reading below grade level; or

97 (B) for advancement beyond grade level for the student if the student is reading at or
 98 above grade level;

99 (ii) for a student in grade 2 or 3, for intervention for the student if the student is reading
 100 below grade level; and

101 (iii) in accordance with the technology provider's dosage recommendations.

102 [~~(c) A public school that does not use the early interactive reading software in~~
 103 ~~accordance with the technology provider's dosage recommendations for two consecutive years~~
 104 ~~may not continue to receive a license.]~~

105 (c) A school district, the State Board of Education, and a technology provider shall
 106 work with a public school to develop a plan to increase the use of licensed reading intervention
 107 software if a public school fails to meet the school fidelity rate within the first month of the
 108 public school implementing the reading intervention software.

109 (d) The school district and the State Board of Education shall place a public school on
 110 probation for the second half of the school year if that public school fails to meet the school
 111 fidelity rate by the halfway point in the school year.

112 (e) ~~§→~~ **(i)** ~~[A]~~ **Except as provided in Subsection (e)(ii), ←§** public school that fails to
 112a meet the school fidelity rate by the end of the school

113 year in which the public school is placed on probation may not continue to receive a license.

113a ~~§→~~ **(ii)** **A public school that fails to meet the school fidelity rate, after being placed on**
 113b **probation, may continue to receive a license if that public school demonstrates:**

113c **(A) a 50% growth in the rate of use towards the school fidelity rate; and**

113d **(B) at least 10% overall growth in the rate of use. ←§**

114 **(8)** The State Board of Education may ~~§→~~ use a portion of the appropriation provided
 114a for under this section to ←§ hire one full-time employee to administer the
 115 reading intervention software implementation authorized by this section.

116 ~~[(8)]~~ **(9)** (a) On or before August 1 of each year, the State Board of Education shall
 117 select and contract with an independent evaluator, through a request for proposals process, to
 118 act as an independent contractor to evaluate early interactive reading software provided under
 119 this section.

120 (b) The State Board of Education shall ensure that a contract with an independent