

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: Bradley G. Last

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 technology providers for the early intervention interactive computer software 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; ~~and~~
- ▶ 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~~



1st Sub. S.B. 260

26 ~~§→students enrolled in a half-day kindergarten program as compared to the reading performance~~
27 ~~of students enrolled in an all-day kindergarten program.] ←§~~

28 **Money Appropriated in this Bill:**

29 This bill appropriates in fiscal year 2014:

30 ▶ to the State Board of Education - State Office of Education - Contracts and Grants -
31 K-3 Reading Diagnostic Assessment System, as an ongoing appropriation:

- 32 • from the Education Fund, (\$2,200,000); ~~§→~~ **and** ~~←§~~

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

- 35 • from the Education Fund, ~~§→~~ ~~[\$2,500,000; and] \$4,700,000.~~ ~~←§~~

36 ~~§→ [→ to the State Board of Education - State Office of Education - Contracts and Grants -~~
37 ~~Early Intervention, as a one-time appropriation:~~

- 38 ~~————— • from the Education Fund, \$5,000,000.] ←§~~

39 **Other Special Clauses:**

40 This bill provides an effective date.

41 **Utah Code Sections Affected:**

42 AMENDS:

43 **53A-1-606.5**, as last amended by Laws of Utah 2011, Chapter 372

44 **53A-1-606.6**, as repealed and reenacted by Laws of Utah 2011, Chapter 372

45 **53A-17a-150**, as last amended by Laws of Utah 2011, Chapters 342, 359, 371, 372, 418
46 and last amended by Coordination Clause, Laws of Utah 2011, Chapter 372

47 **53A-17a-167**, as enacted by Laws of Utah 2012, Chapter 420

48 ~~§→ [Uncodified Material Affected:~~

49 ~~ENACTS UNCODIFIED MATERIAL] ←§~~

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

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

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

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

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

57 knowledge, skill, or ability.

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

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

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

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

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

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

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

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

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

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

77 (b) The reading achievement plan shall be:

78 (i) created under the direction of:

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

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

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

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

87 (d) Each reading achievement plan shall include:

- 88 (i) an assessment component that:
 - 89 (A) focuses on ongoing formative assessment to measure the five domains of reading,
 - 90 as appropriate, and inform individualized instructional decisions; and
 - 91 (B) includes a benchmark assessment of reading approved by the State Board of
 - 92 Education pursuant to Section 53A-1-606.6;
 - 93 (ii) an intervention component:
 - 94 (A) that provides adequate and appropriate interventions focused on each student
 - 95 attaining [~~proficiency~~] competency in reading skills;
 - 96 (B) based on best practices identified through proven researched-based methods;
 - 97 (C) that provides intensive intervention, such as focused instruction in small groups
 - 98 and individualized data driven instruction, implemented at the earliest possible time for
 - 99 students having difficulty in reading;
 - 100 (D) that provides an opportunity for parents to receive materials and guidance so that
 - 101 they will be able to assist their children in attaining [~~proficiency~~] competency in reading skills;
 - 102 and
 - 103 (E) that, as resources allow, may involve a reading specialist; and
 - 104 (iii) a reporting component that includes reporting to parents:
 - 105 (A) at the beginning, in the middle, and at the end of grade one, grade two, and grade
 - 106 three, their child's benchmark assessment results as required by Section 53A-1-606.6; and
 - 107 (B) at the end of third grade, their child's reading level.
 - 108 (e) In creating or reviewing a reading achievement plan as required by this section, a
 - 109 school community council, charter school governing board, or a subcommittee or task force of
 - 110 a school community council or charter school governing board may not have access to data that
 - 111 reveal the identity of students.
- 112 (4) (a) The school district shall approve each plan developed by schools within the
- 113 district prior to its implementation and review each plan annually.
- 114 (b) The charter school governing board shall approve each plan developed by schools
- 115 under its control and review each plan annually.
- 116 (c) A school district and charter school governing board shall:
 - 117 (i) monitor the learning gains of a school's students as reported by the benchmark
 - 118 assessments administered pursuant to Section 53A-1-606.6; and

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

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

122 **53A-1-606.6. Benchmark assessments in reading -- Report to parent or guardian.**

123 (1) As used in this section:

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

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

128 ~~[(1)]~~ (2) The ~~[State Board of Education]~~ board shall approve a benchmark assessment
129 for use statewide by school districts and charter schools to assess the reading ~~[proficiency]~~
130 competency of students in grades one, two, and three as provided by this section.

