

**Senator Beverly Ann Evans** proposes the following substitute bill:

**PERFORMANCE PLUS - READING**

**ACHIEVEMENT**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: James M. Evans**

---

**LONG TITLE**

**General Description:**

This bill creates the Performance Plus K-3 Reading Improvement Program.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ creates the Performance Plus K-3 Reading Improvement Program to achieve the state's goals of having third graders reading at or above grade level;
- ▶ requires a school district or charter school to:
  - submit a reading proficiency improvement plan to qualify to use program monies; and
  - report on the expenditure of program monies;
- ▶ provides how program monies are to be allocated among qualifying school districts and charter schools;
- ▶ prohibits a school district or charter school from using program monies to supplant funds for existing programs;
- ▶ requires the State Board of Education to make rules to implement the program; and
- ▶ authorizes a local school board leeway to fund a school district's Performance Plus K-3 Reading Improvement Program.



26 **Monies Appropriated in this Bill:**

27 This bill appropriates from the Uniform School Fund to the State Board of Education  
28 for the Performance Plus K-3 Reading Improvement Program:

- 29 ▶ \$2,500,000 for fiscal year 2004-05 only; and
- 30 ▶ as an ongoing appropriation subject to future budget constraints, \$12,500,000 for  
31 fiscal year 2004-05.

32 **Other Special Clauses:**

33 This bill provides an immediate effective date.

34 **Utah Code Sections Affected:**

35 ENACTS:

36 **53A-17a-150**, Utah Code Annotated 1953

37 **53A-17a-151**, Utah Code Annotated 1953



38  
39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **53A-17a-150** is enacted to read:

41 **53A-17a-150. Performance Plus K-3 Reading Improvement Program.**

42 (1) As used in this section, "program monies" means:

- 43 (a) school district revenue from the levy authorized under Section 53A-17a-151; and
- 44 (b) monies appropriated to the Performance Plus K-3 Reading Improvement Program.

45 (2) The Performance Plus K-3 Reading Improvement Program consists of program  
46 monies and is created to achieve the state's goal of having third graders reading at or above  
47 grade level.

48 (3) Subject to future budget constraints, the Legislature may annually appropriate  
49 money to the Performance Plus K-3 Reading Improvement Program.

50 (4) (a) Prior to using program monies, a school district or charter school shall submit a  
51 plan to the State Board of Education for reading proficiency improvement that incorporates the  
52 following components:

- 53 (i) assessment;
- 54 (ii) intervention strategies;
- 55 (iii) professional development;
- 56 (iv) reading performance standards; and

57 (v) specific measurable goals that are based upon gain scores.

58 (b) The State Board of Education shall provide model plans which a school district or  
59 charter school may use, or the district or school may develop its own plan.

60 ~~Ĥ [(c) Plans developed by a school district or charter school shall be approved by the State~~  
61 ~~Board of Education.] ĥ~~

62 (5) Monies appropriated to the State Board of Education for the Performance Plus K-3  
63 Reading Improvement Program shall be distributed to all elementary charter schools and to

64 school districts authorized ~~Ĥ [that levy the maximum levy]~~ ON A TOTAL WPU COUNT

64a PROPORTIONATELY TO THE LEVY THAT IS ASSESSED ĥ under Section 53A-17a-151 ~~Ĥ [so that~~  
65 ~~program monies shall total \$22.24 multiplied by the sum of:~~

66 ~~— (a) the number of students in a school district or charter school who qualify for free or~~  
67 ~~reduced school lunch, multiplied by 4.5; and~~

68 ~~— (b) the total WPUs for a school district or charter school] ĥ .~~

69 (6) Each school district and charter school shall use program monies for reading  
70 proficiency improvement in grades kindergarten through grade three, and program monies may

71 not be used to supplant funds for existing programs ~~Ĥ BUT MAY BE USED TO AUGMENT EXISTING~~  
71a PROGRAMS ĥ .

72 (7) Each school district and charter school shall annually submit a report to the State  
73 Board of Education accounting for the expenditure of program monies in accordance with its  
74 plan for reading proficiency improvement.

75 (8) (a) The State Board of Education shall make rules to implement the program.

76 (b) The rules under Subsection (8)(a) shall require that to continue to qualify to use  
77 program monies, a school district or charter school shall demonstrate that its program for  
78 reading proficiency improvement has resulted in improved student reading proficiency, as  
79 measured by gain scores.

80 Section 2. Section **53A-17a-151** is enacted to read:

81 **53A-17a-151. Board leeway for reading improvement.**

82 (1) Each local school board may levy a tax rate of up to .000121 per dollar of taxable  
83 value for funding the school district's Performance Plus K-3 Reading Improvement Program  
84 created under Section 53A-17a-150.

85 (2) The levy authorized under this section:

86 (a) is in addition to any other levy or maximum rate; and

87 (b) does not require voter approval.

88           (3) A local school board shall establish its board-approved levy under this section by  
89 June 1 to have the levy apply to the fiscal year beginning July 1 in that same calendar year.

90           (4) A board-authorized leeway rate may be modified or terminated by a majority vote  
91 of the board.

92           Section 3. **Appropriation.**

93           (1) There is appropriated from the Uniform School Fund to the State Board of  
94 Education for the Performance Plus K-3 Reading Improvement Program:

95           (a) \$2,500,000 for fiscal year 2004-05 only; and

96           (b) as an ongoing appropriation subject to future budget constraints, \$12,500,000 for  
97 fiscal year 2004-05.

98           ~~¶ (2) It is the intent of the Legislature that, subject to future budget constraints, the~~  
99 ~~appropriation under Subsection (1)(a) shall be converted to an ongoing appropriation.] ¶~~

100           Section 4. **Effective date.**

101           If approved by two-thirds of all the members elected to each house, this bill takes effect  
102 upon approval by the governor, or the day following the constitutional time limit of Utah  
103 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
104 the date of veto override.