

SB

107

<TARGET><BILL>SB 107</BILL><SUBJECT>SB
107</SUBJECT><COMM>SEDC28</COMM></TARGET>

SESSION ADDRESS:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4925
Fax: (907) 465-3517
Toll Free: 1-800-821-4925

Senator Gary Stevens
Alaska State Legislature

INTERIM ADDRESS:
305 Center Ave, Ste. 1
Kodiak, Alaska 99615
(907) 486-4925
Fax: (907) 486-5264



SPONSOR STATEMENT

SENATE BILL 107

Version: 28-LS0916/A
January 28, 2014

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

Senate Bill 107 seeks to improve our efforts at the state, district and school level of fostering every K-3 student's reading skills. SB 107 makes school districts accountable for identifying and responding to children in grades K-3 having deficient reading skills. It requires the state department of education and early development to implement reading assessments, instructional practices and staff development programs to help give K-3 teachers more tools with which to improve K-3 student reading skills. It requires school districts to establish targeted reading programs for students identified as having reading deficiencies, including for example, improved parental involvement, supplemental instruction, development of a customized student reading plan to be applied until the student demonstrates grade-level reading proficiency. The bill also provides for potential intervention and grade retention if parents fail to collaborate with their school in improving their child's reading competency.

There is a growing trend among states recognizing the need for early identification, intervention, and retention strategies for young students struggling with reading proficiency by the third grade. In the context of college and career readiness, resources are being used for remediation in reading, writing, and math. Meanwhile, there is evidence indicating we have a systemic problem in our education system that begins early in a child's educational career.

SB 107 is an effort to focus attention on K-3 students' reading skills, helping to ensure they have reading competency by the end of the 3rd grade.

Thank you for your consideration of this important legislation.

SESSION ADDRESS:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4925
Fax: (907) 465-3517
Toll Free: 1-800-821-4925

Senator Gary Stevens
Alaska State Legislature

INTERIM ADDRESS:
305 Center Ave, Ste. 1
Kodiak, Alaska 99615
(907) 486-4925
Fax: (907) 486-5264



SECTIONAL ANALYSIS

SENATE BILL 107

Version: 28-LS0916/A

January 28, 2014

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

Section 1: Includes in the school and school district accountability system a requirement that low performing schools or districts identify in their improvement plan specific strategies to be used in addressing student reading deficiencies in that school or district.

Section 2: In the school and school district accountability system, requires the Department of Education and Early Development to implement reading assessments for K-3 students, targeted instructional practices, and staff development programs to coincide with a district reading program in a low performing school or district.

Section 3: Requires a school's continuing accreditation be contingent, in part, on having implemented instructional practices to address reading deficiencies in grades K-3.

Requires the Department to periodically review the state's reading assessments, instructional practices, and staff development programs to ensure they are continually effective. Such review and any recommendations will be submitted to the state Board of Education and Early Development for approval.

The Department will annually update and post on its website a list of approved reading assessments, instructional practices, and staff development programs to allow access to schools and districts to those resources for improving student reading proficiency. The Department will also be available for technical assistance, including coaching services, to help utilize these resources.

Section 4: The state Board of Education and Early Development will annually review and adopt K-3 reading assessments recommended by the Department, as well as instructional practices and staff development programs to help improve school and district K-3 reading proficiency.

Sectional: SB 107 Version A
01/28/2014
Page 1 of 3

Section 5: Adds a new Article 14, requiring every district to establish a K-3 reading program, and sets forth its requirements.

Section 14.30.760: Districts will participate in assessments to identify K-3 students with reading deficiencies. Districts will notify and meet with the parents of children identified as having reading deficiencies and provide strategies to encourage parents to help their child succeed. The district will provide staff development programs for instructors and supplemental instruction and remedial support approved by the Board through an individualized reading plan for the student, and report the level progress in meeting the goals and benchmarks of the reading plan.

