

SB 79

APRIL 03,
2019

APPENDIX A

Read by 9 Act

Draft Legislation

{Intent} It is the intent of the Legislature that each student's progression from one grade to another be determined, in part, upon proficiency in reading; that district school board policies facilitate reading instruction and intervention services to address student reading needs; and that each student and his or her parent be informed of that student's reading progress.

- (A) Reading Instruction and Intervention – It is the ultimate goal of the Legislature that every student read at or above grade level by grade 3. Districts shall offer a reading intervention program to each K-3 student who exhibits a reading deficiency to ensure students can read at or above grade level by the end of grade 3. The reading intervention program shall be provided in addition to core reading instruction that is provided to all students in the general education classroom. The reading intervention program shall:
- (1) Be provided to all K-3 students identified with a reading deficiency as determined by local or statewide screening assessments administered within the first thirty (30) days of school;
 - (2) Provide explicit and systematic instruction in phonological awareness, phonics, fluency, vocabulary, and comprehension, as applicable;
 - (3) Monitor the reading progress of each student's reading skills throughout the school year and adjust instruction according to student needs; and
 - (4) Be implemented during regular school hours through any available method including in-person or online teachers/coaches.
- (B) Reading Deficiency and Reading Improvement Plan – Any student in Kindergarten or grades 1-3 who exhibits a deficiency in reading at any time, based upon local or statewide screening assessments, shall receive an individual reading improvement plan no later than 30 days after the identification of the reading deficiency. The reading improvement plan shall be created by the teacher, principal, other pertinent education personnel and the parent(s), and shall describe the research-based reading intervention services the student will receive to remedy the reading deficit. Each student must receive intensive reading intervention (in person, online or both) until the student no longer has a deficiency in reading.
- (C) Parent Notification – The parent of any K-3 student who exhibits a deficiency in reading at any time during the school year must be notified in writing no later than 15 days after the identification of the reading deficiency, and the written notification must include the following:
- (1) That his or her child has been identified as having a deficiency in reading, and a reading improvement plan will be developed by the teacher, principal, other pertinent education personnel, and the parent(s).
 - (2) A description of the current services that are provided to the child.
 - (3) A description of the proposed research-based reading interventions and supplemental instructional services and supports that will be provided to the child that are designed to remedy the identified area(s) of reading deficiency.

- (4) Notification that the parent will be informed in writing of their child's progress towards grade level reading at least every two weeks.
 - (5) Strategies for parents to use at home to help their child succeed in reading.
 - (6) That if the child's reading deficiency is not corrected by the end of grade 3, the child will not be promoted to grade 4 unless a good cause exemption is met.
 - (7) That while the statewide reading assessment is the initial determinate for promotion, it is not the sole determiner at the end of grade 3. Additionally, students are provided with a test-based student portfolio option and an alternative reading assessment option to demonstrate sufficient reading skills for promotion to grade 4.
- (D) Elimination of Social Promotion – Beginning with the 2020-21 school year, grade 3 students must demonstrate sufficient reading skills for promotion to grade 4. Students shall be provided the following options to demonstrate sufficient reading skills for promotion to grade 4:
- (1) Scoring above the lowest achievement level on the grade 3 statewide reading assessment;
 - (2) Earning an acceptable score on an alternative standardized reading assessment as determined and approved by the State Board of Education; and
 - (3) Demonstrating mastery of all grade 3 state reading standards as evidenced through a student reading portfolio. Regulation must be established to set criteria for the student reading portfolio and to define "mastery" of all grade 3 state reading standards.

If the student cannot demonstrate sufficient reading skills on one of the three options and does not qualify for a good cause exemption the student must be retained.

- (E) Summer Reading Camp – The school district ^{must} provide summer reading camps either in person or via an approved online/distance delivery option) to all grade 3 students scoring at the lowest achievement level on the grade 3 statewide reading assessment. Summer Reading Camps must be staffed with highly effective teachers of reading as demonstrated by student reading performance data and teacher performance evaluations. The highly effective teacher of reading shall provide explicit and systematic reading intervention services and supports to correct the identified area(s) of reading deficiency. Summer Reading Camps must include, at a minimum, 70 hours of instructional time in reading. If funding allows, districts shall extend Summer Reading Camps to students in grades 1-2 identified with a reading deficiency.
- (F) Good Cause Exemptions – The district school board may only exempt students from mandatory retention, as provided in paragraph (D), for good cause. A student who is promoted to grade 4 with a good cause exemption shall continue to receive intensive reading intervention that includes specific reading strategies prescribed in the student's individual reading improvement plan until the deficiency is remedied. The school district shall assist schools and teachers with the implementation of reading strategies that research has shown to be successful in improving reading among students with reading difficulties. Good cause exemptions shall be limited to the following:
- (1) Students with Disabilities whose Individual Education Plan indicates that participation in the statewide assessment program is not appropriate, consistent with state law.
 - (2) Students identified as English Language Learners who have had less than 2 years of instruction in an English Language Learner program.
 - (3) Students with Disabilities who participate in the statewide reading assessment and who have an Individual Education Plan or a Section 504 plan that reflects that the student has received intensive reading intervention for more than 2 years but still demonstrates a deficiency in reading and was previously retained in kindergarten, grade 1, grade 2, or grade 3.

