

## SB0194S02 compared with SB0194S01

~~{deleted text}~~ shows text that was in SB0194S01 but was deleted in SB0194S02.

Inserted text shows text that was not in SB0194S01 but was inserted into SB0194S02.

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Senator ~~{Ann Millner}~~Howard A. Stephenson proposes the following substitute bill:

### EARLY LITERACY PROGRAM

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

#### General Description:

This bill amends provisions related to ~~{a program}~~programs 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

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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;
- ▶ amends provisions related to software for early literacy including:
  - amending provisions related to usage requirements for early literacy interactive software; and
  - amending provisions related to a school that does not meet usage requirements for early literacy interactive software;
- ▶ authorizes the State Board of Education to acquire certain analytic software related to the early literacy interactive software program; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

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

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

**53F-4-203**, as enacted by Laws of Utah 2018, Chapter 2

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

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

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

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

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

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public schools.

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

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

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

(ii) If a school district's or charter school's average class size is below 18 in grades kindergarten through grade 2, a local education board may petition the State Board of Education for, and the State Board of Education may grant, a waiver to use an allocation under Subsection (3)(b)(i) for class size reduction in the other grades.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) a comparison of actual average class size by grade in grades kindergarten through 8 in the school district or charter school with what the average class size would be without the

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expenditure of class size reduction, [~~K-3 Reading Improvement Program~~] the Early Literacy Program described in Section 53F-2-503, and Title I money.

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

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

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

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

(f) Based on the data contained in the class size reduction plans and reports submitted by local education boards, and data on average class size, the State Board of Education shall annually report to the Public Education Appropriations Subcommittee on the impact of class size reduction, [~~K-3 Reading Improvement Program~~] the Early Literacy Program described in Section 53F-2-503, and Title I money on class size.

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

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

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

~~[(d)]~~ (c) "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~~] Early Literacy 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~~] for early literacy.

(3) Subject to future budget constraints, the Legislature may annually appropriate

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money to the ~~[K-3 Reading Improvement]~~ Early Literacy Program.

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

~~[(i) assessment;]~~

(i) core instruction in:

(A) phonological awareness;

(B) phonics;

(C) fluency;

(D) comprehension;

(E) vocabulary;

(F) oral language; and

(G) writing;

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

(iii) professional development for classroom teachers, literacy coaches, and interventionists in kindergarten through grade ~~[three]~~ 3;

~~[(iv) reading performance standards; and]~~

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

~~(iv) the use of interactive literacy software, such as the early literacy interactive software described in Section 53F-4-203;~~

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

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

(A) is based upon student learning gains as measured by benchmark assessments administered pursuant to Section 53E-4-307; 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 53E-4-302.]~~

(B) includes a target of at least 60% of all students in grades 1 through 3 meeting the growth goal; and

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

(A) are measurable;

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

(C) include specific strategies for improving outcomes.

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

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

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

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

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

(i) the Base Level Program;

(ii) the Guarantee Program; and

(iii) the Low Income Students Program.

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

(6) Money appropriated to the board for the ~~[K-3 Reading Improvement]~~ Early Literacy Program and not used by the 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) For a school district or charter school to participate in the Base Level Program, the local education board shall submit a ~~[reading proficiency improvement plan to the board as provided in]~~ plan described in Subsection (4) and ~~[must]~~ shall receive approval of the plan

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from the board.

(b) (i) The local school board of a school district qualifying for Base Level Program funds and the governing boards of 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 charter school in an amount proportionate to:

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

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

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

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

(c) For a school district to fully participate in the Guarantee Program, the local school board 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) For a school district to fully participate in the Low Income Students Program, the local school board 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 board shall verify that a local school board allocates the money required in accordance with Subsections (8)(c) and (d) before the [~~local school~~] board distributes funds in accordance with this section.

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

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

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that is:

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

(ii) not less than \$0.

