

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

7

8 **LONG TITLE**

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) A public school that fails to 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.

114 (8) The State Board of Education may 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).

Legislative Review Note
Office of Legislative Research and General Counsel