

1           **READING INTERVENTION SOFTWARE LICENSE PROGRAM**

2                           **ACCOUNTABILITY AMENDMENTS**

3   2017 GENERAL SESSION

4   STATE OF UTAH

5                           **Chief Sponsor: Howard A. Stephenson**

6   House Sponsor: Bradley G. Last

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**LONG TITLE**

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9 **General Description:**

10           This bill amends provisions regarding reading intervention software licenses.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ provides that a school district, the State Board of Education, and a technology  
14 provider work with a public school if the usage rate of reading intervention software  
15 falls below the recommended rate within the first month of a public school  
16 implementing the software;

17           ▶ provides that a public school shall be placed on probation by the school district and  
18 the State Board of Education if the public school fails to meet the minimum usage  
19 rate for reading intervention software within the first half of the school year;

20           ▶ provides that a public school that fails to meet the minimum usage rate for reading  
21 intervention software after being placed on probation may not continue to use the  
22 licensed software; and

23           ▶ provides that the State Board of Education may hire one staff person to administer  
24 the reading intervention software implementation.

25 **Money Appropriated in this Bill:**

26           None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53A-17a-167**, as last amended by Laws of Utah 2015, Chapter 372



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

34 Section 1. Section **53A-17a-167** is amended to read:

35 **53A-17a-167. Early intervention program -- Enhanced kindergarten program --**  
36 **Educational technology.**

37 (1) The State Board of Education shall, as described in Subsection (4), distribute funds  
38 appropriated under this section for an enhanced kindergarten program described in Subsection  
39 (2), to school districts and charter schools that apply for the funds.

40 (2) A school district or charter school shall use funds appropriated in this section to  
41 offer an early intervention program, delivered through an enhanced kindergarten program that:

42 (a) is an academic program focused on building age-appropriate literacy and numeracy  
43 skills;

44 (b) uses an evidence-based early intervention model;

45 (c) is targeted to at-risk students; and

46 (d) is delivered through additional hours or other means.

47 (3) A school district or charter school may not require a student to participate in an  
48 enhanced kindergarten program described in Subsection (2).

49 (4) The State Board of Education shall distribute funds appropriated under this section  
50 for an enhanced kindergarten program described in Subsection (2) as follows:

51 (a) (i) the total allocation for charter schools shall be calculated by:

52 (A) dividing the number of charter school students by the total number of students in  
53 the public education system in the prior school year; and

54 (B) multiplying the resulting percentage by the total amount of available funds; and

55 (ii) the amount calculated under Subsection (4)(a) shall be distributed to charter  
56 schools with the greatest need for an enhanced kindergarten program, as determined by the  
57 State Board of Education in consultation with the State Charter School Board;

58 (b) each school district shall receive the amount calculated by:

59 (i) multiplying the value of the weighted pupil unit by 0.45; and  
 60 (ii) multiplying the result by 20; and  
 61 (c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b)  
 62 are made, shall be distributed to applicant school districts by:

63 (i) determining the number of students eligible to receive free lunch in the prior school  
 64 year for each school district; and  
 65 (ii) prorating the remaining funds based on the number of students eligible to receive  
 66 free lunch in each district.

67 (5) In addition to an enhanced kindergarten program described in Subsection (2), the  
 68 early intervention program includes a component to address early reading through the use of  
 69 early interactive reading software.

70 (6) (a) Subject to legislative appropriations, the State Board of Education shall select  
 71 and contract with one or more technology providers, through a request for proposals process, to  
 72 provide early interactive reading software for literacy instruction and assessments for students  
 73 in kindergarten through grade 3.

74 (b) By August 1 of each year, the State Board of Education shall distribute licenses for  
 75 early interactive reading software described in Subsection (6)(a) to school districts and charter  
 76 schools that apply for the licenses.

77 (c) Except as provided in Subsection (7)~~(c)~~(e), a school district or charter school that  
 78 received a license described in Subsection (6)(b) during the prior year shall be given first  
 79 priority to receive an equivalent license during the current year.

80 (d) Licenses distributed to school districts and charter schools in addition to the  
 81 licenses described in Subsection (6)(c) shall be distributed through a competitive process.

82 (7) (a) As used in this Subsection (7)~~["dosage"]~~:

83 (i) "Dosage" means amount of instructional time.

84 (ii) "School fidelity rate" means:

85 (A) at least 60% of the students in a public school who are using a licensed reading  
 86 intervention software are using the software at a rate that is at least 80% of the recommended  
 87 dosage by the technology provider during the first year in which a public school implements  
 88 the reading intervention software; or

89 (B) at least 75% of the students in a public school who are using a licensed reading

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

121 evaluator requires the independent evaluator to:

122 (i) evaluate a student's learning gains as a result of using early interactive reading  
123 software provided under Subsection (6);

124 (ii) for the evaluation under Subsection [~~8~~] 9(b)(i), use an assessment that is not  
125 developed by a provider of early interactive reading software; and

126 (iii) determine the extent to which a public school uses the early interactive reading  
127 software in accordance with a technology provider's dosage recommendations under  
128 Subsection (7).

129 (c) The State Board of Education and the independent evaluator selected under  
130 Subsection [~~8~~] 9(a) shall report annually on the results of the evaluation to the Education  
131 Interim Committee and the governor.

132 (d) The State Board of Education may use up to 4% of the appropriation provided  
133 under Subsection (6)(a) to contract with an independent evaluator selected under Subsection  
134 [~~8~~] 9(a).

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**