

EARLY LEARNING TRAINING AND ASSESSMENT**AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Waldrip

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill provides programs and assessments to improve early learning in literacy and mathematics.

Highlighted Provisions:

This bill:

- ▶ requires the State Board of Education (the state board) to:
 - make rules regarding, and requires local education agencies (LEAs), to establish an early learning plan that includes early literacy and early mathematics components;
 - select a mathematics benchmark assessment that LEAs administer in certain grades;
 - administer a grant for professional learning and job-embedded coaching support for elementary educators; and
 - administer a grant for license applicants taking a certain examination;
- ▶ amends provisions regarding an examination required to obtain a license to teach;
- ▶ allows for LEAs in certain circumstances to hire implementation support coaches or otherwise obtain funding to support job-embedded coaching;
- ▶ requires certain annual reporting; and
- ▶ makes technical and conforming changes.



Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-6-301, as last amended by Laws of Utah 2019, Chapter 186**53F-2-503**, as last amended by Laws of Utah 2019, Chapters 186 and 324**53G-4-410**, as last amended by Laws of Utah 2019, Chapter 293**63I-1-253**, as last amended by Laws of Utah 2019, Chapters 90, 136, 166, 173, 246, 325, 344 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 246

ENACTS:

53E-3-521, Utah Code Annotated 1953**53E-4-307.5**, Utah Code Annotated 1953**53F-5-214**, Utah Code Annotated 1953**53F-5-215**, Utah Code Annotated 1953**53G-7-218**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **53E-3-521** is enacted to read:**53E-3-521. Requirements for early mathematics plan.**The state board shall make rules to:(1) define the components of the early mathematics plan that a local school board or charter school governing board is required to submit under Section **53G-7-218** for mathematics proficiency improvement, including the following four categories:(a) conceptual understanding;(b) procedural fluency;(c) strategic and adaptive mathematical thinking; and(d) productive disposition; and(2) establish a state-wide target using data from the mathematics benchmark

assessment, described in Section [53E-4-307.5](#), for local growth goals described in Section [53G-7-218](#) regarding mathematics.

Section 2. Section **53E-4-307.5** is enacted to read:

53E-4-307.5. Mathematics benchmark assessment.

(1) As used in this section, "early mathematics benchmark assessment" or "benchmark assessment" means a standardized assessment to measure the acquisition of mathematics skills in kindergarten and grades 1 through 3 that includes predictive indicators of academic achievement based on measures of early mathematics, computation, and problem solving.

(2) The state board shall approve a benchmark assessment for use statewide by LEAs to assess the mathematics competency of students in kindergarten and grades 1 through 3.

(3) An LEA shall:

(a) administer benchmark assessments to students at the beginning, middle, and end of the school year using the mathematics benchmark assessment in:

(i) kindergarten, as an optional assessment; and

(ii) grades 1 through 3, as a required assessment; and

(b) after administering a benchmark assessment described in Subsection (3)(a) to a student, report the results to the student's parent.

(4) In making the approval described in Subsection (2), the state board shall:

(a) prioritize the assessment's reliability, validity, speed, and efficiency; and

(b) ensure the mathematics benchmark assessment's ability to:

(i) identify students who may be at risk for mathematics difficulties; and

(ii) measure students' progress through data.

Section 3. Section **53E-6-301** is amended to read:

53E-6-301. Qualifications of applicants for licenses -- Changes in qualifications.

(1) The state board shall establish by rule the scholarship, training, and experience required of license applicants.

(2) (a) The state board shall announce any increase in the requirements when made.

(b) An increase in requirements shall become effective not less than one year from the date of the announcement.

(3) (a) The state board may determine by examination or otherwise the qualifications of license applicants.

(b) If the state board uses an examination under Subsection (3)(a):

(i) the state board shall make rules to allow an LEA to hire a license applicant who does not successfully pass the examination for a limited duration pending successful passage; and

(ii) the license applicant is not eligible for a professional educator license described in Section [53E-6-201](#) until the license applicant successfully passes the examination.

