

READING ASSESSMENT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to public school early education programs.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the State Board of Education to develop uniform standards for acceptable growth goals that a school district or charter school adopts in its K-3 Reading Improvement Program plan;
- ▶ provides what K-3 reading program money may be used for;
- ▶ amends provisions related to the K-3 Reading Improvement Program;
- ▶ requires the State Board of Education to select early intervention program technology providers by June 30 of each year; and
- ▶ requires the Education Interim Committee to study the reading performance of students enrolled in a half-day kindergarten program as compared to the reading performance of students enrolled in an all-day kindergarten program.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2014:

- ▶ to the State Board of Education - State Office of Education - Contracts and Grants - K-3 Reading Diagnostic Assessment System, as an ongoing appropriation:
 - from the Education Fund, (\$2,200,000); and



28 ▶ to the State Board of Education - State Office of Education - Contracts and Grants -
29 Early Intervention, as an ongoing appropriation:

- 30 • from the Education Fund, \$2,200,000.

31 **Other Special Clauses:**

32 This bill provides an effective date.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **53A-1-606.5**, as last amended by Laws of Utah 2011, Chapter 372

36 **53A-1-606.6**, as repealed and reenacted by Laws of Utah 2011, Chapter 372

37 **53A-17a-150**, as last amended by Laws of Utah 2011, Chapters 342, 359, 371, 372, 418
38 and last amended by Coordination Clause, Laws of Utah 2011, Chapter 372

39 **53A-17a-167**, as enacted by Laws of Utah 2012, Chapter 420

40 **Uncodified Material Affected:**

41 ENACTS UNCODIFIED MATERIAL



42
43 *Be it enacted by the Legislature of the state of Utah:*

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

45 **53A-1-606.5. State reading goal -- Reading achievement plan.**

46 (1) As used in this section[~~, the~~]:

47 (a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or
48 ability that has been organized into a hierarchical arrangement leading to higher levels of
49 knowledge, skill, or ability.

50 (b) "Five domains of reading" include phonological awareness, phonics, fluency,
51 comprehension, and vocabulary.

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

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

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

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

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

59 (v) almost all reading failure is preventable if reading difficulties are diagnosed and
60 treated early; and

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

63 (b) It is therefore the goal of the state to have every student in the state's public
64 education system reading on or above grade level by the end of the third grade.

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

69 (b) The reading achievement plan shall be:

70 (i) created under the direction of:

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

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

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

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

79 (d) Each reading achievement plan shall include:

80 (i) an assessment component that:

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

83 (B) includes a benchmark assessment of reading approved by the State Board of
84 Education pursuant to Section 53A-1-606.6;

85 (ii) an intervention component:

86 (A) that provides adequate and appropriate interventions focused on each student
87 attaining [~~proficiency~~] competency in reading skills;

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

89 (C) that provides intensive intervention, such as focused instruction in small groups

90 and individualized data driven instruction, implemented at the earliest possible time for
91 students having difficulty in reading;

92 (D) that provides an opportunity for parents to receive materials and guidance so that
93 they will be able to assist their children in attaining [~~proficiency~~] competency in reading skills;
94 and

95 (E) that, as resources allow, may involve a reading specialist; and

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

97 (A) at the beginning, in the middle, and at the end of grade one, grade two, and grade
98 three, their child's benchmark assessment results as required by Section 53A-1-606.6; and

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

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

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

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

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

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

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

113 Section 2. Section **53A-1-606.6** is amended to read:

114 **53A-1-606.6. Benchmark assessments in reading -- Report to parent or guardian.**

115 (1) As used in this section:

116 (a) "Board" means the State Board of Education.

117 (b) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or
118 ability that has been organized into a hierarchical arrangement leading to higher levels of
119 knowledge, skill, or ability.

120 ~~[(+)]~~ (2) The [State Board of Education] board shall approve a benchmark assessment

121 for use statewide by school districts and charter schools to assess the reading [~~proficiency~~
122 competency of students in grades one, two, and three as provided by this section.

