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READING DISABILITY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Susan Pulsipher

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill amends provisions for benchmark assessments in reading.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-4-307, as last amended by Laws of Utah 2023, Chapter 20

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



28 knowledge, skill, or ability.

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

33 (c) "Dyslexia" means a ~~specific learning disability~~ **learning disorder** that:

34 (i) is neurological in origin and is characterized by difficulties with:

35 (A) accurate or fluent word recognition; and

36 (B) poor spelling and decoding abilities; and

37 (ii) typically results from a deficit in the phonological component of language that is
38 often unexpected in relation to other cognitive abilities and the provision of effective classroom
39 instruction.

40 [(c)] (d) "Evidence-based" means the same as that term is defined in Section
41 53G-11-303.

42 [(d)] (e) "Evidence-informed" means the same as that term is defined in Section
43 53G-11-303.

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

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

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

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

52 (4) (a) If a benchmark assessment or supplemental reading assessment indicates a
53 student lacks competency in a reading skill, ~~is demonstrating characteristics of dyslexia,~~
53a or is lagging behind other students in the student's

54 grade in acquiring a reading skill, the school district or charter school shall:

55 (i) administer diagnostic assessments to the student;

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

58 (iii) administer formative assessments and progress monitoring at recommended levels

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

60 (iv) inform the student's parent of activities that the parent may engage in with the
61 student to assist the student in improving reading proficiency;

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

65 (vi) provide instructional materials that are evidence-informed for core instruction and
66 evidence-based for intervention and supplemental instruction.

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

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

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

76a **Ĥ→ (6) A student with dyslexia is only eligible for special education services if the student**
76b **meets federal eligibility criteria. ←Ĥ**

77 Section 2. **Effective date.**

78 This bill takes effect on May 1, 2024.