- (4) Students who have received intensive reading intervention for two or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. No student shall be retained twice in grade 3.
- (G) Requests for Good Cause Exemptions – Requests to exempt students from the mandatory retention requirement using one of the good cause exemptions as described in paragraph (F) shall be made consistent with the following:
 - (1) Documentation shall be submitted from the student’s teacher to the school principal that indicates that the promotion of the student is appropriate. Such documentation shall consist only of the good cause exemption being requested, and the existing reading improvement plan or Individual Education Plan, as applicable.
 - (2) The school principal shall review and discuss the recommendation with the teacher and make the determination as to whether the student meets one of the good cause exemptions. If the school principal determines that the student met one of the good cause exemptions based on the documentation provided, the school principal shall make such recommendation in writing to the district school superintendent. The district school superintendent shall accept or reject the school principal’s recommendation in writing.
 - (H) Parent Notification of Retention – The school district shall assist schools with providing written notification to the parent of any student who is retained that his or her child has not met the reading level required for promotion, the reasons the child is not eligible for a good cause exemption, and that his/her child will be retained in grade 3. The notification must include a description of the proposed interventions and supports that will be provided to the child to remedy the identified area(s) of reading deficiency in the retained year.
 - (I) Successful Progression of Retained Readers – Beginning with the 2020-21 school year, students retained under the provisions of paragraph (D) must be provided intensive reading intervention to remedy the student’s specific reading deficiency. The reading intervention services must include effective instructional strategies to accelerate student progress. Each school district shall conduct a review of student reading improvement plans for all students retained in grade 3. The review shall address additional supports and services, as described in this subsection, needed to remedy the identified area(s) of reading deficiency. The district shall provide the following for retained students:
 - (1) A highly effective teacher of reading, either in person or online, as demonstrated by student reading performance data and teacher performance evaluations.
 - (2) Reading intervention services and supports to correct the identified area(s) of reading deficiency, including, but not limited to:
 - (a) More dedicated time than the previous school year in scientifically research-based reading instruction and intervention;
 - (b) Use of reading strategies and/or programs that are scientifically research-based and have proven results in accelerating student reading achievement within the same school year;
 - (c) Daily targeted small group reading intervention based on student needs, either in person or online;
 - (d) Explicit and systematic instruction, either in person or online, with more detailed explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback; and
 - (e) Frequently monitoring the reading progress of each student’s reading skills throughout the school year and adjust instruction according to student.
 - (3) The option of a transitional instructional setting. Such setting shall specifically be designed to produce learning gains sufficient to meet grade 4 performance standards in

- (4) all other core academic areas while continuing to correct the area(s) of reading deficiency.
- (5) Before and/or after school supplemental research-based reading intervention delivered by a teacher or tutor, either in person or online, with specialized reading training.
- (6) A "Read at Home" plan outlined in a parental contract, including participation in parent training workshops and/or regular parent-guided home reading activities.
- (J) Intensive Acceleration Class – Establish at each school, where applicable, an Intensive Acceleration Class, either in person or online, for any student retained in grade 3 who was previously retained in kindergarten, grade 1, or grade 2. The Intensive Acceleration Class shall include criteria established in (J) and:
 - (1) Have a reduced teacher-student ratio; and
 - (2) Provide explicit and systematic reading instruction and intervention for the majority of student contact time each day.
- (K) District Annual Reporting – Each district school board must annually report in writing to the Department of Education & Early Development by September 1 of each year, the following information on the prior school year:
 - (1) The district school board's policies and procedures on student retention and promotion.
 - (2) By grade, the number and percentage of all students in grades K-3 performing below grade level on local or statewide assessments.
 - (3) By grade, the number and percentage of all students retained in grades K-3.
 - (4) The total number and percentage of students in grade 3 who demonstrated sufficient reading skills for promotion on the test-based student portfolio.
 - (5) The total number and percentage of students in grade 3 who demonstrated sufficient reading skills for promotion on the alternative reading assessment.
 - (6) The total number and percentage of students in grade 3 who were promoted for good cause, by each category of good cause as specified in paragraph (F).
 - (7) For all grades beyond grade 3, the performance of students retained and those promoted with good cause exemptions on the statewide reading assessment.
- (L) Department Responsibilities – The Department of Education & Early Development shall establish a uniform format for school districts to report the information required. The format shall be developed with input from district school boards and shall be provided to each school district no later than 90 days prior to the annual due date. The department shall annually compile, validate and approve the information required along with state-level summary information, and report such information to the State Board of Education, the public, Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1 of each year. The department shall provide technical assistance to aid district school boards in implementing the Read by 9 Act.
- (M) State Board Authority and Responsibilities - The State Board of Education shall have authority to enforce this chapter.

Derived from material provided by:

https://www.excelined.org/wp-content/uploads/2017/11/ExcelinEdPolicyToolkit_K-3Reading_ModelLegislation_2017-1.pdf