131 ~~[(2)]~~ (3) A school district or charter school shall:

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

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

137 ~~[(3)]~~ (4) If a benchmark assessment or supplemental reading assessment indicates a
138 student lacks ~~[proficiency]~~ competency in a reading skill, or is lagging behind other students in
139 the student's grade in acquiring a reading skill, the school district or charter school shall:

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

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

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

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

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

149 **53A-17a-150. K-3 Reading Improvement Program.**

150 (1) As used in this section:

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

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

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

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

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

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

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

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

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

168 (i) assessment;

169 (ii) intervention strategies;

170 (iii) professional development for classroom teachers in kindergarten through grade
171 three;

172 (iv) reading performance standards; and

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

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

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

180 (b) The [~~State Board of Education~~] board shall provide model plans which a school

181 district or charter school may use, or the school district or charter school may develop its own
182 plan.

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

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

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

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

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

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

- 199 (a) 8% to the Base Level Program;
- 200 (b) 46% to the Guarantee Program; and
- 201 (c) 46% to the Low Income Students Program.

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

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

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

- 210 (A) each existing charter school's prior year fall enrollment in grades kindergarten
211 through grade three; and

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

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

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

220 (c) To fully participate in the Guarantee Program, a school district shall allocate to the
221 program money available to the school district, except money provided by the state, equal to
222 the amount of revenue that would be generated by a tax rate of .000056.

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

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

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

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

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

237 (ii) not less than \$0.

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

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

243 assessments.

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

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

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

- 254 (i) reading assessments; and
- 255 (ii) focused reading remediations that may include:
 - 256 (A) the use of reading specialists;
 - 257 (B) tutoring;
 - 258 [~~(C) before or after school programs;~~]
 - 259 [~~(D) summer school programs; or~~]
 - 260 [~~(E)~~] (C) the use of reading software[-]; or
 - 261 (D) the use of interactive computer software programs for literacy instruction and
262 assessments for students.

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

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

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

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

273 (c) If a school district or charter school uses program money in a manner that is

274 inconsistent with Subsection (12), the school district or charter school is liable for reimbursing
275 the [~~State Board of Education~~] board for the amount of program money improperly used, up to
276 the amount of program money received from the [~~State Board of Education~~] board.

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

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

282 (ii) If a school does not meet or exceed the school's goals, the school district or charter
283 school shall prepare a new plan which corrects deficiencies. The new plan must be approved
284 by the [~~State Board of Education~~] board before the school district or charter school receives an
285 allocation for the next year.

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

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

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

297 (a) includes information on:

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

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

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

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

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

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

308 **53A-17a-167. Early intervention program.**

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

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

314 (a) is an academic program focused on building age-appropriate literacy and numeracy
315 skills;

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

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

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

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

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

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

329 (6) [~~The~~] (a) Subject to legislative appropriations, by June 30 of each year, the State
330 Board of Education shall select one or more technology providers, through a request for
331 proposals process, to provide an interactive computer software program for literacy ~~§~~→ [or
332 numeracy] ←~~§~~ instruction ~~§~~→ [~~or both,~~] ←~~§~~ and assessments for students in kindergarten [~~and~~]
332a through
333 grade [~~±~~] 3.

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

336 apply for the licenses.

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

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

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

346 ~~§→ [Section 5. Interim study of kindergarten programs:~~

347 ~~———The Education Interim Committee shall study a comparison of the student reading~~
348 ~~performance of students enrolled in a half-day kindergarten program to the student reading~~
349 ~~performance of students enrolled in an all-day kindergarten program, as measured by the~~
350 ~~benchmark assessments of kindergarten students reading at grade level required in Section~~
351 ~~53A-17a-150.] ←§~~

352 Section 6. **Appropriation.**

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

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

360 Schedule of Programs:

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

363 To State Board of Education - State Office of Education
364 From Education Fund ~~§→ [~~ \$2,500,000] \$4,700,000 ~~←§~~
365 ~~§→ [From Education Fund, one-time~~ \$5,000,000] ~~←§~~

366 Schedule of Programs:

367 Contracts and Grants - Early Intervention ~~→ \$7,500,000~~ \$4,700,000 ←

368 The Legislature intends that:

369 (1) the appropriation for Contracts and Grants - Early Intervention be used by the State

370 Board of Education to select one or more technology providers to provide an interactive

371 computer software program for literacy ~~→ [or numeracy] ←~~ instruction ~~→ [, or both,] ←~~ and

371a assessments for

372 students ~~→ [in kindergarten and grade 1] ←~~ as described in Subsection 53A-17a-167(6);

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

374 (a) be ongoing; and

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

376 **Section 7. Effective date.**

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

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