

**Representative Sheryl L. Allen** proposes the following substitute bill:

**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:**



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

- 28 ▶ \$2,500,000 for fiscal year 2004-05 only; and
- 29 ▶ as an ongoing appropriation subject to future budget constraints, \$12,500,000 for  
30 fiscal year 2004-05.

31 **Other Special Clauses:**

32 This bill provides an immediate effective date.

33 **Utah Code Sections Affected:**

34 ENACTS:

35 **53A-17a-150**, Utah Code Annotated 1953

36 **53A-17a-151**, Utah Code Annotated 1953



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

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

40 **53A-17a-150. K-3 Reading Improvement Program.**

41 (1) As used in this section:

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

43 (b) "program monies" means:

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

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

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

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

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

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

56 (i) assessment;

- 57 (ii) intervention strategies;
- 58 (iii) professional development;
- 59 (iv) reading performance standards; and
- 60 (v) specific measurable goals that are based upon gain scores.
- 61 (b) The State Board of Education shall provide model plans which a school district or
- 62 charter school may use, or the district or school may develop its own plan.
- 63 (c) Plans developed by a school district or charter school shall be approved by the State
- 64 Board of Education.
- 65 (5) There is created within the K-3 Reading Achievement Program three funding
- 66 programs:
- 67 (a) the Base Level Program;
- 68 (b) the Guarantee Program; and
- 69 (c) the Low Income Students Program.
- 70 (6) Monies appropriated to the State Board of Education for the K-3 Reading
- 71 Improvement Program shall be allocated to the three funding programs as follows:
- 72 (a) 8% to the Base Level Program;
- 73 (b) 46% to the Guarantee Program; and
- 74 (c) 46% to the Low Income Students Program.
- 75 (7) (a) To participate in the Base Level Program, a school district or charter school
- 76 shall submit a reading proficiency improvement plan to the State Board of Education as
- 77 provided in Subsection (4) and must receive approval of the plan from the board.
- 78 (b) (i) Each school district qualifying for Base Level Program funds and the qualifying
- 79 elementary charter schools combined shall receive a base amount.
- 80 (ii) The base amount for the qualifying elementary charter schools combined shall be
- 81 allocated among each school in an amount proportionate to:
- 82 (A) each existing charter school's prior year fall enrollment in grades kindergarten
- 83 through grade 3; and
- 84 (B) each new charter school's estimated fall enrollment in grades kindergarten through
- 85 grade 3.
- 86 (8) (a) A school district that applies for program monies in excess of the Base Level
- 87 Program funds shall choose to first participate in either the Guarantee Program or the Low

88 Income Students Program.

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

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

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

94 (ii) allocate to the program other monies available to the school district, except monies  
95 provided by the state, equal to the amount of revenue that would be generated by a tax rate of  
96 .000056; or

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

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

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

103 (ii) allocate to the program other monies available to the school district, except monies  
104 provided by the state, equal to the amount of revenue that would be generated by a tax rate of  
105 .000065; or

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

110 (9) (a) A school district that fully participates in the Guarantee Program shall receive  
111 state funds in an amount that is:

112 (i) equal to the difference between \$21 times the district's total WPUs and the revenue  
113 the school district is required to generate or allocate under Subsection (8)(c) to fully participate  
114 in the Guarantee Program; and

115 (ii) not less than \$0.

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

118 (10) The State Board of Education shall distribute Low Income Students Program

119 funds in an amount proportionate to the number of students in each school district or charter  
120 school who qualify for free or reduced price school lunch multiplied by two.

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

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

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

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

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

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

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

140 (ii) If a school district or charter school does not meet or exceed the goals, the school  
141 district or charter school shall prepare a new plan which corrects deficiencies. The new plan  
142 must be approved by the State Board of Education before the school district or charter school  
143 receives an allocation for the next year.

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

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

148 **53A-17a-151. Board leeway for reading improvement.**

149 (1) Each local school board may levy a tax rate of up to .000121 per dollar of taxable

150 value for funding the school district's K-3 Reading Improvement Program created under  
151 Section 53A-17a-150.

152 (2) The levy authorized under this section:

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

154 (b) does not require voter approval; and

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

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

158 **Section 3. Appropriation.**

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

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

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

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

166 **Section 4. Effective date.**

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