123 [~~(2)~~] (3) A school district or charter school shall:

124 (a) administer benchmark assessments to students in grades one, two, and three at the
125 beginning, middle, and end of the school year using the benchmark assessment approved by the
126 [~~State Board of Education~~] board; and

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

129 [~~(3)~~] (4) If a benchmark assessment or supplemental reading assessment indicates a
130 student lacks [~~proficiency~~] competency in a reading skill, or is lagging behind other students in
131 the student's grade in acquiring a reading skill, the school district or charter school shall:

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

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

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

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

140 Section 3. Section **53A-17a-150** is amended to read:

141 **53A-17a-150. K-3 Reading Improvement Program.**

142 (1) As used in this section:

143 (a) "Board" means the State Board of Education.

144 (b) "Five domains of reading" include phonological awareness, phonics, fluency,
145 comprehension, and vocabulary.

146 [~~(a)~~] (c) "Program" means the K-3 Reading Improvement Program.

147 [~~(b)~~] (d) "Program money" means:

148 (i) school district revenue allocated to the program from other money available to the
149 school district, except money provided by the state, for the purpose of receiving state funds
150 under this section; and

151 (ii) money appropriated by the Legislature to the program.

152 (2) The K-3 Reading Improvement Program consists of program money and is created
153 to supplement other school resources to achieve the state's goal of having third graders reading
154 at or above grade level.

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

157 (4) (a) To receive program money, a school district or charter school must submit a plan
158 to the [~~State Board of Education~~] board for reading proficiency improvement that incorporates
159 the following components:

160 (i) assessment;

161 (ii) intervention strategies;

162 (iii) professional development for classroom teachers in kindergarten through grade
163 three;

164 (iv) reading performance standards; and

165 (v) specific measurable goals that include the following:

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

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

172 (b) The [~~State Board of Education~~] board shall provide model plans which a school
173 district or charter school may use, or the school district or charter school may develop its own
174 plan.

175 (c) Plans developed by a school district or charter school shall be approved by the
176 [~~State Board of Education~~] board.

177 (d) The board shall develop uniform standards for acceptable growth goals that a
178 school district or charter school adopts as described in this Subsection (4).

179 (5) (a) There is created within the K-3 Reading Achievement Program three funding
180 programs:

181 (i) the Base Level Program;

182 (ii) the Guarantee Program; and

183 (iii) the Low Income Students Program.

184 (b) The [~~State Board of Education~~] board may use no more than \$7,500,000 from an
185 appropriation described in Subsection (3) for computer-assisted instructional learning and
186 assessment programs.

187 (6) Money appropriated to the [~~State Board of Education~~] board for the K-3 Reading
188 Improvement Program and not used by the [~~State Board of Education~~] board for
189 computer-assisted instructional learning and assessments as described in Subsection (5)(b),
190 shall be allocated to the three funding programs as follows:

- 191 (a) 8% to the Base Level Program;
- 192 (b) 46% to the Guarantee Program; and
- 193 (c) 46% to the Low Income Students Program.

194 (7) (a) To participate in the Base Level Program, a school district or charter school
195 shall submit a reading proficiency improvement plan to the [~~State Board of Education~~] board as
196 provided in Subsection (4) and must receive approval of the plan from the [~~State Board of~~
197 ~~Education~~] board.

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

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

- 202 (A) each existing charter school's prior year fall enrollment in grades kindergarten
203 through grade three; and
- 204 (B) each new charter school's estimated fall enrollment in grades kindergarten through
205 grade three.

206 (8) (a) A school district that applies for program money in excess of the Base Level
207 Program funds shall choose to first participate in either the Guarantee Program or the Low
208 Income Students Program.

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

212 (c) To fully participate in the Guarantee Program, a school district shall allocate to the
213 program money available to the school district, except money provided by the state, equal to

214 the amount of revenue that would be generated by a tax rate of .000056.

