

SB0260S01 compared with SB0260

~~text~~ shows text that was in SB0260 but was deleted in SB0260S01.

text shows text that was not in SB0260 but was inserted into SB0260S01.

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Senator Stephen H. Urquhart proposes the following substitute bill:

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 for the early intervention interactive computer software

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program by June 30 of each year;

- ▶ in addition to kindergarten and grade 1, provides that the early intervention interactive software program shall include instruction for grades 2 and 3;
- ▶ provides that a school district or charter school that received a license during the prior year for the early intervention interactive computer software program shall be given first priority to receive a license during the current 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}~~
- ▶ to the State Board of Education - State Office of Education - Contracts and Grants - Early Intervention, as an ongoing appropriation:
 - from the Education Fund, \$2, ~~{200}~~ 500,000 ~~{.}~~; and
- ▶ to the State Board of Education - State Office of Education - Contracts and Grants - Early Intervention, as a one-time appropriation:
 - from the Education Fund, \$5,000,000.

Other Special Clauses:

This bill provides an effective date.

Utah Code Sections Affected:

AMENDS:

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

53A-1-606.6, as repealed and reenacted by Laws of Utah 2011, Chapter 372

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

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

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

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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~~[, the]~~:

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

(b) "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 early; and

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

(b) It is therefore the 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 one, grade two, or grade 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 three to reach the reading goal set in Subsection (2)(b).

(b) The reading achievement plan shall be:

(i) 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

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(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 individualized instructional decisions; and

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

(ii) an intervention component:

(A) that provides adequate and appropriate interventions focused on each student attaining [~~proficiency~~] competency 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 and individualized data driven instruction, 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 they will be able to assist their children in attaining [~~proficiency~~] competency in reading skills; and

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

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

(A) at the beginning, in the middle, and at the end of 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 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.

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(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 amended to read:

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

(1) As used in this section:

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

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

~~[(1)]~~ (2) The ~~[State Board of Education]~~ board shall approve a benchmark assessment for use statewide by school districts and charter schools to assess the reading ~~[proficiency]~~ competency of students in grades one, two, and three as provided by this section.

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

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

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

~~[(3)]~~ (4) If a benchmark assessment or supplemental reading assessment indicates a student lacks ~~[proficiency]~~ competency 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 individualized intervention to develop the reading skill;

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

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(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-17a-150** is amended to read:

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

(1) As used in this section:

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

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

~~(c)~~ (c) "Program" means the K-3 Reading Improvement Program.

~~(d)~~ (d) "Program money" means:

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

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

(2) The K-3 Reading Improvement Program consists of program 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) To receive program money, a school district or charter school must submit a plan to the [~~State Board of Education~~] board 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 include the following:

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

(b) The [~~State Board of Education~~] board 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~~] board.

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

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

- (i) the Base Level Program;
- (ii) the Guarantee Program; and
- (iii) the Low Income Students Program.

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

(6) Money appropriated to the [~~State Board of Education~~] board for the K-3 Reading Improvement Program and not used by the [~~State Board of Education~~] board for computer-assisted instructional learning and assessments as described in Subsection (5)(b), 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~~] board as provided in Subsection (4) and must receive approval of the plan from the [~~State Board of~~

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Education] 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 three; and

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

(8) (a) A school district that applies for program 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 allocate to the program money available to the school district, except money provided by the state, equal to 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 allocate to the program money available to the school district, except money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000065.

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

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

(9) (a) Except as provided in (9)(c), 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 allocate under Subsection (8)(c) to fully participate in the

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Guarantee Program; and

(ii) not less than \$0.

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

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

(10) The [~~State Board of Education~~] board 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 school district revenue allocated to the program as a percentage of the amount of revenue that could have been allocated if the school district had fully participated in the program.

(12) (a) A school district or charter school shall use program money for reading proficiency improvement interventions in grades kindergarten through grade ~~[three]~~ 3 that have proven to significantly increase the percentage of students reading at grade level, including:

(i) reading assessments; and

(ii) focused reading remediations that may include:

(A) the use of reading specialists;

(B) tutoring;

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

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

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

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

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

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

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

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

(c) If a school district or charter school uses program 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~~] board for the amount of program money improperly used, up to the amount of program money received from the [~~State Board of Education~~] board.

(14) (a) The [~~State Board of Education~~] board 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.

(ii) If a 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~~] board before the school district or charter school receives an allocation for the next year.

(15) (a) If for [~~three~~] two consecutive school years, a school district 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 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~~] two 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.

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

(a) includes information on:

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- (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
 - (iv) the correlation between third grade students reading on grade level and results of third grade language arts scores on a criterion-referenced test or computer adaptive test; and
- (b) may include recommendations on how to increase the percentage of third grade students who read on grade level.

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

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

(1) The State Board of Education shall distribute funds appropriated under this section for an enhanced kindergarten program described in Subsection (2), consistent with guidelines in this section, to school districts and charter schools that apply for the funds.

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

- (a) is an academic program focused on building age-appropriate literacy and numeracy skills;
- (b) uses an evidence-based early intervention model;
- (c) is targeted to at-risk students; and
- (d) is delivered through additional hours or other means.

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

(4) The State Board of Education shall distribute funds appropriated under this section for an enhanced kindergarten program described in Subsection (2), to school districts and charter schools based on the number of ~~[kindergarten]~~ students eligible to receive free or reduced price school lunch in each school district or charter school that applies for funding under Subsection (1).

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

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

~~1~~ 3.

(b) The State Board of Education shall distribute licenses for an interactive computer software program described in Subsection (6)(a) to school districts and charter schools that apply for the licenses.

(c) A school district or charter school that received a license described in Subsection (6)(b) during the prior year shall be given first priority to receive a license during the current year.

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

- (a) the Education Interim Committee; and
- (b) the governor.

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

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

Section 6. **Appropriation.**

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or accounts indicated. These sums of money are in addition to any amounts previously appropriated for fiscal year 2014.

To State Board of Education - State Office of Education

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From Education Fund (\$2,200,000)

Schedule of Programs:

Contracts and Grants - K-3 Reading Program -

Diagnostic Assessment System (\$2,200,000)

To State Board of Education - State Office of Education

From Education Fund \$2, ~~200~~ 500,000

From Education Fund, one-time \$5,000,000

Schedule of Programs:

Contracts and Grants - Early Intervention ~~2~~ 7, ~~200~~ 500,000

The Legislature intends that:

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

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

(a) be ongoing; and

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

Section 7. **Effective date.**

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

(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~~