

Senator Ann Millner proposes the following substitute bill:

EARLY LITERACY PROGRAM

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Susan Pulsipher

LONG TITLE

General Description:

This bill amends provisions related to a program for early literacy.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ renames the K-3 Reading Improvement Program the Early Literacy Program;
- ▶ amends requirements for a school district or charter school plan related to early literacy;
- ▶ amends provisions related to the consequences of a school district or charter school failing to meet a goal described in the school district or charter school's plan related to early literacy;
- ▶ requires the State Board of Education to provide support for a school district or charter school that fails to meet a goal in the school district or charter school's plan related to early literacy;
- ▶ requires the State Board of Education to use a digital reporting platform;
- ▶ provides that the State Board of Education may use funding provided for the Early Literacy Program for administration, up to a limit;
- ▶ amends other provisions related to the Early Literacy Program; and



26 ▶ makes technical and conforming changes.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53F-2-312**, as renumbered and amended by Laws of Utah 2018, Chapter 2

34 **53F-2-503**, as renumbered and amended by Laws of Utah 2018, Chapter 2

35 **53F-2-704**, as enacted by Laws of Utah 2018, Chapter 2

36 **53F-8-406**, as renumbered and amended by Laws of Utah 2018, Chapter 2

37

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

39 Section 1. Section **53F-2-312** is amended to read:

40 **53F-2-312. Appropriation for class size reduction.**

41 (1) Money appropriated to the State Board of Education for class size reduction shall
42 be used to reduce the average class size in kindergarten through the eighth grade in the state's
43 public schools.

44 (2) Each school district or charter school shall receive an allocation based upon the
45 school district or charter school's prior year average daily membership in kindergarten through
46 grade 8 plus growth as determined under Subsection **53F-2-302(3)** as compared to the total
47 prior year average daily membership in kindergarten through grade 8 plus growth of school
48 districts and charter schools that qualify for an allocation pursuant to Subsection (8).

49 (3) (a) A local education board may use an allocation to reduce class size in any one or
50 all of the grades referred to under this section, except as otherwise provided in Subsection
51 (3)(b).

52 (b) (i) Each local education board shall use 50% of an allocation to reduce class size in
53 any one or all of grades kindergarten through grade 2, with an emphasis on improving student
54 reading skills.

55 (ii) If a school district's or charter school's average class size is below 18 in grades
56 kindergarten through grade 2, a local education board may petition the State Board of

57 Education for, and the State Board of Education may grant, a waiver to use an allocation under
58 Subsection (3)(b)(i) for class size reduction in the other grades.

59 (4) Schools may use nontraditional innovative and creative methods to reduce class
60 sizes with this appropriation and may use part of an allocation to focus on class size reduction
61 for specific groups, such as at risk students, or for specific blocks of time during the school
62 day.

63 (5) (a) A local education board may use up to 20% of an allocation under Subsection
64 (1) for capital facilities projects if such projects would help to reduce class size.

65 (b) If a school district's or charter school's student population increases by 5% or 700
66 students from the previous school year, the local education board may use up to 50% of any
67 allocation received by the respective school district or charter school under this section for
68 classroom construction.

69 (6) This appropriation is to supplement any other appropriation made for class size
70 reduction.

71 (7) The Legislature shall provide for an annual adjustment in the appropriation
72 authorized under this section in proportion to the increase in the number of students in the state
73 in kindergarten through grade eight.

74 (8) (a) For a school district or charter school to qualify for class size reduction money,
75 a local education board shall submit:

76 (i) a plan for the use of the allocation of class size reduction money to the State Board
77 of Education; and

78 (ii) beginning with the 2014-15 school year, a report on the local education board's use
79 of class size reduction money in the prior school year.

80 (b) The plan and report required pursuant to Subsection (8)(a) shall include the
81 following information:

82 (i) (A) the number of teachers employed using class size reduction money;

83 (B) the amount of class size reduction money expended for teachers; and

84 (C) if supplemental school district or charter school funds are expended to pay for
85 teachers employed using class size reduction money, the amount of the supplemental money;

86 (ii) (A) the number of paraprofessionals employed using class size reduction money;

87 (B) the amount of class size reduction money expended for paraprofessionals; and

88 (C) if supplemental school district or charter school funds are expended to pay for
89 paraprofessionals employed using class size reduction money, the amount of the supplemental
90 money; and

91 (iii) the amount of class size reduction money expended for capital facilities.

