

**Representative Susan Pulsipher** proposes the following substitute bill:

**READING SOFTWARE AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: Susan Pulsipher

**LONG TITLE**

**General Description:**

This bill clarifies that an existing requirement for demonstrating a certain statistical effect does not apply to reading software and converts a grant program into an enrollment-based distribution.

**Highlighted Provisions:**

This bill:

- ▶ clarifies that an existing requirement for demonstrating a certain statistical effect does not apply to reading software;
- ▶ amends a grant program for reading software to an enrollment-based distribution;
- ▶ 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



26 **53F-4-203**, as last amended by Laws of Utah 2020, Chapter 324

27 **53G-11-303**, as last amended by Laws of Utah 2022, Chapter 285

28 

---

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

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

31 **53E-4-307. Benchmark assessments in reading -- Report to parent.**

32 (1) As used in this section:

33 (a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or  
34 ability that has been organized into a hierarchical arrangement leading to higher levels of  
35 knowledge, skill, or ability.

36 (b) "Diagnostic assessment" means an assessment that measures key literacy skills,  
37 including phonemic awareness, sound-symbol recognition, alphabet knowledge, decoding and  
38 encoding skills, and comprehension, to determine a student's specific strengths and weaknesses  
39 in a skill area.

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

41 (d) "Evidence-informed" means the same as that term is defined in Section  
42 **53G-11-303**.

43 (2) The state board shall approve a benchmark assessment for use statewide by school  
44 districts and charter schools to assess the reading competency of students in grades 1 through 6  
45 as provided by this section.

46 (3) A school district or charter school shall:

47 (a) administer benchmark assessments to students in grades 1, 2, and 3 at the  
48 beginning, middle, and end of the school year using the benchmark assessment approved by the  
49 state board; and

50 (b) after administering a benchmark assessment, report the results to a student's parent.

51 (4) (a) If a benchmark assessment or supplemental reading assessment indicates a  
52 student lacks competency in a reading skill, or is lagging behind other students in the student's  
53 grade in acquiring a reading skill, the school district or charter school shall:

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

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

57           ~~[(e)]~~ (iii) administer formative assessments and progress monitoring at recommended  
58 levels for the benchmark assessment to measure the success of the focused intervention;

59           ~~[(d)]~~ (iv) inform the student's parent of activities that the parent may engage in with the  
60 student to assist the student in improving reading proficiency;

61           ~~[(e)]~~ (v) provide information to the parent regarding appropriate interventions available  
62 to the student outside of the regular school day that may include tutoring, before and after  
63 school programs, or summer school; and

64           ~~[(f)]~~ (vi) provide instructional materials that are evidence-informed for core instruction  
65 and evidence-based for intervention and supplemental instruction.

66           (b) Nothing in this section or in Section 53F-4-203 or 53G-11-303 requires a reading  
67 software product to demonstrate the statistically significant effect size described in Subsection  
68 53G-11-303(1)(a) in order to be used as an instructional material described in Subsection  
69 (4)(a)(vi).

70           (5) (a) In accordance with Section 53F-4-201 and except as provided in Subsection  
71 (5)(b), the state board shall contract with one or more educational technology providers for a  
72 benchmark assessment system for reading for students in kindergarten through grade 6.

73           (b) If revenue is insufficient for the benchmark assessment system for the grades  
74 described in Subsection (5)(a), the state board shall first prioritize funding a benchmark  
75 assessment for students in kindergarten through grade 3.

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

77           **53F-4-203. Early interactive reading software -- Independent evaluator.**

78           (1) ~~[(a)]~~ Subject to legislative appropriations, the state board shall ~~[select and contract~~  
79 ~~with one or more technology providers, through a request for proposals process, to provide~~  
80 ~~early interactive reading software for literacy instruction and assessments]~~ distribute funds to  
81 public schools based on enrollment for students in kindergarten through grade 3 to purchase  
82 personalized interactive reading software.

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

86           ~~[(c) Except as provided in state board rule, a school district or charter school that~~  
87 ~~received a license described in Subsection (1)(b) during the prior year shall be given first~~

88 ~~priority to receive an equivalent license during the current year.]~~

89  ~~[(d) Licenses distributed to school districts and charter schools in addition to the~~  
90  ~~licenses described in Subsection (1)(c) shall be distributed through a competitive process.]~~

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

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

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

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

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

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

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

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

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

109 (4) ~~[The state board]~~ An LEA may acquire an analytical software program that:

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

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

114 (5) The state board:

115 (a) may use up to 4% of the appropriation provided under Subsection ~~[(1)(a)]~~ (1):

116 ~~[(a)]~~ (i) to contract with an independent evaluator selected under Subsection (3)(a); and

117 ~~[(b)]~~ (ii) for administrative costs associated with this section~~[-];~~ and

118 (b) shall distribute at least 96% of funds under this section to LEAs in accordance with

119 Subsection (1).

120 (6) Nothing in this section or in Section [53E-4-307](#) or [53G-11-303](#) requires a reading  
121 software product to demonstrate the statistically significant effect size described in Subsection  
122 [53G-11-303\(1\)\(a\)](#) in order to be used as an instructional material.

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

124 **53G-11-303. Professional learning standards.**

125 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

154 (g) professional learning aligns its outcomes with:

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

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

159 (h) professional learning:

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

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

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

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

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

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

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

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

181           ~~[(iii) identify resources to implement professional learning as described in Subsection~~  
182 ~~(2):]~~

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

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

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

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

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

192           ~~[(C) survey data.]~~

193           Section 4. **Effective date.**

194           (1) Except as provided in Subsection (2), if approved by two-thirds of all the members  
195 elected to each house, this bill takes effect upon approval by the governor, or the day following  
196 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's  
197 signature, or in the case of a veto, the date of veto override.

198           (2) Section [53F-4-203](#) takes effect on July 1, 2023.