

SENATE BILL NO. 107

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY SENATORS STEVENS, Gardner

Introduced: 1/22/14

Referred: Education, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to school and school district accountability; relating to the duties of the
2 Department of Education and Early Development; and establishing a reading program
3 for public school students enrolled in grades kindergarten through three."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 14.03.123(d) is amended to read:

6 (d) A public school or district that receives a low performance designation
7 under this section shall prepare and submit to the department a school or district
8 improvement plan, as applicable, in accordance with regulations adopted by the board.
9 The improvement plan must be prepared with the maximum feasible public
10 participation of the community including, as appropriate, interested individuals,
11 teachers, parents, parent organizations, students, tribal organizations, local government
12 representatives, and other community groups. **A school or district improvement plan**
13 **for a school that enrolls students in grades kindergarten through three must**
14 **identify strategies to be used in addressing the needs of students enrolled who are**

1 **identified under AS 14.30.760 as having a significant reading deficiency and set,**
 2 **reaffirm, or revise, as appropriate, ambitious but reachable targets that the**
 3 **school or district shall meet to reduce the number of students who have a**
 4 **significant reading deficiency and to ensure that each student achieves grade**
 5 **level expectations in reading.**

6 * **Sec. 2.** AS 14.03.123(f) is amended to read:

7 (f) In the accountability system for schools and districts required by this
 8 section, the department shall

9 (1) implement 20 U.S.C. 6301 - 7941 (Elementary and Secondary
 10 Education Act of 1965), as amended;

11 (2) implement state criteria and priorities for accountability including
 12 the use of

13 (A) measures of student performance on standards-based
 14 assessments in reading, writing, and mathematics, and including competency
 15 tests required under AS 14.03.075;

16 (B) measures of student improvement; [AND]

17 (C) other measures identified that are indicators of student
 18 success and achievement; and

19 **(D) approved diagnostic reading assessments, instructional**
 20 **practices, and staff development programs required under AS 14.30.760 -**
 21 **14.30.790; and**

22 (3) to the extent practicable, minimize the administrative burden on
 23 districts.

24 * **Sec. 3.** AS 14.07.020(a) is amended to read:

25 (a) The department shall

26 (1) exercise general supervision over the public schools of the state
 27 except the University of Alaska;

28 (2) study the conditions and needs of the public schools of the state,
 29 adopt or recommend plans, administer and evaluate grants to improve school
 30 performance awarded under AS 14.03.125, and adopt regulations for the improvement
 31 of the public schools;

1 (3) provide advisory and consultative services to all public school
2 governing bodies and personnel;

3 (4) prescribe by regulation a minimum course of study for the public
4 schools; the regulations must provide that, if a course in American Sign Language is
5 given, the course shall be given credit as a course in a foreign language;

6 (5) establish, in coordination with the Department of Health and Social
7 Services, a program for the continuing education of children who are held in detention
8 facilities in the state during the period of detention;

9 (6) accredit those public schools that meet accreditation standards
10 prescribed by regulation by the department; these regulations shall be adopted by the
11 department and presented to the legislature during the first 10 days of any regular
12 session [,] and become effective 45 days after presentation or at the end of the session,
13 whichever is earlier, unless disapproved by a resolution concurred in by a majority of
14 the members of each house; **the accreditation standards must include a**
15 **requirement for implementation of approved instructional practices and staff**
16 **development programs to address significant reading deficiencies of students in**
17 **grades kindergarten through three;**

18 (7) prescribe by regulation, after consultation with the state fire
19 marshal and the state sanitarian, standards that will **ensure** [ASSURE] healthful and
20 safe conditions in the public and private schools of the state, including a requirement
21 of physical examinations and immunizations in pre-elementary schools; the standards
22 for private schools may not be more stringent than those for public schools;

23 (8) exercise general supervision over pre-elementary schools that
24 receive direct state or federal funding;

25 (9) exercise general supervision over elementary and secondary
26 correspondence study programs offered by municipal school districts or regional
27 educational attendance areas; the department may also offer and make available to any
28 Alaskan through a centralized office a correspondence study program;

29 (10) accredit private schools that request accreditation and that meet
30 accreditation standards prescribed by regulation by the department; nothing in this
31 paragraph authorizes the department to require religious or other private schools to be