92 (c) In addition to submitting a plan and report on the use of class size reduction money,
93 a local education board shall annually submit a report to the State Board of Education that
94 includes the following information:

95 (i) the number of teachers employed using [~~K-3 Reading Improvement~~] Early Literacy
96 Program money received pursuant to Sections 53F-2-503 and 53F-8-406;

97 (ii) the amount of [~~K-3 Reading Improvement~~] Early Literacy Program money
98 expended for teachers;

99 (iii) the number of teachers employed in kindergarten through grade 8 using Title I
100 money;

101 (iv) the amount of Title I money expended for teachers in kindergarten through grade
102 8; and

103 (v) a comparison of actual average class size by grade in grades kindergarten through 8
104 in the school district or charter school with what the average class size would be without the
105 expenditure of class size reduction, [~~K-3 Reading Improvement Program~~] the Early Literacy
106 Program described in Section 53F-2-503, and Title I money.

107 (d) The information required to be reported in Subsections (8)(b)(i)(A) through (C),
108 (8)(b)(ii)(A) through (C), and (8)(c) shall be categorized by a teacher's or paraprofessional's
109 teaching assignment, such as the grade level, course, or subject taught.

110 (e) The State Board of Education may make rules specifying procedures and standards
111 for the submission of:

112 (i) a plan and a report on the use of class size reduction money as required by this
113 section; and

114 (ii) a report required under Subsection (8)(c).

115 (f) Based on the data contained in the class size reduction plans and reports submitted
116 by local education boards, and data on average class size, the State Board of Education shall
117 annually report to the Public Education Appropriations Subcommittee on the impact of class
118 size reduction, [~~K-3 Reading Improvement Program~~] the Early Literacy Program described in

119 Section 53F-2-503, and Title I money on class size.

120 Section 2. Section **53F-2-503** is amended to read:

121 **53F-2-503. Early Literacy Program -- Literacy proficiency plan.**

122 (1) As used in this section:

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

124 ~~[(b) "Five domains of reading" include phonological awareness, phonics, fluency,~~
125 ~~comprehension, and vocabulary.]~~

126 ~~[(c)]~~ (b) "Program" means the ~~[K-3 Reading Improvement]~~ Early Literacy Program.

127 ~~[(d)]~~ (c) "Program money" means:

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

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

132 (2) The ~~[K-3 Reading Improvement]~~ Early Literacy Program consists of program
133 money and is created to supplement other school resources ~~[to achieve the state's goal of~~
134 ~~having third graders reading at or above grade level]~~ for early literacy.

135 (3) Subject to future budget constraints, the Legislature may annually appropriate
136 money to the ~~[K-3 Reading Improvement]~~ Early Literacy Program.

137 (4) (a) ~~[For a school district or charter school to receive program money, a]~~ A local
138 education board of a school district or a charter school that serves students in any of grades
139 kindergarten through grade 3 shall submit a plan to the board for ~~[reading]~~ literacy proficiency
140 improvement that incorporates the following components:

141 ~~[(i) assessment;]~~

142 (i) core instruction in:

143 (A) phonological awareness;

144 (B) phonics;

145 (C) fluency;

146 (D) comprehension;

147 (E) vocabulary;

148 (F) oral language; and

149 (G) writing;

150 (ii) intervention strategies that are aligned to student needs;

151 (iii) professional development for classroom teachers, literacy coaches, and

152 interventionists in kindergarten through grade [~~three~~] 3;

153 [~~(iv) reading performance standards, and]~~

154 [~~(v) specific measurable goals that include the following:]~~

155 (iv) assessments that support adjustments to core and intervention instruction;

156 [~~(A) (v) a growth goal for [each school within a] the school district [and each] or~~
157 charter school that:

158 (A) is based upon student learning gains as measured by benchmark assessments
159 administered pursuant to Section 53E-4-307; and

160 [~~(B) a growth goal for each school district and charter school to increase the percentage~~
161 ~~of third grade students who read on grade level from year to year as measured by the third~~
162 ~~grade reading test administered pursuant to Section 53E-4-302.;~~

163 (B) includes a target of at least 60% of all students in grades 1 through 3 meeting the
164 growth goal; ~~→~~ [and] ~~←~~

165 (vi) at least two goals that are specific to the school district or charter school that:

166 (A) are measurable;

167 (B) address current performance gaps in student literacy based on data; and

168 (C) include specific strategies for improving outcomes ~~→~~ [;] ; and

168a **(vii) if a school uses interactive literacy software, the use of interactive literacy**
168b **software, including early interactive reading software described in Section 53F-4-203. ~~←~~**

169 (b) A local education board shall approve a plan described in Subsection (4)(a) in a
170 public meeting before submitting the plan to the board.