Section 4. Section **53F-2-503** is amended to read:

53F-2-503. Early Literacy Program -- Literacy proficiency plan.

(1) As used in this section:

(a) "Program" means the Early Literacy Program.

(b) "Program money" means:

(i) school district revenue allocated to the program from other money available to the school district, except money provided by the state, for the purpose of receiving state funds under this section; and

(ii) money appropriated by the Legislature to the program.

(2) The Early Literacy Program consists of program money and is created to supplement other school resources for early literacy.

(3) Subject to future budget constraints, the Legislature may annually appropriate money to the Early Literacy Program.

(4) ~~[(a)]~~ An LEA governing board of a school district or a charter school that serves students in any of grades kindergarten through grade 3 shall submit, in accordance with Section [53G-7-218](#), a plan to the state board for literacy proficiency improvement that incorporates the following components:

~~[(i)]~~ (a) core instruction in:

~~[(A)]~~ (i) phonological awareness;

~~[(B)]~~ (ii) phonics;

~~[(C)]~~ (iii) fluency;

~~[(D)]~~ (iv) comprehension;

~~[(E)]~~ (v) vocabulary;

~~[(F)]~~ (vi) oral language; and

~~[(G)]~~ (vii) writing;

121 ~~[(ii)]~~ (b) intervention strategies that are aligned to student needs;

122 ~~[(iii)]~~ (c) professional development for classroom teachers, literacy coaches, and

123 interventionists in kindergarten through grade 3;

124 ~~[(iv)]~~ (d) assessments that support adjustments to core and intervention instruction;

125 ~~[(v)]~~ (e) a growth goal for the school district or charter school that:

126 ~~[(A)]~~ (i) is based upon student learning gains as measured by benchmark assessments

127 administered pursuant to Section [53E-4-307](#); and

128 ~~[(B)]~~ (ii) includes a target of at least 60% of all students in grades 1 through 3 meeting

129 the growth goal;

130 ~~[(vi)]~~ (f) at least ~~[two goals that are]~~ one goal that is specific to the school district or

131 charter school that:

132 ~~[(A)]~~ (i) ~~[are]~~ is measurable;

133 ~~[(B)]~~ (ii) ~~[address]~~ addresses current performance gaps in student literacy based on

134 data; and

135 ~~[(C)]~~ (iii) ~~[include]~~ includes specific strategies for improving outcomes; and

136 ~~[(vii)]~~ (g) if a school uses interactive literacy software, the use of interactive literacy

137 software, including early interactive reading software described in Section [53F-4-203](#).

138 ~~[(b) An LEA governing board shall approve a plan described in Subsection (4)(a) in a~~

139 ~~public meeting before submitting the plan to the state board.]~~

140 ~~[(c) The state board shall provide model plans that an LEA governing board may use,~~

141 ~~or an LEA governing board may develop the LEA governing board's own plan.]~~

142 ~~[(d) A plan developed by an LEA governing board shall be approved by the state~~

143 ~~board.]~~

144 ~~[(e) The state board shall develop uniform standards for acceptable growth goals that~~

145 ~~an LEA governing board adopts for a school district or charter school as described in this~~

146 ~~Subsection (4).]~~

147 (5) (a) There are created within the Early Literacy Program three funding programs:

148 (i) the Base Level Program;

149 (ii) the Guarantee Program; and

150 (iii) the Low Income Students Program.

151 (b) The state board may use up to \$7,500,000 from an appropriation described in

Subsection (3) for computer-assisted instructional learning and assessment programs.

(6) Money appropriated to the state board for the Early Literacy Program and not used by the state board for computer-assisted instructional learning and assessments described in Subsection (5)(b) shall be allocated to the three funding programs as follows:

(a) 8% to the Base Level Program;

(b) 46% to the Guarantee Program; and

(c) 46% to the Low Income Students Program.

(7) (a) For a school district or charter school to participate in the Base Level Program, the LEA governing board shall submit a plan described in Subsection (4) and shall receive approval of the plan from the state board.

(b) (i) The local school board of a school district qualifying for Base Level Program funds and the charter school governing boards of qualifying elementary charter schools combined shall receive a base amount.