1 licensed;

2 (11) review plans for construction of new public elementary and
3 secondary schools and for additions to and major rehabilitation of existing public
4 elementary and secondary schools and, in accordance with regulations adopted by the
5 department, determine and approve the extent of eligibility for state aid of a school
6 construction or major maintenance project; for the purposes of this paragraph, "plans"
7 include educational specifications, schematic designs, projected energy consumption
8 and costs, and final contract documents;

9 (12) provide educational opportunities in the areas of vocational
10 education and training, and basic education to individuals over 16 years of age who
11 are no longer attending school;

12 (13) administer the grants awarded under AS 14.11;

13 (14) establish, in coordination with the Department of Public Safety, a
14 school bus driver training course;

15 (15) require the reporting of information relating to school disciplinary
16 and safety programs under AS 14.33.120 and of incidents of disruptive or violent
17 behavior;

18 (16) establish by regulation criteria, based on low student performance,
19 under which the department may intervene in a school district to improve instructional
20 practices, as described in AS 14.07.030(14) or (15); the regulations must include

21 (A) a notice provision that alerts the district to the deficiencies
22 and the instructional practice changes proposed by the department;

23 (B) an end date for departmental intervention, as described in
24 AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three
25 consecutive years of improvement consisting of not less than two percent
26 increases in student proficiency on standards-based assessments in
27 mathematics, reading, and writing as provided in AS 14.03.123(f)(2)(A); and

28 (C) a process for districts to petition the department for
29 continuing or discontinuing the department's intervention;

30 (17) notify the legislative committees having jurisdiction over
31 education before intervening in a school district under AS 14.07.030(14) or redirecting

1 public school funding under AS 14.07.030(15);

2 (18) assist the Department of Natural Resources in developing and
3 implementing the farm-to-school program established under AS 03.20.100;

4 **(19) periodically review diagnostic assessments, instructional**
5 **practices, and staff development programs for their effectiveness in developing**
6 **reading skills and, after consultation with school districts and experts,**
7 **recommend to the board for approval diagnostic assessments, instructional**
8 **practices, and staff development programs that**

9 **(A) have been proven to assess and accelerate student**
10 **progress toward reaching reading competency;**

11 **(B) provide explicit and systematic skill development in the**
12 **areas of phonemic awareness, phonics, vocabulary development, and**
13 **reading fluency, including verbal skills and reading comprehension;**

14 **(C) are scientifically based and reliable;**

15 **(D) provide initial and ongoing analysis of student progress**
16 **toward reaching reading competency; and**

17 **(E) include texts on core academic content to assist students**
18 **in maintaining or meeting grade-appropriate proficiency in academic**
19 **subjects in addition to reading;**

20 **(20) publish on the department's Internet website and annually**
21 **update a list of approved assessments, instructional practices, and staff**
22 **development programs recommended under this subsection;**

23 **(21) provide technical assistance, instructional materials, and**
24 **coaching services to school districts as necessary to improve implementation of**
25 **approved diagnostic reading assessments, instructional practices, and staff**
26 **development programs.**

27 * **Sec. 4.** AS 14.07.165 is amended by adding new subsections to read:

28 (b) For use in the program established under AS 14.30.760 - 14.30.790, the
29 board shall adopt and periodically review a list of diagnostic reading assessments that

30 (1) are recommended by the department for use by districts to assess
31 students in grades kindergarten through three;

1 (2) are based on evidence that is reliable, trustworthy, and valid; and

2 (3) have a demonstrated record of success in adequately assessing a
3 student's reading competency in the areas of phonemic awareness, phonics, vocabulary
4 development, and reading fluency, including verbal skills and reading comprehension.

5 (c) The board shall adopt and annually update a list of evidenced-based
6 instructional practices and staff development programs recommended by the
7 department to address reading deficiencies of students in grades kindergarten through
8 three.

9 * **Sec. 5.** AS 14.30 is amended by adding new sections to read:

10 **Article 14. District Reading Program.**

11 **Sec. 14.30.760. District reading program.** (a) Each school district shall
12 establish a reading program for students in grades kindergarten through three
13 consistent with AS 14.30.760 - 14.30.790.

