

READING PROGRAM AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Merlynn T. Newbold

Senate Sponsor: _____

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 approximately one-half of the state's elementary schools beginning in the 2011-12 school year, and to the remaining elementary schools beginning in the 2012-13 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 ~~H~~→ [mobile] portable ←~~H~~ technology device;
 - to assess the five domains of reading; 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 kindergarten through grade



- 28 three at the beginning, in the middle, and at the end of the school year using the diagnostic
 29 assessment system for reading selected by the State Board of Education;
- 30 • report the results to a student's parent or guardian; and
 - 31 • provide information on reading interventions to a student's parent or guardian, if
 32 a student lacks proficiency in a reading skill;
 - 33 ▶ requires a school district or charter school to set and attain goals for student reading
 34 proficiency to qualify for K-3 Reading Achievement Program funding;
 - 35 ▶ requires the State Board of Education to report to the Public Education
 36 Appropriations Subcommittee on school districts' and charter schools' progress in
 37 meeting goals for student 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.

48a **Ĥ→ This bill coordinates with H.B. 301, School District Property Tax Revisions, by**
 48b **providing superseding amendments. ←Ĥ**

49 Utah Code Sections Affected:

50 AMENDS:

51 **53A-1-606.5**, as repealed and reenacted by Laws of Utah 2007, Chapter 244

52 **53A-17a-150**, as enacted by Laws of Utah 2004, Chapter 305

53 ENACTS:

54 **53A-1-606.7**, Utah Code Annotated 1953

55 REPEALS AND REENACTS:

56 **53A-1-606.6**, as enacted by Laws of Utah 2010, Chapter 275

56a **Ĥ→ Utah Code Sections Affected by Coordination Clause:**

56b **53A-17a-150, as enacted by Laws of Utah 2004, Chapter 305 ←Ĥ**

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

152 (2) The diagnostic assessment system for reading shall be made available to
 153 approximately one-half of the state's elementary schools beginning in the 2011-12 school year,
 154 and to the remaining elementary schools beginning in the 2012-13 school year.

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

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

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

161 (c) assess the five domains of reading;

162 (d) align with the language arts core curriculum adopted by the State Board of
 163 Education; and

164 (e) include a data analysis component hosted by the contractor that:

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

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

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

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

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

173 (4) (a) The benchmark and formative assessments specified in Subsections (3)(a) and
 174 (b) shall be available to be downloaded to a ~~IT~~ **[mobile] portable** ~~IT~~ technology device so
 174a that a teacher may be
 175 able to sit beside a student as the student is being assessed at any location in the classroom or
 176 throughout the school.

177 (b) After an assessment is downloaded to a ~~IT~~ **[mobile] portable** ~~IT~~ technology device,
 177a the device shall

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

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

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

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

278 (b) A school district or charter school may use program money for
 278a IT → [mobile] portable ← IT technology

279 devices used to administer reading assessments.

280 ~~[(b)]~~ (c) Program ~~[monies]~~ money may not be used to supplant funds for existing
 281 programs, but may be used to augment existing programs.

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

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

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

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

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

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

305 (b) If for three consecutive school years, a charter school fails to meet its goal to
 306 increase the percentage of third grade students who read on grade level as measured by the

307 third grade reading test administered pursuant to Section 53A-1-603, the charter school may
308 not receive money appropriated by the Legislature for the K-3 Reading Improvement Program.

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

311 (a) includes information on:

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

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

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

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

319 **Section 5. Appropriation.**

320 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
321 following sums of money are appropriated from resources not otherwise appropriated out of the
322 funds or accounts indicated for the fiscal year beginning July 1, 2011, and ending June 30,
323 2012. These are additions to amounts previously appropriated for fiscal year 2011-12.

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

325 From Education Fund \$3,000,000

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

327 Schedule of Programs:

328 Contracts and Grants \$1,750,000

329 **Section 6. Effective date.**

330 (1) Except as provided in Subsections (2) and (3), this bill takes effect on May 10,
331 2011.

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

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

333a **Ĥ→ Section 7. Coordinating H.B. 302 with H.B. 301 -- Superseding amendments.**

333b **If this H.B. 302 and H.B. 301, School District Property Tax Revisions, both pass, it is**
333c **the intent of the Legislature that the amendments to Subsection 53A-17a-150(15) in this bill**

333d **supersede the amendments to Subsection 53A-17a-150(15) in H.B. 301 when the Office of**

333e **Legislative Research and General Counsel prepares the Utah Code database for**

333f **publication.** ←Ĥ