

**Representative Merlynn T. Newbold** proposes the following substitute bill:

**READING PROGRAM AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Merlynn T. Newbold**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill imposes requirements for reading instruction in kindergarten through grade three.

**Highlighted Provisions:**

This bill:

- ▶ requires the State Board of Education to contract with an educational technology provider, selected through a request for proposals process, for a diagnostic assessment system for reading for students in kindergarten through grade three;
- ▶ provides that the diagnostic assessment system for reading shall be made available to school districts and charter schools that apply to use the diagnostic assessment system for reading beginning in the 2011-12 school year;
- ▶ requires the diagnostic assessment system for reading:
  - to include assessments that may be individually administered to a student by a teacher using a portable technology device; and
  - to have the capability of producing test results and reports immediately after test administration;
- ▶ requires school districts and charter schools to:
  - administer benchmark assessments to students in grades one, two, and three at



26 the beginning, in the middle, and at the end of the school year using a benchmark assessment  
27 approved by the State Board of Education;

- 28 • report the results to a student's parent or guardian; and
- 29 • provide information on reading interventions to a student's parent or guardian, if  
30 a student lacks proficiency in a reading skill;
- 31 ▶ requires a school district or charter school to set and attain goals for student reading  
32 proficiency to qualify for K-3 Reading Achievement Program funding;
- 33 ▶ requires the State Board of Education to report to the Public Education

34 Appropriations Subcommittee:

- 35 • an evaluation of the diagnostic assessment system for reading; and
- 36 • on school districts' and charter schools' progress in meeting goals for student  
37 reading proficiency; and
- 38 ▶ makes technical amendments.

39 **Money Appropriated in this Bill:**

40 This bill appropriates:

- 41 ▶ to the State Board of Education - Utah State Office of Education - Initiative  
42 Programs, as an ongoing appropriation for fiscal year 2011-12;
- 43 • \$3,000,000 from the Education Fund; and
- 44 ▶ to the State Board of Education - Utah State Office of Education - Initiative  
45 Programs, as a one-time appropriation for fiscal year 2011-12;
- 46 • (\$1,250,000) from the Education Fund.

47 **Other Special Clauses:**

48 This bill provides an effective date.

49 This bill coordinates with H.B. 301, School District Property Tax Revisions, by  
50 providing superseding amendments.

51 **Utah Code Sections Affected:**

52 AMENDS:

53 **53A-1-606.5**, as repealed and reenacted by Laws of Utah 2007, Chapter 244

54 **53A-17a-150**, as enacted by Laws of Utah 2004, Chapter 305

55 ENACTS:

56 **53A-1-606.7**, Utah Code Annotated 1953

57 REPEALS AND REENACTS:

58 **53A-1-606.6**, as enacted by Laws of Utah 2010, Chapter 275

59 **Utah Code Sections Affected by Coordination Clause:**

60 **53A-17a-150**, as enacted by Laws of Utah 2004, Chapter 305



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

63 Section 1. Section **53A-1-606.5** is amended to read:

64 **53A-1-606.5. State reading goal -- Reading achievement plan.**

65 (1) As used in this section, the "five domains of reading" include phonological  
66 awareness, phonics, fluency, comprehension, and vocabulary.

67 (2) (a) The Legislature recognizes that:

68 (i) reading is the most fundamental skill, the gateway to knowledge and lifelong  
69 learning;

70 (ii) there is an ever increasing demand for literacy in the highly technological society  
71 we live in;

72 (iii) students who do not learn to read will be economically and socially disadvantaged;

73 (iv) reading problems exist in almost every classroom;

74 (v) almost all reading failure is preventable if reading difficulties are diagnosed and  
75 treated [~~by no later than the end of the third grade~~] early; and

76 (vi) early identification and treatment of reading difficulties can result in students  
77 learning to read by the end of the third grade.

78 (b) It is therefore the [~~long-term~~] goal of the state to have every student in the state's  
79 public education system reading on or above grade level by the end of the third grade.

80 (3) (a) Each public school containing kindergarten, grade [~~1~~] one, grade [~~2~~] two, or  
81 grade [~~3~~] three, including charter schools, shall develop, in conjunction with all other school  
82 planning processes and requirements, a reading achievement plan for its students in  
83 kindergarten through grade [~~3~~] three to reach the reading goal set in Subsection (2)(b).

