

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 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) "Dyslexia" means a learning disorder that:

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

(A) accurate or fluent word recognition; and

(B) poor spelling and decoding abilities; and

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

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

~~[(d)]~~ (e) "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, is demonstrating characteristics of dyslexia, or is lagging behind other students in the student's grade in acquiring a reading skill, the school district or charter school shall:

(i) administer diagnostic assessments to the student;

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

(iii) administer formative assessments and progress monitoring at recommended levels for the benchmark assessment to measure the success of the focused intervention;

(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;

(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

(vi) provide instructional materials that are evidence-informed for core instruction

- 63 and evidence-based for intervention and supplemental instruction.
- 64 (b) Nothing in this section or in Section 53F-4-203 or 53G-11-303 requires a reading
65 software product to demonstrate the statistically significant effect size described in
66 Subsection 53G-11-303(1)(a) in order to be used as an instructional material
67 described in Subsection (4)(a)(vi).
- 68 (5) (a) In accordance with Section 53F-4-201 and except as provided in Subsection
69 (5)(b), the state board shall contract with one or more educational technology
70 providers for a benchmark assessment system for reading for students in kindergarten
71 through grade 6.
- 72 (b) If revenue is insufficient for the benchmark assessment system for the grades
73 described in Subsection (5)(a), the state board shall first prioritize funding a
74 benchmark assessment for students in kindergarten through grade 3.
- 75 (6) A student with dyslexia is only eligible for special education services if the student
76 meets federal eligibility criteria.
- 77 Section 2. **Effective date.**
- 78 This bill takes effect on May 1, 2024.