215 (d) To fully participate in the Low Income Students Program, a school district shall
216 allocate to the program money available to the school district, except money provided by the
217 state, equal to the amount of revenue that would be generated by a tax rate of .000065.

218 (e) (i) The [~~State Board of Education~~] board shall verify that a school district allocates
219 the money required in accordance with Subsections (8)(c) and (d) before it distributes funds in
220 accordance with this section.

221 (ii) The State Tax Commission shall provide the [~~State Board of Education~~] board the
222 information the [~~State Board of Education~~] board needs in order to comply with Subsection
223 (8)(e)(i).

224 (9) (a) Except as provided in (9)(c), a school district that fully participates in the
225 Guarantee Program shall receive state funds in an amount that is:

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

229 (ii) not less than \$0.

230 (b) Except as provided in (9)(c), an elementary charter school shall receive under the
231 Guarantee Program an amount equal to \$21 times the school's total WPUs.

232 (c) The [~~State Board of Education~~] board may adjust the \$21 guarantee amount
233 described in Subsections (9)(a) and (b) to account for actual appropriations and money used by
234 the [~~State Board of Education~~] board for computer-assisted instructional learning and
235 assessments.

236 (10) The [~~State Board of Education~~] board shall distribute Low Income Students
237 Program funds in an amount proportionate to the number of students in each school district or
238 charter school who qualify for free or reduced price school lunch multiplied by two.

239 (11) A school district that partially participates in the Guarantee Program or Low
240 Income Students Program shall receive program funds based on the amount of school district
241 revenue allocated to the program as a percentage of the amount of revenue that could have been
242 allocated if the school district had fully participated in the program.

243 (12) (a) A school district or charter school shall use program money for reading
244 proficiency improvement interventions in grades kindergarten through grade [~~three~~] 3 that have

245 proven to significantly increase the percentage of students reading at grade level, including:

246 (i) reading assessments; and

247 (ii) focused reading remediations that may include:

248 (A) the use of reading specialists;

249 (B) tutoring;

250 [~~(C) before or after school programs;~~]

251 [~~(D) summer school programs; or~~]

252 [~~(E)~~] (C) the use of reading software[-]; or

253 (D) the use of interactive computer software programs for literacy instruction and
254 assessments for students.

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

257 (c) Program money may not be used to supplant funds for existing programs, but may
258 be used to augment existing programs.

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

262 (b) On or before the November meeting of the Education Interim Committee of each
263 year, the [~~State Board of Education~~] board shall report a summary of the reading improvement
264 program expenditures of each school district and charter school.

265 (c) If a school district or charter school uses program money in a manner that is
266 inconsistent with Subsection (12), the school district or charter school is liable for reimbursing
267 the [~~State Board of Education~~] board for the amount of program money improperly used, up to
268 the amount of program money received from the [~~State Board of Education~~] board.

269 (14) (a) The [~~State Board of Education~~] board shall make rules to implement the
270 program.

271 (b) (i) The rules under Subsection (14)(a) shall require each school district or charter
272 school to annually report progress in meeting school and school district goals stated in the
273 school district's or charter school's plan for student reading proficiency.

274 (ii) If a school does not meet or exceed the school's goals, the school district or charter
275 school shall prepare a new plan which corrects deficiencies. The new plan must be approved

276 by the [~~State Board of Education~~] board before the school district or charter school receives an
277 allocation for the next year.

278 (15) (a) If for [~~three~~] two consecutive school years, a school district fails to meet its
279 goal to increase the percentage of third grade students who read on grade level as measured by
280 the third grade reading test administered pursuant to Section 53A-1-603, the school district
281 shall terminate any levy imposed under Section 53A-17a-151 and may not receive money
282 appropriated by the Legislature for the K-3 Reading Improvement Program.