84 (b) The reading achievement plan shall be:

85 (i) [~~developed~~] created under the direction of:

86 (A) the school community council or a subcommittee or task force created by the  
87 school community council, in the case of a school district school; or

88 (B) the charter school governing board or a subcommittee or task force created by the  
89 governing board, in the case of a charter school; and

90 (ii) implemented by the school's principal, teachers, and other appropriate school staff.

91 (c) The school principal shall take primary responsibility to provide leadership and  
92 allocate resources and support for teachers and students, most particularly for those who are  
93 reading below grade level, to achieve the reading goal.

94 (d) Each reading achievement plan shall include:

95 (i) an assessment component that:

96 (A) focuses on ongoing formative assessment to measure the five domains of reading,  
97 as appropriate, and inform instructional decisions; and

98 (B) includes ~~[a reading]~~ a benchmark assessment ~~[selected from a list recommended]~~  
99 of reading approved by the State Board of Education pursuant to Section 53A-1-606.6;

100 (ii) an intervention component:

101 (A) that provides adequate and appropriate interventions focused on each student  
102 attaining proficiency in reading skills;

103 (B) based on best practices identified through proven researched-based methods;

104 (C) that provides intensive intervention, such as focused instruction in small groups,  
105 implemented at the earliest possible time for students having difficulty in reading;

106 (D) that provides an opportunity for parents to receive materials and guidance so that  
107 they will be able to assist their children in attaining proficiency in reading skills; and

108 (E) that, as resources allow, ~~[involves]~~ may involve a reading specialist; and

109 (iii) a reporting component that includes reporting to parents:

110 (A) ~~[their child's literacy profile which documents ongoing formative assessment~~  
111 results] at the beginning, in the middle, and at the end of grade one, grade two, and grade three,  
112 their child's benchmark assessment results as required by Section 53A-1-606.6; and

113 (B) at the end of third grade, their child's reading level.

114 (e) In ~~[developing]~~ creating or reviewing a reading achievement plan as required by  
115 this section, a school community council, charter school governing board, or a subcommittee or  
116 task force of a school community council or charter school governing board may not have  
117 access to data that reveal the identity of students.

118 (4) (a) The school district shall approve each plan developed by schools within the

119 district prior to its implementation and review each plan annually.

120 (b) The charter school governing board shall approve each plan developed by schools  
121 under its control and review each plan annually.

122 (c) A school district and charter school governing board shall:

123 (i) monitor the learning gains of a school's students as reported by the benchmark  
124 assessments administered pursuant to Section 53A-1-606.6; and

125 (ii) require a reading achievement plan to be revised, if the school district or charter  
126 school governing board determines a school's students are not making adequate learning gains.

127 Section 2. Section **53A-1-606.6** is repealed and reenacted to read:

128 **53A-1-606.6. Benchmark assessments in reading -- Report to parent or guardian.**

129 (1) The State Board of Education shall approve a benchmark assessment for use  
130 statewide by school districts and charter schools to assess the reading proficiency of students in  
131 grades one, two, and three as provided by this section.

132 (2) A school district or charter school shall:

133 (a) administer benchmark assessments to students in grades one, two, and three at the  
134 beginning, middle, and end of the school year using the benchmark assessment approved by the  
135 State Board of Education; and

136 (b) after administering a benchmark assessment, report the results to a student's parent  
137 or guardian.

138 (3) If a benchmark assessment or supplemental reading assessment indicates a student  
139 lacks proficiency in a reading skill, or is lagging behind other students in the student's grade in  
140 acquiring a reading skill, the school district or charter school shall:

141 (a) provide focused intervention to develop the reading skill;

142 (b) administer formative assessments to measure the success of the focused  
143 intervention;

144 (c) inform the student's parent or guardian of activities that the parent or guardian may  
145 engage in with the student to assist the student in improving reading proficiency; and

146 (d) provide information to the parent or guardian regarding appropriate interventions  
147 available to the student outside of the regular school day that may include tutoring, before and  
148 after school programs, or summer school.

149 Section 3. Section **53A-1-606.7** is enacted to read:

150 53A-1-606.7. State Board of Education required to contract for a diagnostic  
151 assessment system for reading.