A student may be exempted from the reading program under certain circumstances, including barriers to understanding the English language, having a disability requiring an IEP, or after having two years of intensive remedial work without improvement and repeating the same grade level.

Section 14.30.765: Requires a district to establish an individualized reading plan for every student identified as having a reading deficiency. The plan will be in collaboration with the teacher, school personnel and parents, reviewed annually, and remain in effect until the student demonstrates grade-level reading competency.

A reading plan will include a description of the additional reading instructional services and interventions that will be applied, and benchmarks and goals for tracking student progress.

All documentation relating to a student's reading plan will be placed in the student's permanent academic record and will be transferred with the student if the student transfers to different schools between grades K-3.

If after the first year of working under a reading plan a student does not show signs of improvement, the reading plan will be revised to include a more rigorous regimen of reading practice, and include instruction from a teacher possessing expertise in reading instruction.

Section 14.30.770: Requires a teacher to notify the parents of a K-3 student with a reading deficiency within 45 days prior to the end of the school year, and collaborate with the parents to help bring the student to grade level reading competency before the end of the school year.

The school will communicate to parents the importance of reading competency by completion of the third grade, and the implications of not having such competency. If there is a failure to coordinate with the parents, due to lack of participation on the parents' part, the school can initiate the process of keeping the student from advancing to the next grade level. However, parents continue to have the final say in making that decision, unless local district policy in this regard dictates otherwise.

Section 14.30.775: The Department shall adopt regulations establishing standards and time frames for monitoring school compliance with the reading program.

Section 14.30.790: Provides for a definition of “significant reading deficiency” as not meeting minimal reading skills under standards established by the state board for the student’s grade level. *(See bill text for complete definition)*

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 107
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB107-EED-SSA-01-27-14
Title: ESTABLISH K THROUGH 3 READING PROGRAM
Sponsor: STEVENS
Requester: Senate Education

Department: Department of Education and Early Development
Appropriation: Teaching and Learning Support
Allocation: Student and School Achievement
OMB Component Number: 2796

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services	200.0		200.0	200.0	200.0	200.0	200.0	200.0
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	200.0	0.0	200.0	200.0	200.0	200.0	200.0	200.0

Fund Source (Operating Only)

1004 Gen Fund	200.0		200.0	200.0	200.0	200.0	200.0	200.0
Total	200.0	0.0	200.0	200.0	200.0	200.0	200.0	200.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
---------------------------	--	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY2014) cost: 0.0

Estimated CAPITAL (FY2015) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 09/30/14

Why this fiscal note differs from previous version:

Initial version

Prepared By:	Dr. Susan McCauley, Director	Phone:	(907)465-2857
Division:	Teaching and Learning Support	Date:	01/27/2014 02:05 PM
Approved By:	Mike Hanley	Date:	01/27/14
Agency:	Commissioner		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. SB107

Analysis

Sections 1 and 2 have no fiscal impact on the department.

Section 3: In order to meet the intent of this section there is an estimated cost of \$200.0.

Summer or Fall Literacy Institute: \$50.0

Participant Outcomes:

- Use an understanding of the change process to guide and support effective instructional practice
- Support teachers in their own classrooms to ensure new teaching approaches take root and flourish
- Help teachers collect and analyze assessment data to increase achievement
- Provide explicit and systematic skill development in the areas of phonemic awareness, phonics, vocabulary development, and reading fluency, including verbal skills and reading comprehension

Materials: Participant resource notebook containing research studies, classroom observation forms, forms for grade level or department meetings, and materials for understanding and analysis of assessments. Program Resource Packets are provided for selected textbooks. Several professional reference books would be included as needed.