(ii) The base amount for the qualifying elementary charter schools combined shall be allocated among each charter school in an amount proportionate to:

(A) each existing charter school's prior year fall enrollment in grades kindergarten through grade 3; and

(B) each new charter school's estimated fall enrollment in grades kindergarten through grade 3.

(8) (a) A local school board that applies for program money in excess of the Base Level Program funds may choose to first participate in the Guarantee Program or the Low Income Students Program.

(b) A school district shall fully participate in either the Guarantee Program or the Low Income Students Program before the local school board may elect for the school district to either fully or partially participate in the other program.

(c) For a school district to fully participate in the Guarantee Program, the local school board shall allocate to the program money available to the school district, except money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000056.

(d) For a school district to fully participate in the Low Income Students Program, the local school board shall allocate to the program money available to the school district, except

money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000065.

(e) (i) The state board shall verify that a local school board allocates the money required in accordance with Subsections (8)(c) and (d) before the state board distributes funds in accordance with this section.

(ii) The State Tax Commission shall provide the state board the information the state board needs in order to comply with Subsection (8)(e)(i).

(9) (a) Except as provided in Subsection (9)(c), the local school board of a school district that fully participates in the Guarantee Program shall receive state funds in an amount that is:

(i) equal to the difference between \$21 multiplied by the school district's total WPUs and the revenue the local school board is required to allocate under Subsection (8)(c) for the school district to fully participate in the Guarantee Program; and

(ii) not less than \$0.

(b) Except as provided in Subsection (9)(c), an elementary charter school shall receive under the Guarantee Program an amount equal to \$21 times the elementary charter school's total WPUs.

(c) The state board may adjust the \$21 guarantee amount described in Subsections (9)(a) and (b) to account for actual appropriations and money used by the state board for computer-assisted instructional learning and assessments.

(10) The state board shall distribute Low Income Students Program funds in an amount proportionate to the number of students in each school district or charter school who qualify for free or reduced price school lunch multiplied by two.

(11) A school district that partially participates in the Guarantee Program or Low Income Students Program shall receive program funds based on the amount of school district revenue allocated to the program as a percentage of the amount of revenue that could have been allocated if the school district had fully participated in the program.

(12) (a) An LEA governing board shall use program money for early literacy interventions and supports in kindergarten through grade 3 that have proven to significantly increase the percentage of students who are proficient in literacy, including:

(i) evidence-based intervention curriculum;

(ii) literacy assessments that identify student learning needs and monitor learning progress; or

(iii) focused literacy interventions that may include:

(A) the use of reading specialists or paraprofessionals;

(B) tutoring;

(C) before or after school programs;

(D) summer school programs; or

(E) the use of interactive computer software programs for literacy instruction and assessments for students.

(b) An LEA governing board may use program money for portable technology devices used to administer literacy assessments.

(c) Program money may not be used to supplant funds for existing programs, but may be used to augment existing programs.

(13) (a) An LEA governing board shall annually submit a report to the state board accounting for the expenditure of program money in accordance with the LEA governing board's plan described in Subsection (4).

(b) If an LEA governing board uses program money in a manner that is inconsistent with Subsection (12), the school district or charter school is liable for reimbursing the state board for the amount of program money improperly used, up to the amount of program money received from the state board.

(14) (a) The state board shall make rules to implement the program.

(b) (i) The rules under Subsection (14)(a) shall require each LEA governing board to annually report progress in meeting goals described in Subsections ~~[(4)(a)(v) and (vi)]~~ (4)(e) and (f), including the strategies the school district or charter school uses to address the goals.

(ii) If a school district or charter school does not meet or exceed the school district's or charter school's goals described in ~~[Subsection (4)(a)(v) or (vi)]~~ Subsections (4)(e) or (f), the LEA governing board shall prepare a new plan that corrects deficiencies.

(iii) The new plan described in Subsection (14)(b)(ii) shall be approved by the state board before the LEA governing board receives an allocation for the next year.