152 (1) The State Board of Education shall contract with an educational technology  
153 provider, selected through a request for proposals process, for a diagnostic assessment system  
154 for reading for students in kindergarten through grade three that meets the requirements of this  
155 section.

156 (2) The diagnostic assessment system for reading shall be made available to school  
157 districts and charter schools that apply to use the diagnostic assessment for reading beginning  
158 in the 2011-12 school year.

159 (3) The diagnostic assessment system for reading for students in kindergarten through  
160 grade three shall:

161 (a) include benchmark assessments of reading proficiency to be administered at the  
162 beginning, in the middle, and at the end of kindergarten, grade one, grade two, and grade three;

163 (b) include formative assessments to be administered every two to four weeks for  
164 students who are at high risk of not attaining proficiency in reading;

165 (c) align with the language arts core curriculum adopted by the State Board of  
166 Education; and

167 (d) include a data analysis component hosted by the contractor that:

168 (i) has the capacity to generate electronic information immediately and produce  
169 individualized student progress reports, class summaries, and class groupings for instruction;

170 (ii) has the capability of identifying lesson plans that may be used to develop reading  
171 skills;

172 (iii) enables teachers, administrators, and designated supervisors to access reports  
173 through a secured password system;

174 (iv) produces electronic printable reports for parents and administrators; and

175 (v) has the capability for principals to monitor usage by teachers.

176 (4) (a) The benchmark and formative assessments specified in Subsections (3)(a) and  
177 (b) shall be available to be downloaded to a portable technology device so that a teacher may  
178 be able to sit beside a student as the student is being assessed at any location in the classroom  
179 or throughout the school.

180 (b) After an assessment is downloaded to a portable technology device, the device shall

181 have the capability to operate in stand-alone mode if the Internet connection is lost.

182 (c) After an assessment is completed and uploaded to the data analysis component, the  
183 data analysis component shall be capable of allowing data and reports to be viewed and printed  
184 immediately.

185 (4) The State Board of Education shall:

186 (a) evaluate the effects of the diagnostic assessment system for reading by comparing  
187 the learning gains of students in school districts and charter schools that use the diagnostic  
188 assessment system for reading with the learning gains of students in school districts and charter  
189 schools that do not use the diagnostic assessment system for reading; and

190 (b) submit a report on the evaluation to the Public Education Appropriations  
191 Subcommittee by November 2013.

192 Section 4. Section **53A-17a-150** is amended to read:

193 **53A-17a-150. K-3 Reading Improvement Program.**

194 (1) As used in this section:

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

196 (b) "program [~~monies~~] money" means:

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

198 (ii) school district revenue allocated to the program from other [~~monies~~] money

199 available to the school district, except [~~monies~~] money provided by the state, for the purpose of  
200 receiving state funds under this section; and

201 (iii) [~~monies~~] money appropriated by the Legislature to the program.

202 (2) The K-3 Reading Improvement Program consists of program [~~monies~~] money and  
203 is created to supplement other school resources to achieve the state's goal of having third  
204 graders reading at or above grade level.

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

207 (4) (a) [~~Prior to using program monies~~] To receive program money, a school district or  
208 charter school [~~shall~~] must submit a plan to the State Board of Education for reading  
209 proficiency improvement that incorporates the following components:

210 (i) assessment;

211 (ii) intervention strategies;

212 (iii) professional development for classroom teachers in kindergarten through grade  
213 three;  
214 (iv) reading performance standards; and  
215 (v) specific measurable goals that [~~are based upon gain scores.~~] include the following:  
216 (A) a goal for each school within a school district and each charter school based upon  
217 student learning gains as measured by benchmark assessments administered pursuant to  
218 Section 53A-1-606.6; and  
219 (B) a goal for each school district and charter school to increase the percentage of third  
220 grade students who read on grade level as measured by the third grade reading test  
221 administered pursuant to Section 53A-1-603.  
222 (b) The State Board of Education shall provide model plans which a school district or  
223 charter school may use, or the school district or charter school may develop its own plan.  
224 (c) Plans developed by a school district or charter school shall be approved by the State  
225 Board of Education.  
226 (5) There is created within the K-3 Reading Achievement Program three funding  
227 programs:  
228 (a) the Base Level Program;  
229 (b) the Guarantee Program; and  
230 (c) the Low Income Students Program.  
231 (6) [~~Monies~~] Money appropriated to the State Board of Education for the K-3 Reading  
232 Improvement Program shall be allocated to the three funding programs as follows:  
233 (a) 8% to the Base Level Program;  
234 (b) 46% to the Guarantee Program; and  
235 (c) 46% to the Low Income Students Program.  
236 (7) (a) To participate in the Base Level Program, a school district or charter school  
237 shall submit a reading proficiency improvement plan to the State Board of Education as  
238 provided in Subsection (4) and must receive approval of the plan from the board.  
239 (b) (i) Each school district qualifying for Base Level Program funds and the qualifying  
240 elementary charter schools combined shall receive a base amount.  
241 (ii) The base amount for the qualifying elementary charter schools combined shall be  
242 allocated among each school in an amount proportionate to:

