

**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 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 mobile 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.

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



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

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

60 **53A-1-606.5. State reading goal -- Reading achievement plan.**

61 (1) As used in this section and Sections 53A-1-606.6 and 53A-1-606.7, the "five  
62 domains of reading" include phonological awareness, phonics, fluency, comprehension, and  
63 vocabulary.

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

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

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

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

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

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

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

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

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

81 (b) The reading achievement plan shall be:

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

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

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

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

88 (c) The school principal shall take primary responsibility to provide leadership and  
89 allocate resources and support for teachers and students, most particularly for those who are

90 reading below grade level, to achieve the reading goal.

91 (d) Each reading achievement plan shall include:

92 (i) an assessment component that:

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

95 (B) includes ~~[a reading]~~ the diagnostic assessment system for reading selected [from a  
96 list recommended] by the State Board of Education pursuant to Section 53A-1-606.7;

97 (ii) an intervention component:

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

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

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

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

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

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

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

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

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

116 (4) (a) The school district shall approve each plan developed by schools within the  
117 district prior to its implementation and review each plan annually.

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

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

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

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

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

126 **53A-1-606.6. Benchmark assessments in reading -- Report to parent or guardian.**

127 (1) A school district or charter school shall:

128 (a) administer benchmark assessments to students in kindergarten through grade three  
129 at the beginning, middle, and end of the school year using the diagnostic assessment system for  
130 reading selected by the State Board of Education under Section 53A-1-606.7; and

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

133 (2) If a benchmark assessment or other reading assessment that measures a student's  
134 development within the five domains of reading indicates a student lacks proficiency in a  
135 reading skill, or is lagging behind other students in the student's grade in acquiring a reading  
136 skill, the school district or charter school shall:

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

138 (b) administer formative assessments to measure the success of the focused  
139 intervention;

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

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

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

146 **53A-1-606.7. State Board of Education required to contract for a diagnostic**  
147 **assessment system for reading.**

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

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 mobile technology device so 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 mobile technology device, 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:

183 **53A-17a-150. K-3 Reading Improvement Program.**

184 (1) As used in this section:

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

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

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

188 (ii) school district revenue allocated to the program from other [~~monies~~] money189 available to the school district, except [~~monies~~] money provided by the state, for the purpose of  
190 receiving state funds under this section; and191 (iii) [~~monies~~] money appropriated by the Legislature to the program.192 (2) The K-3 Reading Improvement Program consists of program [~~monies~~] money and  
193 is created to supplement other school resources to achieve the state's goal of having third  
194 graders reading at or above grade level.195 (3) Subject to future budget constraints, the Legislature may annually appropriate  
196 money to the K-3 Reading Improvement Program.197 (4) (a) [~~Prior to using program monies~~] To receive program money, a school district or  
198 charter school [~~shall~~] must submit a plan to the State Board of Education for reading  
199 proficiency improvement that incorporates the following components:

200 (i) assessment;

201 (ii) intervention strategies;

202 (iii) professional development for classroom teachers in kindergarten through grade  
203 three;

204 (iv) reading performance standards; and

205 (v) specific measurable goals that [~~are based upon gain scores~~] include the following:206 (A) a goal for each school within a school district and each charter school based upon  
207 student learning gains as measured by benchmark assessments administered pursuant to  
208 Section 53A-1-606.6; and209 (B) a goal for each school district and charter school to increase the percentage of third  
210 grade students who read on grade level as measured by the third grade reading test  
211 administered pursuant to Section 53A-1-603.212 (b) The State Board of Education shall provide model plans which a school district or  
213 charter school may use, or the school district or charter school may develop its own plan.

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

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

218 (a) the Base Level Program;

219 (b) the Guarantee Program; and

220 (c) the Low Income Students Program.

221 (6) [~~Monies~~] Money appropriated to the State Board of Education for the K-3 Reading  
222 Improvement Program shall be allocated to the three funding programs as follows:

223 (a) 8% to the Base Level Program;

224 (b) 46% to the Guarantee Program; and

225 (c) 46% to the Low Income Students Program.

226 (7) (a) To participate in the Base Level Program, a school district or charter school  
227 shall submit a reading proficiency improvement plan to the State Board of Education as  
228 provided in Subsection (4) and must receive approval of the plan from the board.

229 (b) (i) Each school district qualifying for Base Level Program funds and the qualifying  
230 elementary charter schools combined shall receive a base amount.

231 (ii) The base amount for the qualifying elementary charter schools combined shall be  
232 allocated among each school in an amount proportionate to:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

266 (ii) not less than \$0.

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

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

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

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 mobile 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.

**Legislative Review Note**  
**as of 2-22-11 6:27 AM**

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 302

SHORT TITLE: Reading Program Amendments

SPONSOR: Newbold, M.

2011 GENERAL SESSION, STATE OF UTAH

## STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill appropriates \$3,000,000 in ongoing Education Funds to the State Board of Education for the reading assessment system outlined in the bill. This appropriation phases in over two years, with \$1,750,000 in FY 2012 and an additional \$1,250,000 in FY 2013. The State Board of Education estimates that it will cost an additional \$40,000 ongoing and \$60,000 one-time Education Fund for program reporting and administrative functions.

### STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue	\$0	\$0	\$0
Expenditure:			
Education Fund	\$0	\$3,040,000	\$3,040,000
Education Fund, One-Time	\$0	(\$1,190,000)	\$0
Total Expenditure	\$0	\$1,850,000	\$3,040,000
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$1,850,000)	(\$3,040,000)
Net Impact, General/Education Funds	\$0	(\$1,850,000)	(\$3,040,000)

## LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Local education agencies may incur some additional costs, or reallocate current K-3 Reading Improvement Program funding, to provide mobile electronic devices for the reading assessments as outlined in the bill.

## DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.