~~[(15) (a) The state board shall:]~~

~~[(i) develop strategies to provide support for a school district or charter school that fails~~

to meet a goal described in Subsection (4)(a)(v) or (vi); and]

~~[(ii) provide increasing levels of support to a school district or charter school that fails to meet a goal described in Subsection (4)(a)(v) or (vi) for two consecutive years.]~~

~~[(b) (i) The state board shall use a digital reporting platform to provide information to school districts and charter schools about interventions that increase proficiency in literacy.]~~

~~[(ii) The digital reporting platform shall include performance information for a school district or charter school on the goals described in Subsections (4)(a)(v) and (vi).]~~

~~[(16)] (15)~~ The state board may use up to 3% of the funds appropriated by the Legislature to carry out the provisions of this section for administration of the program.

~~[(17)] (16)~~ The state board shall make an annual report in accordance with Section [53E-1-203](#) that:

(a) includes information on:

(i) student learning gains in early literacy for the past school year and the five-year trend;

(ii) the percentage of grade 3 students who are proficient in English language arts in the past school year and the five-year trend;

(iii) the progress of school districts and charter schools in meeting goals described in a plan described in Subsection (4)~~[(a)]~~; and

(iv) the specific strategies or interventions used by school districts or charter schools that have significantly improved early grade literacy proficiency; and

(b) may include recommendations on how to increase the percentage of grade 3 students who are proficient in English language arts, including how to use a strategy or intervention described in Subsection ~~[(17)] (16)~~(a)(iv) to improve literacy proficiency for additional students.

~~[(18)] (17)~~ The report described in Subsection ~~[(17)] (16)~~ shall include information provided through the digital reporting platform described in Subsection ~~[(15)(b)]~~

[53G-7-218\(5\)\(a\)](#).

Section 5. Section **53F-5-214** is enacted to read:

53F-5-214. Grant for professional learning and job-embedded coaching support.

(1) As used in this section:

(a) "Implementation support coach" means an individual who conducts job-embedded

coaching to support educators in professional learning related to literacy and mathematics.

(b) "Job-embedded coaching" means individualized coaching, feedback, and support of an educator that is tailored to professional learning that the educator receives.

(2) Subject to legislative appropriations, the state board shall award grants to LEAs to provide teachers in pre-kindergarten, kindergarten, and grades 1 through 3 with:

(a) professional learning opportunities in early literacy and mathematics; and

(b) support through job-embedded coaching.

(3) To qualify for a grant under this section, an LEA shall submit to the state board an application, as provided by the state board, that contains:

(a) a description of the evidence-based, based on assessment data, professional learning opportunities the LEA will provide that are:

(i) aligned with the professional learning standards described in Section [53G-11-303](#); and

(ii) targeted to attaining the local and state early learning goals described in Section [53G-7-218](#); and

(b) a description of the LEA's plan for job-embedded coaching to reinforce and provide feedback related to the professional learning opportunities described in Subsection (3)(a)(i).

(4) The state board shall make rules to describe:

(a) required elements of the professional learning opportunities and job-embedded coaching described in Subsection (3); and

(b) requirements for implementation coaches, including eligibility criteria, training, and responsibilities.

(5) The state board shall annually report to the Education Interim Committee on or before the November interim committee meeting regarding the administration and outcomes of the grant described in this section.

Section 6. Section **53F-5-215** is enacted to read:

53F-5-215. Elementary teacher preparation assessment grant.

(1) As used in this section:

(a) "License" means a license that:

(i) is described in Section [53E-6-102](#); and

(ii) qualifies an individual to teach elementary school.

(b) "Preparation assessment" means an examination that addresses the science of reading that the state board uses to determine license qualification, as described in Section [53E-6-301](#), related to literacy instruction for an elementary teacher.

(2) Beginning September 1, 2021, subject to legislative appropriations, the state board shall award grants to institutions of higher education for the cost of the initial attempt of the preparation assessment for license applicants graduating from the institution during the year relevant to the grant.

(3) The state board may make rules to establish the license, type of license, or license concentration eligible for the grant described in this section.