171 [~~(b) (c) The board shall provide model plans that a local education board may use, or~~
172 ~~[the] a local education board may develop the local education board's own plan.~~

173 [~~(c) (d) [Plans] A plan developed by a local education board shall be approved by the~~
174 ~~board.~~

175 [~~(d) (e) The board shall develop uniform standards for acceptable growth goals that a~~
176 ~~local education board adopts for a school district or charter school as described in this~~
177 ~~Subsection (4).~~

178 (5) (a) There [~~is~~] are created within the [~~K-3 Reading Achievement~~] Early Literacy
179 Program three funding programs:

180 (i) the Base Level Program;

181 (ii) the Guarantee Program; and

182 (iii) the Low Income Students Program.

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

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

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

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

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

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

197 (b) (i) The local school board of a school district qualifying for Base Level Program
198 funds and the governing boards of qualifying elementary charter schools combined shall
199 receive a base amount.

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

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

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

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

209 (b) A school district [~~must~~] shall fully participate in either the Guarantee Program or
210 the Low Income Students Program before the local school board may elect for the school
211 district to either fully or partially participate in the other program.

212 (c) For a school district to fully participate in the Guarantee Program, the local school
213 board shall allocate to the program money available to the school district, except money
214 provided by the state, equal to the amount of revenue that would be generated by a tax rate of
215 .000056.

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

220 (e) (i) The board shall verify that a local school board allocates the money required in
221 accordance with Subsections (8)(c) and (d) before the [~~local school~~] board distributes funds in
222 accordance with this section.

223 (ii) The State Tax Commission shall provide the board the information the board needs
224 in order to comply with Subsection (8)(e)(i).

225 (9) (a) Except as provided in Subsection (9)(c), the local school board of a school
226 district that fully participates in the Guarantee Program shall receive state funds in an amount
227 that is:

228 (i) equal to the difference between \$21 multiplied by the school district's total WPU's
229 and the revenue the local school board is required to allocate under Subsection (8)(c) for the
230 school district to fully participate in the Guarantee Program; and

231 (ii) not less than \$0.

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

235 (c) The board may adjust the \$21 guarantee amount described in Subsections (9)(a) and
236 (b) to account for actual appropriations and money used by the board for computer-assisted
237 instructional learning and assessments.

238 (10) The board shall distribute Low Income Students Program funds in an amount
239 proportionate to the number of students in each school district or charter school who qualify for
240 free or reduced price school lunch multiplied by two.

241 (11) A school district that partially participates in the Guarantee Program or Low
242 Income Students Program shall receive program funds based on the amount of school district

243 revenue allocated to the program as a percentage of the amount of revenue that could have been
244 allocated if the school district had fully participated in the program.

245 (12) (a) A local education board shall use program money for ~~[reading proficiency~~
246 ~~improvement interventions in grades]~~ early literacy interventions and supports in kindergarten
247 through grade 3 that have proven to significantly increase the percentage of students ~~[reading at~~
248 ~~grade level]~~ who are proficient in literacy, including:

249 ~~[(i) reading assessments; and]~~

250 ~~[(ii) focused reading remediations that may include:]~~

251 (i) evidence-based intervention curriculum;

252 (ii) literacy assessments that identify student learning needs and monitor learning
253 progress; or

254 (iii) focused literacy interventions that may include:

255 (A) the use of reading specialists or paraprofessionals;

256 (B) tutoring;

257 (C) before or after school programs;

258 (D) summer school programs; or

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

260 ~~[(F)]~~ (E) the use of interactive computer software programs for literacy instruction and
261 assessments for students.

262 (b) A local education board may use program money for portable technology devices
263 used to administer ~~[reading]~~ literacy assessments.

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

266 (13) (a) ~~[Each]~~ A local education board shall annually submit a report to the board
267 accounting for the expenditure of program money in accordance with ~~[its plan for reading~~
268 ~~proficiency improvement]~~ the local education board's plan described in Subsection (4).