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

287 (16) The [~~State Board of Education~~] board shall make an annual report to the Public
288 Education Appropriations Subcommittee that:

289 (a) includes information on:

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

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

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

295 (iv) the correlation between third grade students reading on grade level and results of
296 third grade language arts scores on a criterion-referenced test or computer adaptive test; and

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

299 Section 4. Section **53A-17a-167** is amended to read:

300 **53A-17a-167. Early intervention program.**

301 (1) The State Board of Education shall distribute funds appropriated under this section,
302 consistent with guidelines in this section, to school districts and charter schools that apply for
303 the funds.

304 (2) A school district or charter school shall use funds appropriated in this section to
305 offer an early intervention program, delivered through an enhanced kindergarten program that:

306 (a) is an academic program focused on building age-appropriate literacy and numeracy

307 skills;

308 (b) uses an evidence-based early intervention model;

309 (c) is targeted to at-risk students; and

310 (d) is delivered through additional hours or other means.

311 (3) A school district or charter school may not require a student to participate in an
312 enhanced kindergarten program described in Subsection (2).

313 (4) The State Board of Education shall distribute funds appropriated under this section
314 to school districts and charter schools based on the number of kindergarten students eligible to
315 receive free or reduced price school lunch in each school district or charter school that applies
316 for funding under Subsection (1).

317 (5) In addition to an enhanced kindergarten program described in Subsection (2), the
318 early intervention program includes a component to address early intervention through the use
319 of an interactive computer software program.

320 (6) [The] Subject to legislative appropriations, by June 30 of each year, the State Board
321 of Education shall select one or more technology providers, through a request for proposals
322 process, to provide an interactive computer software program for literacy or numeracy
323 instruction, or both, and assessments for students in kindergarten and grade 1.

324 (7) On or before November 1, 2013, and every year thereafter, the ~~[State Board of~~
325 ~~Education]~~ board shall report final testing data regarding an interactive computer software
326 program described in Subsection (6), including student learning gains as a result of the
327 interactive computer software program, to:

328 (a) the Education Interim Committee; and

329 (b) the governor.

330 **Section 5. Interim study of kindergarten programs.**

331 The Education Interim Committee shall study a comparison of the student reading
332 performance of students enrolled in a half-day kindergarten program to the student reading
333 performance of students enrolled in an all-day kindergarten program, as measured by the
334 benchmark assessments of kindergarten students reading at grade level required in Section
335 53A-17a-150.

336 **Section 6. Appropriation.**

337 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for

338 the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following sums of money
 339 are appropriated from resources not otherwise appropriated, or reduced from amounts
 340 previously appropriated, out of the funds or accounts indicated. These sums of money are in
 341 addition to any amounts previously appropriated for fiscal year 2014.

342 To State Board of Education - State Office of Education
 343 From Education Fund (\$2,200,000)

344 Schedule of Programs:

345 Contracts and Grants - K-3 Reading Program -
 346 Diagnostic Assessment System (\$2,200,000)

347 To State Board of Education - State Office of Education
 348 From Education Fund \$2,200,000

349 Schedule of Programs:

350 Contracts and Grants - Early Intervention \$2,200,000

351 The Legislature intends that:

352 (1) the appropriation for Contracts and Grants - Early Intervention be used by the State
 353 Board of Education to select one or more technology providers to provide an interactive
 354 computer software program for literacy or numeracy instruction, or both, and assessments for
 355 students in kindergarten and grade 1 as described in Subsection 53A-17a-167(6);

356 (2) the appropriation described in Subsection (1):

357 (a) be ongoing; and

358 (b) not lapse at the close of fiscal year 2014.

359 **Section 7. Effective date.**

360 (1) Except as provided in Subsection (2), this bill takes effect on May 14, 2013.

361 (2) Uncodified Section 6, Appropriation, takes effect on July 1, 2013.

Legislative Review Note
 as of 2-28-13 9:29 AM

Office of Legislative Research and General Counsel