EA RLY READING AMENDMENTS

2015 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart
House Sponsor: Bradley G. Last

LONG TITLE

General Description:
This bill amends provisions related to early reading assessments and interventions in public schools.

Highlighted Provisions:
This bill:
• amends provisions related to a diagnostic assessment system for early reading;
• requires the State Board of Education to distribute licenses for early reading software to a school district or charter school by a certain date;
• requires a public school that receives a license for early reading software to comply with certain standards;
• directs the State Board of Education to establish certain standards;
• provides for evaluation of the use of early reading software; and
• makes technical and conforming changes.

Money Appropriated in this Bill:
None

Other Special Clauses:
None

Utah Code Sections Affected:
AMENDS:
53A-1-606.7, as enacted by Laws of Utah 2011, Chapter 372
53A-17a-167, as last amended by Laws of Utah 2013, Chapter 466
Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53A-1-606.7 is amended to read:

53A-1-606.7. State Board of Education required to contract for a diagnostic assessment system for reading.

(1) The State Board of Education shall contract with one or more educational technology providers, selected through a request for proposals process, for a diagnostic assessment system for reading for students in kindergarten through grade three that meets the requirements of this section.

(2) Subject to legislative appropriations, a diagnostic assessment system for reading shall be made available to school districts and charter schools that apply to use a diagnostic assessment for reading beginning in the 2011-12 school year.

(3) A diagnostic assessment system for reading for students in kindergarten through grade three shall:

(a) be in a digital format;

(b) include benchmark assessments of reading proficiency to be administered at the beginning, in the middle, and at the end of kindergarten, grade one, grade two, and grade three;

(c) include formative assessments to be administered every two to four weeks for students who are at high risk of not attaining proficiency in reading;

(d) align with the language arts core curriculum adopted by the State Board of Education; and

(e) include a data analysis component hosted by the provider that:

(i) has the capacity to generate electronic information immediately and produce individualized student progress reports, class summaries, and class groupings for instruction;

(ii) may have the capability of identifying lesson plans that may be used to develop reading skills;

(iii) enables teachers, administrators, and designated supervisors to access reports through a secured password system;
(iv) produces electronic printable reports for parents and administrators; and
(v) has the capability for principals to monitor usage by teachers.

[(4) (a) The benchmark and formative assessments specified in Subsections (3)(a) and
(b) shall be available to be downloaded to a portable technology device so that a teacher may
be able to sit beside a student as the student is being assessed at any location in the classroom
or throughout the school.]

[(b) After an assessment is downloaded to a portable technology device, the device
shall have the capability to operate in stand-alone mode if the Internet connection is lost.]

[(c) After an assessment is completed and uploaded to the data analysis component, the
data analysis component shall be capable of allowing data and reports to be viewed and printed
immediately.]

[(5) The State Board of Education shall:

[(a) evaluate the effects of the diagnostic assessment system for reading by comparing
the learning gains of students in school districts and charter schools that use the diagnostic
assessment system for reading with the learning gains of students in school districts and charter
schools that do not use the diagnostic assessment system for reading; and]

[(b) submit a report on the evaluation to the Public Education Appropriations
Subcommittee by November 2013.]]

Section 2. Section 53A-17a-167 is amended to read:

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

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

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

(a) is an academic program focused on building age-appropriate literacy and numeracy
skills;
(b) uses an evidence-based early intervention model; 
(c) is targeted to at-risk students; and 
(d) is delivered through additional hours or other means.

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

(4) The State Board of Education shall distribute funds appropriated under this section 
for an enhanced kindergarten program described in Subsection (2) as follows: 
(a) (i) the total allocation for charter schools shall be calculated by: 
(A) dividing the number of charter school students by the total number of students in 
the public education system in the prior school year; and 
(B) multiplying the resulting percentage by the total amount of available funds; and 
(ii) the amount calculated under Subsection (4)(a) shall be distributed to charter 
schools with the greatest need for an enhanced kindergarten program, as determined by the 
State Board of Education in consultation with the State Charter School Board; 
(b) each school district shall receive the amount calculated by: 
(i) multiplying the value of the weighted pupil unit by 0.45; and 
(ii) multiplying the result by 20; and 
(c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b) 
are made, shall be distributed to applicant school districts by: 
(i) determining the number of students eligible to receive free lunch in the prior school 
year for each school district; and 
(ii) prorating the remaining funds based on the number of students eligible to receive 
free lunch in each district.

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

(6) (a) Subject to legislative appropriations, [by September 1 of each year.] the State
Board of Education shall select and contract with one or more technology providers, through a request for proposals process, to provide [an interactive computer software program] 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 of Education shall distribute licenses for [an interactive computer software program] early interactive reading software described in Subsection (6)(a) to school districts and charter schools that apply for the licenses.

(c) Except as provided in Subsection (7)(c), a school district or charter school that received a license described in Subsection (6)(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 (6)(c) shall be distributed through a competitive process.

(7) On or before November 1, 2013, and every year thereafter, the State Board of Education shall report final testing data regarding an interactive computer software program described in Subsection (6), including student learning gains as a result of the interactive computer software program, to:

(a) the Education Interim Committee; and

(b) the governor.

(a) As used in this Subsection (7), "dosage" means amount of instructional time.

(b) A public school that receives a license described in Subsection (6)(b) shall use the license:

(i) for a student in kindergarten or grade 1:

(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;

(ii) for a student in grade 2 or 3, for intervention for the student if the student is reading below grade level; and

(iii) in accordance with the technology provider's dosage recommendations.
(c) A public school that does not use the early interactive reading software in accordance with the technology provider's dosage recommendations for two consecutive years may not continue to receive a license.

(8) (a) On or before August 1 of each year, the State Board of Education 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 of Education 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 (6);

(ii) for the evaluation under Subsection (8)(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 in accordance with a technology provider's dosage recommendations under Subsection (7).

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

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