14 (b) A district reading program established under (a) of this section shall
15 provide for

16 (1) periodic assessment of students, including annual diagnostic
17 assessments approved by the board, to identify students with significant reading
18 deficiencies and to determine specific reading skill deficiencies;

19 (2) participation of students in statewide assessments;

20 (3) a meeting with the parent or guardian of the student as soon as
21 practicable after a student has been identified as having a significant reading
22 deficiency, followed by regular written notifications, to describe, in language
23 understandable to the parent or guardian,

24 (A) the nature of the student's reading deficiency;

25 (B) the educational services currently being provided to the
26 student;

27 (C) supplemental instructional services and remedial support
28 required by law to alleviate the reading deficiency and proposed to be provided
29 to the student through a reading plan;

30 (D) strategies for the parent or guardian to use to help the child
31 succeed;

1 (E) the goal for the student, including acquisition of all of the
2 skill levels necessary to graduate from high school with adequate preparation
3 for postsecondary and career options;

4 (F) the importance of early reading competency to academic
5 success and the result of significant reading deficiencies that increase the
6 likelihood of falling behind in school beginning in the fourth grade and
7 continuing in later grades and the likelihood of a student with a significant
8 reading deficiency failing to possess the skills necessary to complete
9 coursework required for high school graduation;

10 (4) implementation of student reading plans under AS 14.30.765 and
11 school monitoring plans under AS 14.30.775 for remediation of significant reading
12 deficiencies;

13 (5) reading instruction and staff development programs determined by
14 the board to have demonstrated success in increasing students' reading competency in
15 the areas of phonemic awareness, phonics, vocabulary development, and reading
16 fluency, including verbal skills and reading comprehension;

17 (6) annual reporting of student progress under the program to the
18 department using student identification numbers assigned to students who are
19 identified as having a significant reading deficiency;

20 (7) strategies designed to supplement the program that a parent or
21 guardian may be encouraged to use to assist a student in achieving reading
22 competency; and

23 (8) additional services a teacher determines are available and
24 appropriate to accelerate development of the student's reading skills.

25 (c) A school district may exempt a student from participation in the reading
26 program established under this section if the student

27 (1) has limited English proficiency and is enrolled in a limited English
28 proficiency program;

29 (2) has a disability and is the subject of an individualized education
30 plan under AS 14.30.278 that integrates intervention instruction and strategies to
31 address the student's reading deficiency, exempts the student from participation in

1 statewide standards-based assessments, and meets other requirements established by
2 law; or

3 (3) has been identified as a student with a significant reading
4 deficiency after at least two years of intensive remediation in reading consistent with
5 this section and the student has completed the second year of the same grade level.

6 **Sec. 14.30.765. Student reading plans.** (a) Except as provided in
7 AS 14.30.760(c), a school district shall provide a reading plan for each student who
8 has a significant reading deficiency. The student's teacher, in collaboration with other
9 school personnel and the student's parent or guardian, shall develop and implement an
10 individualized reading plan for the student as soon as practicable after identifying a
11 student's significant reading deficiency.

12 (b) A reading plan developed under this section must

13 (1) be reviewed and revised at least annually for appropriate
14 instructional intervention in the student's progress under the plan;

15 (2) remain in effect, as revised, until the student achieves demonstrated
16 reading competency;

17 (3) apply reliable, trustworthy, and valid evidence-based methods that
18 have a demonstrated record of success in advancing students' reading competency in
19 the areas of phonemic awareness, phonics, vocabulary development, and reading
20 fluency, including verbal skills and reading comprehension;

21 (4) include

22 (A) the specifically diagnosed reading skill deficiencies that
23 need to be remediated for the student to acquire reading competency;

24 (B) goals and benchmarks for tracking the student's progress;

25 (C) a description of the additional reading instructional services
26 and interventions the student will receive; the instructional services and
27 interventions must be evidence-based reading strategies and instruction that the
28 teacher will use daily to advance, at a minimum, the student's phonemic
29 awareness, phonics, vocabulary development, and reading fluency, including
30 verbal skills and reading comprehension.

31 (c) All versions of a student's reading plan, including supporting

1 documentation, shall be placed in the student's permanent academic record and
 2 transferred with the student if the student transfers to another school while in grades
 3 kindergarten through three.