(4) An institution of higher education may apply for a grant described in this section by submitting to the state board an application, as provided by the state board, including an estimate of the number and names of prospective license applicants expected to graduate in the year relevant to the grant application.

(5) The state board shall annually report to the Education Interim Committee on or before the November interim committee meeting regarding the administration and outcomes of the grant described in this section.

Section 7. Section **53G-4-410** is amended to read:

53G-4-410. Regional service centers.

(1) ~~[For purposes of]~~ As used in this section[;]:

(a) ~~["eligible"]~~ "Eligible regional service center" means a regional service center formed by two or more school districts as an interlocal entity, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.

(b) "Implementation support coach" means the same as that term is defined in Section [53F-5-214](#).

(2) The Legislature strongly encourages school districts to collaborate and cooperate to provide educational services in a manner that will best utilize resources for the overall operation of the public education system.

(3) An eligible regional service center formed by an interlocal agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, may receive a distribution described in Subsection ~~[(5)]~~ (6) if the Legislature appropriates money for eligible regional service centers.

(4) (a) If local school boards enter into an interlocal agreement to confirm or formalize a regional service center in operation before July 1, 2011, the interlocal agreement may not eliminate any rights or obligations of the regional service center in effect before entering into the interlocal agreement.

(b) An interlocal agreement entered into to confirm or formalize an existing regional service center shall have the effect of confirming and ratifying in the regional service center, the title to any property held in the name, or for the benefit of the regional service center as of the effective date of the interlocal agreement.

(5) (a) A school district in a regional service center may coordinate with the regional service center to hire, subject to legislative appropriation, implementation support coaches in accordance with Subsection (5)(b).

(b) The state board shall distribute funds appropriated under this Subsection (5) to regional service centers based on the number of full-time equivalent teachers in pre-kindergarten, kindergarten, and grades 1 through 3 in the school districts that participate in the regional service center, as of October 1 of the previous school year.

(c) A charter school in a regional service center may coordinate with the regional service center to support job-embedded coaching.

~~[(5)]~~ (6) (a) The state board shall distribute any funding appropriated to eligible regional service centers as provided by the Legislature.

(b) The state board may provide funding to an eligible regional service center in addition to legislative appropriations.

~~[(6)]~~ (7) The state board shall make rules regarding eligible regional service centers including:

(a) the distribution of legislative appropriations to eligible regional service centers;

(b) the designation of eligible regional service centers as agents to distribute Utah Education and Telehealth Network services; and

(c) the designation of eligible regional service centers as agents for regional coordination of public education and higher education services.

Section 8. Section **53G-7-218** is enacted to read:

53G-7-218. Establishment of early learning plan -- Digital reporting platform.

(1) A local school board of a school district or a charter school governing board of a

369 charter school that serves students in any of kindergarten or grades 1 through 3 shall annually
370 submit to the state board an early learning plan that includes:

371 (a) the early literacy plan described in Section 53F-2-503, including:

372 (i) the growth goal described in Subsection 53F-2-503(4)(e); and

373 (ii) one goal that is specific to the school district or charter school as described in

374 Subsection 53F-2-503(4)(f);

375 (b) the early mathematics plan described in Section 53E-3-521, including:

376 (i) a growth goal for the school district or charter school that:

377 (A) is based upon student learning gains as measured by the mathematics benchmark
378 assessment described in Section 53E-4-307.5; and

379 (B) includes the target that the state board establishes under Section 53E-3-521; and

380 (ii) one goal that:

381 (A) is specific to the school district or charter school;

382 (B) is measurable;

383 (C) addresses current performance gaps in student mathematics proficiency based on
384 data; and

385 (D) includes specific strategies for improving outcomes; and

386 (c) one additional goal related to literacy or mathematics that:

387 (i) is specific to the school district or charter school;

388 (ii) is measurable;

389 (iii) addresses current performance gaps in student literacy or mathematics proficiency
390 based on data; and

391 (iv) includes specific strategies for improving outcomes.

392 (2) A local school board or charter school governing board shall approve a plan
393 described in Subsection (1) in a public meeting before submitting the plan to the state board.