Audience: Teacher leaders, Principals and District leadership

Format: Three full days

Site Implementation Visits: 30 visits at \$5.0 = \$150.00

In order to support the ongoing professional development, Consultants/Coaches conduct Site Implementation Visits. Specific content is determined in consultation between Consultants/Coaches and the school leadership. During the site visit, Consultants/Coaches work informally with small groups of teachers, coaches, and administrators. Site visits provide the following vital services:

- Demonstrate site implementation and practice
- Literacy plan development and analysis of need
- Mentored practice for coaches and administrators
- Work with classroom teachers
- Assessment support
- Implementation of scientifically-based instructional materials
- Email and phone support

Sections 4 and 5 have no fiscal impact on the department.

SUPPORTING K-3rd Grade Literacy Development

Overview of the READ Act and Implementation Timeline

Achieving reading competency by the end of third grade is a critical milestone for every student and predicts ongoing educational success. If a student enters fourth grade without achieving reading competency, he or she is significantly more likely to fall behind in all subject areas beginning in fourth grade and later grades. Early literacy development is not only a critical milestone in a child's path to success, but it is also one of Colorado's top education priorities.

Colorado READ Act (H.B. 12-1238) Overview

The Colorado Reading to Ensure Academic Development Act (the READ Act), passed by the Colorado Legislature in 2012, focuses on early literacy development for all students and especially for students at risk for not achieving third grade reading proficiency. The READ Act focuses on kindergarten through third grade (K-3) literacy development, literacy assessment and individual READ plans for students identified with a significant reading deficiency.

READ Act vs. the Colorado Basic Literacy Act

The READ Act differs from the Colorado Basic Literacy Act (CBLA), a previous law, by focusing on students identified as having a significant reading deficiency, describing requirements for parent communication and providing funding to support intervention. The law also holds districts and schools accountable for student progress in the District/School Performance Frameworks and expects them to address requirements in their Unified Improvement Plans (UIPs). Other components include a competitive Early Literacy Grant and a resource bank of assessments, instructional programming and professional development programs.

READ Act Requirements

Assessments: The READ Act requires teachers to assess the literacy development of students in K-3 in the areas of phonemic awareness,

READ Act Implementation Timeline

Year One: 2012-2013

- Develop and adopt rules for the Administration of the Early Literacy Grant and the READ Act
- Final year of Read to Achieve
- Launch online resource bank of approved interim, diagnostic and summative assessments

Year Two: 2013-2014

- First year of implementation of the Early Literacy Grant
- Distribution of per-pupil funds for students with a significant reading deficiency
- Create READ plans for students with a significant reading deficiency
- Use of approved interim assessment for all K-3 students and approved diagnostic assessments for students with a significant reading deficiency

Year Three: 2014-2015

- Second year of implementation of the first cycle of the Early Literacy Grant
- For K-3 students completing the year with a significant reading deficiency, retention conversation is required, and the parent makes the final decision
- Accreditation ratings include the progress districts are making to advance students on READ plans
- Identify in Unified Improvement Plans the strategies that will be used to address the needs of students identified with a Significant Reading Deficiency

Years Four and Five: 2015-2017

- Continuous analysis and refinement

MARCH 2013

phonics, vocabulary development, including oral skills, reading fluency and reading comprehension. In March 2013, the State Board of Education approved assessments for use in measuring reading competency skill levels for children in K-3.

Development of READ Plans: The READ Act requires the creation and implementation of an individual intervention plan (called a READ plan) for students identified with a significant reading deficiency. The Act outlines specific components that must be included in the READ plans to ensure the effectiveness of the intervention strategies.

READ Plan Implementation: Throughout the READ plan implementation process, decisions should be made collaboratively between school personnel and parents.

Advancement of Students with Significant Reading Deficiencies: The READ Act provides guidance for deciding to advance students with significant reading deficiencies. It also requires that parents can choose retention as an intervention strategy for students who are significantly below grade level. Parents have the decision making authority for advancement decisions for grades K-3 until 2016-17. Beginning in 2016-17, for students completing third grade, the superintendent can make the final decision for advancement.

District Reporting Requirements: The READ Act requires districts to report specific student, school and district level data to the Colorado Department of Education about the number of students identified with significant reading deficiencies and their progress. Districts are also encouraged to report strategies and instructional techniques used to help share best practices with other districts.