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

245 (B) each new charter school's estimated fall enrollment in grades kindergarten through  
246 grade [3] three.

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

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

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

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

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

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

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

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

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

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

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

273 (i) equal to the difference between \$21 times the district's total WPU's and the revenue

274 the school district is required to generate or allocate under Subsection (8)(c) to fully participate  
275 in the Guarantee Program; and

276 (ii) not less than \$0.

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

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

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

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

288 (b) A school district or charter school may use program money for portable technology  
289 devices used to administer reading assessments.

290 ~~(b)~~ (c) Program ~~monies~~ money may not be used to supplant funds for existing  
291 programs, but may be used to augment existing programs.

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

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

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

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

305 (ii) If a school [~~district or charter school~~] does not meet or exceed the school's goals,  
 306 the school district or charter school shall prepare a new plan which corrects deficiencies. The  
 307 new plan must be approved by the State Board of Education before the school district or charter  
 308 school receives an allocation for the next year.

309 (15) (a) If [~~after 36 months of program operation~~] for three consecutive school years, a  
 310 school district fails to meet [~~goals stated in the district's plan for student reading proficiency~~]  
 311 its goal to increase the percentage of third grade students who read on grade level as measured  
 312 by [~~gain scores~~] the third grade reading test administered pursuant to Section 53A-1-603, the  
 313 school district shall terminate any levy imposed under Section 53A-17a-151 and may not  
 314 receive money appropriated by the Legislature for the K-3 Reading Improvement Program.

315 (b) If for three consecutive school years, a charter school fails to meet its goal to  
 316 increase the percentage of third grade students who read on grade level as measured by the  
 317 third grade reading test administered pursuant to Section 53A-1-603, the charter school may  
 318 not receive money appropriated by the Legislature for the K-3 Reading Improvement Program.

319 (16) The State Board of Education shall make an annual report to the Public Education  
 320 Appropriations Subcommittee that:

321 (a) includes information on:

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

323 (ii) the percentage of third grade students reading on grade level in the past school year  
 324 and the five-year trend; and

325 (iii) the progress of schools and school districts in meeting goals stated in a school  
 326 district's or charter school's plan for student reading proficiency; and

327 (b) may include recommendations on how to increase the percentage of third grade  
 328 students who read on grade level.

329 Section 5. **Appropriation.**

330 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the  
 331 following sums of money are appropriated from resources not otherwise appropriated out of the  
 332 funds or accounts indicated for the fiscal year beginning July 1, 2011, and ending June 30,  
 333 2012. These are additions to amounts previously appropriated for fiscal year 2011-12.

334 To State Board of Education - Utah State Office of Education - Initiative Programs

335 From Education Fund \$3,000,000

336 From Education Fund, One-time (\$1,250,000)

337 Schedule of Programs:

338 Contracts and Grants \$1,750,000

339 Section 6. **Effective date.**

340 (1) Except as provided in Subsections (2) and (3), this bill takes effect on May 10,  
341 2011.

342 (2) Uncodified Section 5, Appropriation, takes effect on July 1, 2011.

343 (3) Section 53A-1-606.6 takes effect on July 1, 2012.

344 Section 7. **Coordinating H.B. 302 with H.B. 301 -- Superseding amendments.**

345 If this H.B. 302 and H.B. 301, School District Property Tax Revisions, both pass, it is  
346 the intent of the Legislature that the amendments to Subsection 53A-17a-150(15) in this bill  
347 supersede the amendments to Subsection 53A-17a-150(15) in H.B. 301 when the Office of  
348 Legislative Research and General Counsel prepares the Utah Code database for publication.