269 (b) If a local education board uses program money in a manner that is inconsistent with
270 Subsection (12), the school district or charter school is liable for reimbursing the board for the
271 amount of program money improperly used, up to the amount of program money received from
272 the board.

273 (14) (a) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative

274 Rulemaking Act, the board shall make rules to implement the program.

275 (b) (i) The rules under Subsection (14)(a) shall require each local education board to
276 annually report progress in meeting goals [~~stated in the school district's or charter school's plan~~
277 ~~for student reading proficiency~~] described in Subsections (4)(a)(v) and (vi), including the
278 strategies the school district or charter school uses to address the goals.

279 (ii) If a school district or charter school does not meet or exceed the school district's or
280 charter school's goals described in Subsection (4)(a)(v) or (vi), the local education board shall
281 prepare a new plan [~~which~~] that corrects deficiencies.

282 (iii) The new plan described in Subsection (14)(b)(ii) shall be approved by the board
283 before the local education board receives an allocation for the next year.

284 [~~(15) (a) If for two consecutive school years, a school district fails to meet the school~~
285 ~~district's goal to increase the percentage of third grade students who read on grade level as~~
286 ~~measured by the third grade reading test administered pursuant to Section 53E-4-302, the~~
287 ~~school district shall terminate any levy imposed under Section 53F-8-406 and may not receive~~
288 ~~money appropriated by the Legislature for the K-3 Reading Improvement Program.]~~

289 [~~(b) If for two consecutive school years, a charter school fails to meet the charter~~
290 ~~school's goal to increase the percentage of third grade students who read on grade level as~~
291 ~~measured by the third grade reading test administered pursuant to Section 53E-4-302, the~~
292 ~~charter school may not receive money appropriated by the Legislature for the K-3 Reading~~
293 ~~Improvement Program.]~~

294 (15) (a) The board shall:

295 (i) develop strategies to provide support for a school district or charter school that fails
296 to meet a goal described in Subsection (4)(a)(v) or (vi); and

297 (ii) provide increasing levels of support to a school district or charter school that fails
298 to meet a goal described in Subsection (4)(a)(v) or (vi) for two consecutive years.

299 (b) (i) The board shall use a digital reporting platform to provide information to school
300 districts and charter schools about interventions that increase proficiency in literacy.

301 (ii) The digital reporting platform shall include performance information for a school
302 district or charter school on the goals described in Subsection (4)(a)(v) and (vi).

303 (16) The board may use up to 3% of the funds appropriated by the Legislature to carry
304 out the provisions of this section for administration of the program.

305 ~~[(16)]~~ (17) The board shall make an annual report to the Public Education
306 Appropriations Subcommittee that:

307 (a) includes information on:

308 (i) student learning gains in ~~[reading]~~ early literacy for the past school year and the
309 five-year trend;

310 (ii) the percentage of ~~[third]~~ grade 3 students ~~[reading on grade level]~~ who are
311 proficient in English language arts in the past school year and the five-year trend;

312 (iii) the progress of ~~[schools and]~~ school districts and charter schools in meeting goals
313 ~~[stated in a school district's or charter school's plan for student reading proficiency]~~ described
314 in a plan described in Subsection (4)(a); and

315 ~~[(iv) the correlation between third grade students reading on grade level and results of~~
316 ~~third grade language arts scores on a criterion-referenced test or computer adaptive test; and]~~

317 (iv) the specific strategies or interventions used by school districts or charter schools
318 that have significantly improved early grade literacy proficiency; and

319 (b) may include recommendations on how to increase the percentage of ~~[third]~~ grade 3
320 students who ~~[read on grade level]~~ are proficient in English language arts, including how to use
321 a strategy or intervention described in Subsection (17)(a)(iv) to improve literacy proficiency for
322 additional students.

323 (18) The report described in Subsection (17) shall include information provided
324 through the digital reporting platform described in Subsection (15)(b).

325 Section 3. Section **53F-2-704** is amended to read:

326 **53F-2-704. Charter school levy state guarantee.**

327 (1) As used in this section:

328 (a) "Charter school levy per pupil revenues" means the same as that term is defined in
329 Section **53F-2-703**.