Accountability and Improvement Planning: Districts and schools will be held accountable for student progress in the District/School Performance Frameworks and are expected to use this data to inform the development and implementation of their Unified Improvement Plans (UIPs).

State Supports for Effective Implementation: The Early Literacy Fund provides districts with per-pupil funding to help fund programs to meet the needs of students with a significant reading deficiency. The legislation has guidelines for using the funds.

Where can I learn more?

- READ Act website: www.cde.state.co.us/coloradoliteracy/ReadAct/index.asp
- READ Act Assessments: www.cde.state.co.us/coloradoliteracy/ReadAct/resourcebank.asp
- Colorado Literacy website: www.cde.state.co.us/coloradoliteracy/index.asp

The Colorado Department of Education

CONNECTING . . . *rigorous academic standards* . . . *meaningful assessments* . . .
engaging learning options . . . *excellent educators* . . . **for STUDENT SUCCESS**

Implementing the Colorado READ Act: Roles and Responsibilities

The purpose of this document is to provide information to Colorado educators related to roles and responsibilities for implementation of the Colorado Reading to Ensure Academic Development Act (*HB 12-1238, Colorado READ Act*).

The Colorado Reading to Ensure Academic Development Act (the READ Act) was passed by the Colorado Legislature during the 2012 legislative session. The READ Act focuses on K-3 literacy development, literacy assessment, and individual READ plans for students reading below grade level. The READ Act differs from the Colorado Basic Literacy Act (CBLA) by focusing on students identified as having a significant reading deficiency as determined by the State Board of Education, delineating requirements for parent communication, and providing funding to support intervention. Districts and schools will also be held accountable for student progress in the Performance Frameworks and be expected to address requirements in their Unified Improvement Plans (UIPs). Other components of the Colorado READ Act include a competitive Early Literacy Grant and a resource bank of assessments, instructional programming, and professional development programs.

This document is organized according to the main components of the Act. For each component, key tasks and roles for teachers and school and district leaders are delineated.



ASSESSMENT	2
DEVELOPMENT OF READ PLANS	2
READ PLAN IMPLEMENTATION	3
ADVANCEMENT OF STUDENTS WITH SIGNIFICANT READING DEFICIENCIES	4
DISTRICT REPORTING REQUIREMENTS	5
ACCOUNTABILITY AND IMPROVEMENT PLANNING	6
STATE SUPPORTS FOR EFFECTIVE IMPLEMENTATION	6

READ Act Requirements

Assessment

The READ Act requires teachers to assess the literacy development of students in kindergarten through third grade in the areas of phonemic awareness, phonics, vocabulary development, including oral skills, reading fluency, and reading comprehension.

The State Board of Education will approve interim, diagnostic, and summative assessments for use in measuring reading competency skill levels for children in kindergarten through third grade. Teachers must measure each K-3 student's reading competency using state board approved interim reading assessments throughout each school year. If the student is determined to have a significant reading deficiency, teachers must administer one or more of the state board approved diagnostic assessments to determine the student's specific reading skill deficiencies. Use of a summative reading assessment from the state board approved list at the end of kindergarten, first, and second grades is optional. Also, teachers may use other reading assessments in addition to, but not in place of, a state board approved assessment.

Development of READ Plans

The READ Act requires the creation and implementation of an individual intervention plan (called a READ plan) for students identified with a significant reading deficiency. The Act requires specific components for the READ plan, guidelines on parental involvement, and timing of plan creation. As appropriate, a local education provider may integrate into a student's Individualized Education Plan or Individualized Readiness Plan intervention instruction and strategies to address the student's reading deficiencies in lieu of a READ plan.

Parental Involvement

If a student is identified with a significant reading deficiency, teachers must attempt to meet with parents and jointly create the child's READ plan. If after three documented attempts, the teacher is unable to meet with the student's parents, teachers may create the READ plan and share the information with parents. Information shared must include a copy of the READ plan, an explanation of the scientifically- or evidenced-based reading program being used, any other services the student will receive, and any additional support the parent could provide.

