

**READING SOFTWARE AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: Susan Pulsipher

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**LONG TITLE****Committee Note:**

The Education Interim Committee recommended this bill.

Legislative Vote: 13 voting for 0 voting against 5 absent

**General Description:**

This bill clarifies that an existing requirement for demonstrating a certain statistical effect does not apply to reading software.

**Highlighted Provisions:**

This bill:

- clarifies that an existing requirement for demonstrating a certain statistical effect does not apply to reading software;
- repeals an obsolete survey requirement; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:****AMENDS:****53E-4-307**, as last amended by Laws of Utah 2022, Chapter 285**53F-4-203**, as last amended by Laws of Utah 2020, Chapter 324

**53G-11-303**, as last amended by Laws of Utah 2022, Chapter 285

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

Section 1. Section **53E-4-307** is amended to read:

**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) "Evidence-based" means the same as that term is defined in Section **53G-11-303**.

(d) "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, or is lagging behind other students in the student's grade in acquiring a reading skill, the school district or charter school shall:

~~[(a)]~~ (i) administer diagnostic assessments to the student;

~~[(b)]~~ (ii) using data from the diagnostic assessment, provide specific, focused, and individualized intervention or tutoring to develop the reading skill;

~~[(c)]~~ (iii) administer formative assessments and progress monitoring at recommended

levels for the benchmark assessment to measure the success of the focused intervention;

~~[(d)]~~ (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;

~~[(e)]~~ (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

~~[(f)]~~ (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.

Section 2. Section **53F-4-203** is amended to read:

**53F-4-203. Early interactive reading software -- Independent evaluator.**

(1) (a) Subject to legislative appropriations, the state board shall select and contract with one or more technology providers, through a request for proposals process, to provide early interactive reading software for literacy instruction and assessments for students in kindergarten through grade 3.

(b) By August 1 of each year, the state board shall distribute licenses for early interactive reading software described in Subsection (1)(a) to the school districts and charter schools of LEA governing boards that apply for the licenses.

(c) Except as provided in state board rule, a school district or charter school that received a license described in Subsection (1)(b) during the prior year shall be given first priority to receive an equivalent license during the current year.

(d) Licenses distributed to school districts and charter schools in addition to the

licenses described in Subsection (1)(c) shall be distributed through a competitive process.

(2) A public school that receives a license described in Subsection (1)(b) shall use the license for a student in kindergarten or grade 1, 2, or 3:

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

(b) for advancement beyond grade level for the student if the student is reading at or above grade level.

(3) (a) On or before August 1 of each year, the state board shall select and contract with an independent evaluator, through a request for proposals process, to act as an independent contractor to evaluate early interactive reading software provided under this section.

(b) The state board shall ensure that a contract with an independent evaluator requires the independent evaluator to:

(i) evaluate a student's learning gains as a result of using early interactive reading software provided under Subsection (1);

(ii) for the evaluation under Subsection (3)(b)(i), use an assessment that is not developed by a provider of early interactive reading software; and

(iii) determine the extent to which a public school uses the early interactive reading software.

(c) The state board and the independent evaluator selected under Subsection (3)(a) shall submit a report on the results of the evaluation in accordance with Section [53E-1-201](#).

(4) The state board may acquire an analytical software program that:

(a) monitors, for an individual school, early intervention interactive reading software use and the associated impact on student performance; and

(b) analyzes the information gathered under Subsection (4)(a) to prescribe individual school usage time to maximize the beneficial impact on student performance.

(5) The state board may use up to 4% of the appropriation provided under Subsection (1)(a):

(a) to contract with an independent evaluator selected under Subsection (3)(a); and

(b) for administrative costs associated with this section.

(6) Nothing in this section or in Section [53E-4-307](#) 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.

Section 3. Section **53G-11-303** is amended to read:

**53G-11-303. Professional learning standards.**

(1) As used in this section:

(a) "Evidence-based" means that a strategy, not including reading software, demonstrates a statistically significant effect, of at least a 0.40 effect size, on improving student outcomes based on:

(i) strong evidence from at least one well-designed and well-implemented experimental study, as the state board further defines; or

(ii) moderate evidence from at least one well-designed and well-implemented quasi-experimental study, as the state board further defines.

(b) "Evidence-informed" means that a strategy:

(i) is developed using high-quality research outside of a controlled setting in the given field, as the state board further defines; and

(ii) includes strategies and activities with a strong scientific basis for use, as the state board further defines.

(c) "Professional learning" means a comprehensive, sustained, and evidence-based approach to improving teachers' and principals' effectiveness in raising student achievement.

(2) A school district or charter school shall implement high quality professional learning that meets the following standards:

(a) professional learning occurs within learning communities committed to continuous improvement, individual and collective responsibility, and goal alignment;

(b) professional learning requires skillful leaders who develop capacity, advocate, and create support systems, for professional learning;

(c) professional learning requires prioritizing, monitoring, and coordinating resources for educator learning;

(d) professional learning uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;

(e) professional learning integrates theories, research, and models of human learning to achieve its intended outcomes;

(f) professional learning applies research on change and sustains support for implementation of professional learning for long-term change;

(g) professional learning aligns its outcomes with:

(i) performance standards for teachers and school administrators as described in rules of the state board; and

(ii) performance standards for students as described in the core standards for Utah public schools adopted by the state board pursuant to Section 53E-4-202;

(h) professional learning:

(i) incorporates the use of technology in the design, implementation, and evaluation of high quality professional learning practices; and

(ii) includes targeted professional learning on the use of technology devices to enhance the teaching and learning environment and the integration of technology in content delivery; and

(i) professional learning uses evidence-informed core materials and evidence-based instructional practices and intervention materials.

(3) School districts and charter schools shall use money appropriated by the Legislature for professional learning or federal grant money awarded for professional learning to implement professional learning that meets the standards specified in Subsection (2).

(4) The state board, ULEAD, as that term is defined in Section 53E-10-701, and the Center for the School of the Future, established in Section 53B-18-801, shall jointly, in collaboration with an independent university-based research center, develop and maintain a repository of evidence-based practice and evidence-informed intervention materials to support school districts and charter schools in meeting the standards described in Subsection (2).

~~[(5)(a) In the fall of 2014, the state board, through the state superintendent, and in collaboration with an independent consultant acquired through a competitive bid process, shall conduct a statewide survey of school districts and charter schools to:]~~

~~[(i) determine the current state of professional learning for educators as aligned with the standards specified in Subsection (2);]~~

~~[(ii) determine the effectiveness of current professional learning practices; and]~~

~~[(iii) identify resources to implement professional learning as described in Subsection (2).]~~

~~[(b) The state board shall select a consultant from bidders who have demonstrated successful experience in conducting a statewide analysis of professional learning.]~~

183           ~~[(c) (i) Annually in the fall, beginning in 2015 through 2020, the state board, through~~  
184 ~~the state superintendent, in conjunction with school districts and charter schools, shall gather~~  
185 ~~and use data to determine the impact of professional learning efforts and resources.]~~

186           ~~[(ii) Data used to determine the impact of professional learning efforts and resources~~  
187 ~~under Subsection (5)(c)(i) shall include:]~~

188           ~~[(A) student achievement data;]~~

189           ~~[(B) educator evaluation data; and]~~

190           ~~[(C) survey data.]~~

191           Section 4. **Effective date.**

192           If approved by two-thirds of all the members elected to each house, this bill takes effect  
193 upon approval by the governor, or the day following the constitutional time limit of Utah  
194 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
195 the date of veto override.