330 (b) "Charter school students' average local revenues" means the amount determined as
331 follows:

332 (i) for each student enrolled in a charter school on the previous October 1, calculate the
333 district per pupil local revenues of the school district in which the student resides;

334 (ii) sum the district per pupil local revenues for each student enrolled in a charter
335 school on the previous October 1; and

336 (iii) divide the sum calculated under Subsection (1)(a)(ii) by the number of students
337 enrolled in charter schools on the previous October 1.

338 (c) "District local property tax revenues" means the sum of a school district's revenue
339 received from the following:

340 (i) a voted local levy imposed under Section 53F-8-301;

341 (ii) a board local levy imposed under Section 53F-8-302, excluding revenues expended
342 for:

343 (A) pupil transportation, up to the amount of revenue generated by a .0003 per dollar of
344 taxable value of the school district's board local levy; and

345 (B) the [~~K-3 Reading Improvement Program~~] Early Literacy Program described in
346 Section 53F-2-503, up to the amount of revenue generated by a .000121 per dollar of taxable
347 value of the school district's board local levy;

348 (iii) a capital local levy imposed under Section 53F-8-303; and

349 (iv) a guarantee described in Section 53F-2-601, 53F-2-602, 53F-3-202, or 53F-3-203.

350 (d) "District per pupil local revenues" means, using data from the most recently
351 published school district annual financial reports and state superintendent's annual report, an
352 amount equal to district local property tax revenues divided by the sum of:

353 (i) a school district's average daily membership; and

354 (ii) the average daily membership of a school district's resident students who attend
355 charter schools.

356 (e) "Resident student" means a student who is considered a resident of the school
357 district under Title 53G, Chapter 6, Part 3, School District Residency.

358 (f) "Statewide average debt service revenues" means the amount determined as
359 follows, using data from the most recently published state superintendent's annual report:

360 (i) sum the revenues of each school district from the debt service levy imposed under
361 Section 11-14-310; and

362 (ii) divide the sum calculated under Subsection (1)(f)(i) by statewide school district
363 average daily membership.

364 (2) (a) Subject to future budget constraints, the Legislature shall provide an
365 appropriation for charter schools for each charter school student enrolled on October 1 to
366 supplement the allocation of charter school levy per pupil revenues described in Subsection

367 53F-2-702(3)(a).

368 (b) Except as provided in Subsection (2)(c), the amount of money provided by the state
369 for a charter school student shall be the sum of:

370 (i) charter school students' average local revenues minus the charter school levy per
371 pupil revenues; and

372 (ii) statewide average debt service revenues.

373 (c) If the total of charter school levy per pupil revenues distributed by the State Board
374 of Education and the amount provided by the state under Subsection (2)(b) is less than \$1,427,
375 the state shall provide an additional supplement so that a charter school receives at least \$1,427
376 per student under Subsection 53F-2-702(3).

377 (d) (i) If the appropriation provided under this Subsection (2) is less than the amount
378 prescribed by Subsection (2)(b) or (c), the appropriation shall be allocated among charter
379 schools in proportion to each charter school's enrollment as a percentage of the total enrollment
380 in charter schools.

381 (ii) If the State Board of Education makes adjustments to Minimum School Program
382 allocations as provided under Section 53F-2-205, the allocation provided in Subsection
383 (2)(d)(i) shall be determined after adjustments are made under Section 53F-2-205.

384 (3) (a) Except as provided in Subsection (3)(b), of the money provided to a charter
385 school under Subsection 53F-2-702(3), 10% shall be expended for funding school facilities
386 only.

387 (b) Subsection (3)(a) does not apply to an online charter school.

388 Section 4. Section 53F-8-406 is amended to read:

389 **53F-8-406. Board leeway for reading improvement.**

390 (1) Except as provided in Subsection (4), a local school board may levy a tax rate of up
391 to .000121 per dollar of taxable value for funding the school district's [~~K-3 Reading~~
392 Improvement] Early Literacy Program created under Section 53F-2-503.

393 (2) The levy authorized under this section:

394 (a) is in addition to any other levy or maximum rate;

395 (b) does not require voter approval; and

396 (c) may be modified or terminated by a majority vote of the local school board.

397 (3) A local school board shall establish a local school board-approved levy under this

398 section by June 1 to have the levy apply to the fiscal year beginning July 1 in that same
399 calendar year.

400 (4) Beginning January 1, 2012, a local school board may not levy a tax in accordance
401 with this section.

402 (5) The terms defined in Section [53F-2-102](#) apply to this section.