4 (d) If a student is identified as having a significant reading deficiency for two
 5 or more consecutive school years, the district in which the student is enrolled shall
 6 ensure that, in the second or subsequent consecutive school year,

7 (1) the student's teacher revises the student's reading plan to include
 8 additional, more rigorous instruction and intervention strategies to assist the student in
 9 reaching reading competency, including increased daily time in school for reading
 10 instruction;

11 (2) the principal of the school in which the student is enrolled ensures
 12 that the student receives reading instruction in conjunction with and supported through
 13 the other subjects in which the student receives instruction during the school day;

14 (3) whenever practicable, the student receives reading instruction from
 15 a teacher who has been ranked effective or highly effective on the teacher's most
 16 recent performance evaluation and who possesses expertise in reading instruction; and

17 (4) when necessary, and with the approval of the student's parent, the
 18 student receives mental health support from the school psychologist, school social
 19 worker, or school counselor.

20 **Sec. 14.30.770. Student advancement through fourth grade; parental**
 21 **involvement.** (a) If, within 45 days before the end of a school year in grades
 22 kindergarten through three, a teacher determines that a student has a significant
 23 reading deficiency, the school district in which the student is enrolled shall provide to
 24 the student's parents or guardians a written notice stating, at a minimum, that

25 (1) because there are serious implications for a student who enters
 26 fourth grade with a significant reading deficiency, the student's parents or guardians
 27 and the student's teacher and other employees of the school district are required under
 28 state law to meet and determine whether the student, despite having a significant
 29 reading deficiency, will be able to maintain adequate academic progress at the next
 30 grade level;

31 (2) school staff members will work with the parents or guardians to

1 schedule a date, time, and place for the meeting; and

2 (3) if no parent or guardian attends the meeting, the teacher and
3 employees of the district will determine whether the student will advance to the next
4 grade level in the next school year.

5 (b) After sending a written notice under (a) of this section, a school staff
6 member shall contact the parents or guardians to schedule the meeting to determine
7 whether the student will advance to the next grade level. If, after making three or more
8 documented attempts to schedule the meeting with a parent or guardian, the staff
9 member is unable to schedule the meeting, or if the parent or guardian does not attend
10 a scheduled meeting, the teacher and staff members selected by the district shall
11 determine, based on the student's records and teacher recommendations, whether the
12 student will advance to the next grade level for the next school year.

13 (c) At the meeting required under this section, the teacher and any other staff
14 members selected by the school district shall, at a minimum, present to the student's
15 parents or guardians

16 (1) information regarding the importance of a student's achieving
17 reading competency by the end of third grade;

18 (2) a summary of the student's reading progress to date and an
19 assessment of the likelihood that the student, despite having a significant reading
20 deficiency, will be able to maintain adequate academic performance at the next grade
21 level;

22 (3) an explanation of the increased level of intervention instruction the
23 student will receive in the next school year whether or not the student advances to the
24 next grade level; and

25 (4) an evaluation of potential effects on the student if the student does
26 not advance to the next grade level.

27 (d) At the meeting described in (c) of this section, the parents or guardians, the
28 teacher, and the participating staff members shall decide whether the student will
29 advance to the next grade level in the next school year. If the parents or guardians, the
30 teacher, and the participating staff members are not in agreement, the parents or
31 guardians shall decide whether the student will advance to the next grade level unless

1 circumstances exist as specified in the policy adopted by the district that would
2 prevent advancement.

3 (e) As soon as practicable after a decision has been made to advance or not
4 advance a student with a significant reading deficiency to the next grade level, the
5 district shall provide to the parents or guardians a written statement of the decision and
6 the basis for the decision. A copy of the statement shall be provided to the principal of
7 the school and included in the student's permanent academic record. The statement
8 shall be removed from the student's permanent academic record when the student
9 achieves reading competency.

10 **Sec. 14.30.775. School monitoring plans.** The department shall adopt
11 regulations establishing standards and time frames for school monitoring plans to
12 ensure compliance with the reading program established in AS 14.30.760 - 14.30.790.

13 **Sec. 14.30.790. Definition.** In AS 14.30.760 - 14.30.790, "significant reading
14 deficiency" means that a student does not meet the minimum skill levels for reading
15 competency in the areas of phonemic awareness, phonics, vocabulary development,
16 and reading fluency, including verbal skills and reading comprehension, under
17 standards established by the state board for the student's grade level.