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

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

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

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

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

(i) evidence-based intervention curriculum;

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

(iii) focused literacy interventions that may include:

(A) the use of reading specialists or paraprofessionals;

(B) tutoring;

(C) before or after school programs;

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(D) summer school programs; or

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

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

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

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

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

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

(14) (a) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to implement the program.

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

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

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

~~[(15)(a) If for two consecutive school years, a school district fails to meet the school district's 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 53E-4-302, the school district shall terminate any levy imposed under Section 53F-8-406 and may not receive money appropriated by the Legislature for the K-3 Reading Improvement Program.]~~

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~~[(b) If for two consecutive school years, a charter school fails to meet the charter school's 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 53E-4-302, the charter school may not receive money appropriated by the Legislature for the K-3 Reading Improvement Program.]~~

(15) (a) The board shall:

(i) develop strategies to provide support for a school district or charter school that fails to meet a goal described in Subsection (4)(a)(~~fv~~vi) or (~~fvii~~vii); and

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

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

(ii) The digital reporting platform shall include performance information for a school district or charter school on the goals described in Subsection (4)(a)(~~fv~~vi) and (~~fvii~~vii).

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

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

(a) includes information on:

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

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

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

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

(b) may include recommendations on how to increase the percentage of [~~third~~] grade 3

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students who [~~read on grade level~~] are proficient in English language arts, including how to use a strategy or intervention described in Subsection (17)(a)(iv) to improve literacy proficiency for additional students.

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

(d) "District per pupil local revenues" means, using data from the most recently

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published school district annual financial reports and state superintendent's annual report, an amount equal to district local property tax revenues divided by the sum of:

- (i) a school district's average daily membership; and
- (ii) the average daily membership of a school district's resident students who attend charter schools.

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

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

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

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

(2) (a) Subject to future budget constraints, the Legislature shall provide an appropriation for charter schools for each charter school student enrolled on October 1 to supplement the allocation of charter school levy per pupil revenues described in Subsection 53F-2-702(3)(a).

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

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

(ii) statewide average debt service revenues.

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

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

(ii) If the State Board of Education makes adjustments to Minimum School Program

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allocations as provided under Section 53F-2-205, the allocation provided in Subsection (2)(d)(i) shall be determined after adjustments are made under Section 53F-2-205.

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

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

Section 4. Section 53F-4-203 is amended to read:

**53F-4-203. Early ~~{intervention}~~literacy interactive~~{reading}~~ software --**

**Independent evaluator.**

~~[(1) In addition to an enhanced kindergarten program described in Section 53F-2-507, the early intervention program includes a component to address early reading through the use of early interactive reading software. {~~

~~}]~~

(1) As used in this section:

(a) "Dosage" means an amount of instructional time.

(b) "School fidelity rate" means:

(i) at least 60% of the students in a public school who are using early literacy interactive software described in this section are using the software at a rate that is at least 80% of the dosage recommended by the technology provider of the software during the first year in which the public school implements the early literacy interactive software; or

(ii) at least 75% of the students in a public school who are using early literacy interactive software described in this section are using the software at a rate that is at least 80% of the dosage recommended by the technology provider of the software during a school year after the first year in which the public school implements the software.

(2) (a) Subject to legislative appropriations, the State Board of Education shall select and contract with one or more technology providers, through a request for proposals process, to provide early literacy interactive ~~[reading]~~ software for literacy instruction and assessments for students in kindergarten through grade 3.

(b) ~~[By]~~ Except as provided in Subsection (4)(c), by August 1 of each year, the State Board of Education shall distribute licenses for early literacy interactive ~~[reading]~~ software described in Subsection (2)(a) to the school districts and charter schools of local education

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boards that apply for the licenses.

(c) Except as provided in Subsection ~~[(3)]~~ [(4)](c), a school district or charter school that received a license described in Subsection (2)(b) during the prior year shall be given first priority to receive an equivalent license during the current year.

(d) Licenses distributed to school districts and charter schools in addition to the licenses described in Subsection (2)(c) shall be distributed through a competitive process.

