

**READING ACHIEVEMENT PROGRAM**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: James M. Evans**

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**LONG TITLE**

**General Description:**

This bill creates the K-3 Reading Improvement Program.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ creates the 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 K-3 Reading Improvement Program.

**Monies Appropriated in this Bill:**

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

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

**S.B. 230**

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fiscal year 2004-05.

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

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

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

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

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

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

(1) As used in this section:

(a) "program" means the K-3 Reading Improvement Program; and

(b) "program monies" means:

(i) school district revenue from the levy authorized under Section 53A-17a-151;

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

(iii) monies appropriated by the Legislature to the program.

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

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

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

(i) assessment;

(ii) intervention strategies;

(iii) professional development;

(iv) reading performance standards; and

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

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

(c) Plans developed by a school district or charter school shall be approved by the State Board of Education.

(5) There is created within the K-3 Reading Achievement Program three funding programs:

(a) the Base Level Program;

(b) the Guarantee Program; and

(c) the Low Income Students Program.

(6) Monies appropriated to the State Board of Education for the K-3 Reading Improvement Program 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) To participate in the Base Level Program, a school district or charter school shall submit a reading proficiency improvement plan to the State Board of Education as provided in Subsection (4) and must receive approval of the plan from the board.

(b) (i) Each school district qualifying for Base Level Program funds and the 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 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.

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(8) (a) A school district that applies for program monies in excess of the Base Level Program funds shall choose to first participate in either the Guarantee Program or the Low Income Students Program.

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

(c) To fully participate in the Guarantee Program, a school district shall:

(i) levy a tax rate of .000056 under Section 53A-17a-151;

(ii) allocate to the program other monies available to the school district, except monies provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000056; or

(iii) levy a tax under Section 53A-17a-151 and allocate to the program other monies available to the school district, except monies provided by the state, so that the total revenue from the combined revenue sources equals the amount of revenue that would be generated by a tax rate of .000056.

(d) To fully participate in the Low Income Students Program, a school district shall:

(i) levy a tax rate of .000065 under Section 53A-17a-151;

(ii) allocate to the program other monies available to the school district, except monies provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000065; or

(iii) levy a tax under Section 53A-17a-151 and allocate to the program other monies available to the school district, except monies provided by the state, so that the total revenue from the combined revenue sources equals the amount of revenue that would be generated by a tax rate of .000065.

(9) (a) 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 times the district's total WPU's and the revenue the school district is required to generate or allocate under Subsection (8)(c) to fully participate in the

Guarantee Program; and

(ii) not less than \$0.

(b) An elementary charter school shall receive under the Guarantee Program an amount equal to \$21 times the school's total WPUs.

(10) The State Board of Education 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 district revenue generated for or allocated to the program as a percentage of the amount of revenue that could have been generated or allocated if the district had fully participated in the program.

(12) (a) Each school district and charter school shall use program monies for reading proficiency improvement in grades kindergarten through grade three.

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

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

(b) If a school district or charter school uses program monies in a manner that is inconsistent with Subsection (12), the school district or charter school is liable for reimbursing the State Board of Education for the amount of program monies improperly used, up to the amount of program monies received from the State Board of Education.

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

(b) (i) The rules under Subsection (14)(a) shall require each school district or charter school to annually report progress in meeting goals stated in the district's or charter school's plan for student reading proficiency as measured by gain scores.

(ii) If a school district or charter school does not meet or exceed the goals, the school district or charter school shall prepare a new plan which corrects deficiencies. The new plan must

be approved by the State Board of Education before the school district or charter school receives an allocation for the next year.

(15) If after 36 months of program operation, a school district fails to meet goals stated in the district's plan for student reading proficiency as measured by gain scores, the school district shall terminate any levy imposed under Section 53A-17a-151.

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

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

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

(2) The levy authorized under this section:

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

(b) does not require voter approval; and

(c) may be modified or terminated by a majority vote of the board.

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

Section 3. **Appropriation.**

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

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

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

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