

HB0302S01 compared with HB0302

~~{deleted text}~~ shows text that was in HB0302 but was deleted in HB0302S01.

inserted text shows text that was not in HB0302 but was inserted into HB0302S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

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

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}~~ school districts and charter schools that apply to use the diagnostic assessment system for reading beginning in the 2011-12 ~~{ school year, and to the remaining elementary schools~~

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~~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}~~ portable 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}~~ grades one, two, and three at the beginning, in the middle, and at the end of the school year using ~~{the diagnostic}~~ a benchmark assessment ~~{system for reading selected}~~ approved by the State Board of Education;
 - report the results to a student's parent or guardian; and
 - provide information on reading interventions to a student's parent or guardian, if a student lacks proficiency in a reading skill;
- ▶ requires a school district or charter school to set and attain goals for student reading proficiency to qualify for K-3 Reading Achievement Program funding; ~~{}~~
- ▶ requires the State Board of Education to report to the Public Education Appropriations Subcommittee:
 - an evaluation of the diagnostic assessment system for reading; and
 - on school districts' and charter schools' progress in meeting goals for student reading proficiency; and
- ▶ makes technical amendments.

Money Appropriated in this Bill:

This bill appropriates:

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

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Other Special Clauses:

This bill provides an effective date.

[This bill coordinates with H.B. 301, School District Property Tax Revisions, by providing superseding amendments.](#)

Utah Code Sections Affected:

AMENDS:

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

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

ENACTS:

53A-1-606.7, Utah Code Annotated 1953

REPEALS AND REENACTS:

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

Utah Code Sections Affected by Coordination Clause:

[53A-17a-150, as enacted by Laws of Utah 2004, Chapter 305](#)

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

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

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

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

(2) (a) The Legislature recognizes that:

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

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

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

(iv) reading problems exist in almost every classroom;

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

(vi) early identification and treatment of reading difficulties can result in students

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learning to read by the end of the third grade.

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

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

(b) The reading achievement plan shall be:

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

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

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

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

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

(d) Each reading achievement plan shall include:

(i) an assessment component that:

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

(B) includes ~~[a reading]~~ ~~{the diagnostic}~~ a benchmark assessment ~~{system for reading}~~ ~~{selected {}}~~ ~~from a list recommended~~ of reading approved by the State Board of Education pursuant to Section 53A-1-606. ~~{7}~~ 6;

(ii) an intervention component:

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

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

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

(D) that provides an opportunity for parents to receive materials and guidance so that

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they will be able to assist their children in attaining proficiency in reading skills; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(~~1~~)2) A school district or charter school shall:

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

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

(~~2~~3) If a benchmark assessment or ~~other~~ supplemental reading assessment ~~that measures a student's development within the five domains of reading~~ indicates a student lacks proficiency in a reading skill, or is lagging behind other students in the student's grade in acquiring a reading skill, the school district or charter school shall:

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

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

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

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

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

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

(1) The State Board of Education shall 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 that meets the requirements of this section.

(2) The diagnostic assessment system for reading shall be made available to ~~approximately one-half of the state's elementary schools~~ school districts and charter schools that apply to use the diagnostic assessment for reading beginning in the 2011-12 ~~school year~~ and to the remaining elementary schools beginning in the 2012-13 school year.

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

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

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

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~~{ (c) assess the five domains of reading;~~

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

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

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

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

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

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

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

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

~~(b) After an assessment is downloaded to a ~~(mobile)~~portable technology device, the device shall have the capability to operate in stand-alone mode if the Internet connection is lost.~~

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

~~(4) The State Board of Education shall:~~

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

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

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

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

(1) As used in this section:

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

(b) "program [~~monies~~] money" 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~~] money available to the school district, except [~~monies~~] money provided by the state, for the purpose of receiving state funds under this section; and

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

(2) The K-3 Reading Improvement Program consists of program [~~monies~~] money and is created to supplement other school resources 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~~] To receive program money, a school district or charter school [~~shall~~] must 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 for classroom teachers in kindergarten through grade three;

(iv) reading performance standards; and

(v) specific measurable goals that [~~are based upon gain scores~~] include the following:

(A) a goal for each school within a school district and each charter school based upon student learning gains as measured by benchmark assessments administered pursuant to Section 53A-1-606.6; and

(B) a goal for each school district and charter school to increase the percentage of third grade students who read on grade level as measured by the third grade reading test administered pursuant to Section 53A-1-603.

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

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(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~~] Money 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~~] three; and

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

(8) (a) A school district that applies for program [~~monies~~] money 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~~] money available to the school district,

except [~~monies~~] money provided by the state, equal to the amount of revenue that would be

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generated by a tax rate of .000056; or

(iii) levy a tax under Section 53A-17a-151 and allocate to the program other [~~monies~~] money available to the school district, except [~~monies~~] money 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~~] money available to the school district, except [~~monies~~] money 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~~] money available to the school district, except [~~monies~~] money 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 WPUs 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~~] A school district [~~and~~] or charter school shall use program [~~monies~~] money for reading proficiency improvement in grades kindergarten through grade three.

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

~~(b)~~ (c) Program [monies] money 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] money in accordance with its plan for reading proficiency improvement.

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

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

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

(a) includes information on:

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

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

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

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

Section 5. Appropriation.

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

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

<u>From Education Fund</u>	<u>\$3,000,000</u>
<u>From Education Fund, One-time</u>	<u>(\$1,250,000)</u>

Schedule of Programs:

<u>Contracts and Grants</u>	<u>\$1,750,000</u>
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Section 6. Effective date.

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

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

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

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Legislative Review Note

~~as of 2-22-11 6:27 AM~~

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

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