~~[(3)(a) As used in this Subsection (3), "dosage" means amount of instructional time.]~~

~~[(b)]~~ [(3)] A public school that receives a license described in Subsection (2)(b) shall use the license:

~~[(i)]~~ [(a)] for a student in kindergarten or grade 1:

~~[(A)]~~ [(i)] for intervention for the student if the student is reading below grade level; or

~~[(B)]~~ [(ii)] for advancement beyond grade level for the student if the student is reading at or above grade level; and

~~[(ii)]~~ [(b)] for a student in grade 2 or 3, for intervention for the student if the student is reading below grade level ~~;~~ and

~~[(iii) in accordance with the technology provider's dosage recommendations.]~~

~~[(c) A public school that does not use the early interactive reading software in accordance with the technology provider's dosage recommendations for two consecutive years may not continue to receive a license.]~~

~~— [(4)] ]~~

[(4) (a) The State Board of Education, a technology provider, and, for a district school, the school district shall work with a public school to develop a plan to increase the use of early literacy interactive software if the public school fails to meet the school fidelity rate within the first month of the public school implementing the software.]

[(b) The State Board of Education and, for a district school, the school district shall place a public school on probation for the second half of the school year if the public school fails to meet the school fidelity rate by the halfway point in the school year.]

[(c) (i) Except as provided in Subsection (4)(c)(ii), a public school that fails to meet the school fidelity rate by the end of the school year in which the public school is placed on probation may not continue to receive a license for early literacy interactive software.]

[(ii) A public school that fails to meet the school fidelity rate after being placed on

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probation as described in Subsection (4)(b) may continue to receive a license for early literacy interactive software if the public school demonstrates:

(A) a 50% growth in the rate of use toward the school fidelity rate; and

(B) at least 10% overall growth in the rate of use.

~~[(4)] (5)~~ (a) On or before August 1 of each year, the State Board of Education shall select and contract with an independent evaluator, through a request for proposals process, to act as an independent contractor to evaluate early literacy interactive ~~[reading]~~ software provided under this section.

(b) The State Board of Education shall ensure that a contract with an independent evaluator requires the independent evaluator to:

(i) evaluate a student's learning gains as a result of using early literacy interactive ~~[reading]~~ software provided under Subsection (2);

(ii) for the evaluation under Subsection ~~[(4)] (5)~~(b)(i), use an assessment that is not developed by a provider of early literacy interactive ~~[reading]~~ software; and

(iii) determine the extent to which a public school uses the early literacy interactive ~~[reading]~~ software ~~[in accordance with a technology provider's dosage recommendations under Subsection (3)]~~.

(c) The State Board of Education and the independent evaluator selected under Subsection ~~[(4)] (5)~~(a) shall report annually on the results of the evaluation to the Education Interim Committee and the governor.

~~[(d)] (6)~~ The State Board of Education may use up to 4% of the appropriation provided under Subsection (2)(a) to:

(a) acquire an analytical software program that:

(i) monitors, for an individual school, early literacy interactive software use and the associated impact on student performance; and

(ii) analyzes the information gathered under Subsection (6)(a)(i) to prescribe individual school usage time to maximize the beneficial impact on student performance; or

(b) contract with an independent evaluator selected under Subsection ~~[(4)] (a)~~

~~Section 4} [(4)] (5)(a).~~

(7) The State Board of Education may use a portion of the appropriation described in this section to hire one full-time employee to administer the early literacy interactive software

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implementation authorized by this section.

Section 5. Section **53F-8-406** is amended to read:

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

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

(2) The levy authorized under this section:

- (a) is in addition to any other levy or maximum rate;
- (b) does not require voter approval; and
- (c) may be modified or terminated by a majority vote of the local school board.

(3) A local school board shall establish a local school board-approved levy under this section by June 1 to have the levy apply to the fiscal year beginning July 1 in that same calendar year.

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

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