394 (3) (a) The state board shall:

395 (i) provide model plans that a local school board or a charter school governing board
396 may use;

397 (ii) develop uniform standards for acceptable growth goals that a local school board or
398 a charter school governing board adopts for a school district or charter school under this
399 section; and

(iii) review and approve or disapprove a plan submitted under this section.

(b) Notwithstanding Subsection (3)(a), a local school board or a charter school governing board may develop the board's own plan.

(4) The state board shall:

(a) develop strategies to provide support for a school district or charter school that fails to meet:

(i) (A) the growth goal related to the state literacy target described in Subsection (1)(a)(i); or

(B) the growth goal related to the state mathematics target described in Subsection (1)(b)(i); and

(ii) one of the goals specific to the school district or charter school described in Subsections (1)(a)(ii), (1)(b)(ii), or (1)(c); and

(b) provide increasing levels of support to a school district or charter school that fails to meet the combination of goals described in Subsection (4)(a) for two consecutive years.

(5) (a) The state board shall use a digital reporting platform to provide information to school districts and charter schools about interventions that increase proficiency in literacy and mathematics.

(b) The digital reporting platform described in Subsection (5)(a) shall include performance information for a school district or charter school on the goals described in Subsection (1).

Section 9. Section **63I-1-253** is amended to read:

63I-1-253. Repeal dates, Titles 53 through 53G.

The following provisions are repealed on the following dates:

(1) Subsection **53-6-203**(1)(b)(ii), regarding being 19 years old at certification, is repealed July 1, 2022.

(2) Subsection **53-13-104**(6), regarding being 19 years old at certification, is repealed July 1, 2022.

(3) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

(4) Section **53B-18-1501** is repealed July 1, 2021.

(5) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

(6) Section **53B-24-402**, Rural residency training program, is repealed July 1, 2020.

(7) Subsection [53C-3-203](#)(4)(b)(vii), which provides for the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells, other hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.

(8) Section [53E-3-515](#) is repealed January 1, 2023.

(9) In relation to a standards review committee, on January 1, 2023:

(a) in Subsection [53E-4-202](#)(8), the language that states "by a standards review committee and the recommendations of a standards review committee established under Section [53E-4-203](#)" is repealed; and

(b) Section [53E-4-203](#) is repealed.

(10) In relation to the SafeUT and School Safety Commission, on January 1, 2023:

(a) Subsection [53B-17-1201](#)(1) is repealed;

(b) Section [53B-17-1203](#) is repealed;

(c) Subsection [53B-17-1204](#)(2) is repealed;

(d) Subsection [53B-17-1204](#)(4)(a), the language that states "in accordance with the method described in Subsection (4)(c)" is repealed; and

(e) Subsection [53B-17-1204](#)(4)(c) is repealed.

(11) In relation to the elementary teacher preparation grant, Section [53F-2-215](#) is repealed July 1, 2025.

(12) In relation to the grant for professional learning and job-embedded coaching, Section [53F-2-215](#) is repealed July 1, 2025.

~~[(11)]~~ (13) Section [53F-2-514](#) is repealed July 1, 2020.

~~[(12)]~~ (14) Section [53F-5-203](#) is repealed July 1, 2024.

~~[(13)]~~ (15) Section [53F-5-212](#) is repealed July 1, 2024.

~~[(14)]~~ (16) Section [53F-5-213](#) is repealed July 1, 2023.

~~[(15)]~~ (17) Title 53F, Chapter 5, Part 6, American Indian and Alaskan Native Education State Plan Pilot Program, is repealed July 1, 2022.

~~[(16)]~~ (18) Section [53F-6-201](#) is repealed July 1, 2019.

~~[(17)]~~ (19) Section [53F-9-501](#) is repealed January 1, 2023.

~~[(18)]~~ (20) Subsections [53G-4-608](#)(2)(b) and (4)(b), related to the Utah Seismic Safety Commission, are repealed January 1, 2025.

~~[(19)]~~ (21) Subsection [53G-8-211](#)(4), regarding referrals of a minor to court for a class

462 C misdemeanor, is repealed July 1, 2020.