READ Plan Components

READ plans must contain specific components in order to ensure the effectiveness of the intervention strategies. Each READ plan must include, at a minimum:

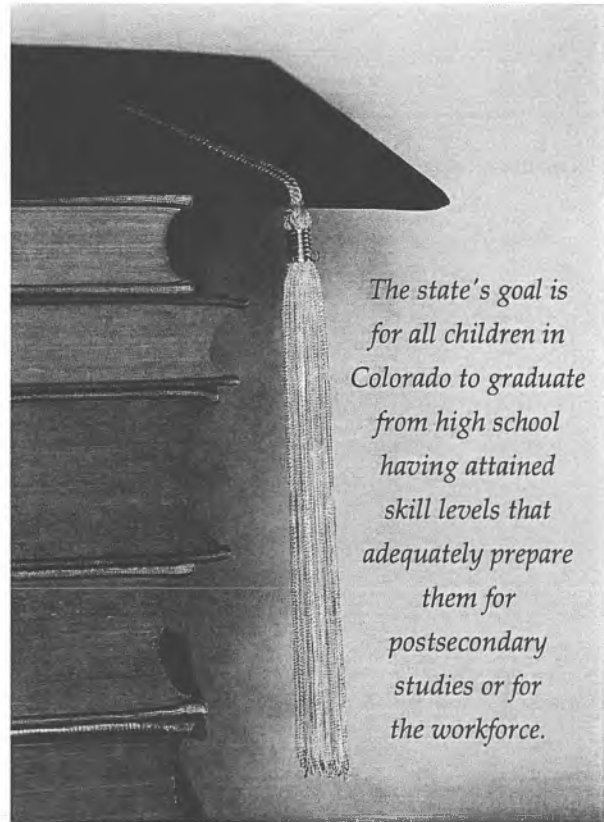
- the student's specific, diagnosed reading skill deficiencies;
- the goals and benchmarks for growth;
- how progress will be monitored and evaluated;
- the type of additional instructional services and interventions the student will receive;
- the scientifically-based or evidence-based reading instructional programming the teacher will use to provide reading instruction, addressing the areas of phonemic awareness, phonics, vocabulary development, including oral skills, reading fluency, and reading comprehension;
- the strategies the student's parent is encouraged to use in assisting the student to achieve reading competency; and,
- any additional services the teacher deems available and appropriate to accelerate the student's reading skill development.

READ Plan Implementation

Throughout the READ plan implementation process, decisions should be made collaboratively between school personnel and parents.

Districts must adopt procedures for ensuring parental involvement, **integration** of READ plans with other individual education plans, and implementation of effective intervention. Procedures for parental involvement must include processes for communicating with parents concerning the creation, content, and implementation of READ plans. The teacher and other personnel shall communicate in writing and discuss with the parent the following information:

- The state's goal is for all children in Colorado to graduate from high school having attained skill levels that adequately prepare them for postsecondary studies or for the workforce, and research demonstrates that achieving reading competency by the end of third grade is a critical milestone in achieving this goal.
- If the student enters fourth grade without achieving reading competency, he or she is significantly more likely to fall behind in all subject areas beginning in fourth grade and continuing in later grades. If the student's reading skill deficiencies are not remediated, it is likely that the student will not have the skills necessary to complete the course work required to graduate from high school.
- Reading skills are critical to success in school. Under state law, the student qualifies for and the local education provider is required to provide targeted, scientifically- or evidence-based interventions to remediate the student's specific, diagnosed reading skill deficiencies, which interventions are designed to enable the student to achieve reading competency and attain the skills necessary to achieve the state's academic achievement goals.
- The nature of the student's significant reading deficiency, including a clear explanation of what the significant reading deficiency is and the basis upon which the teacher identified the significant reading deficiency.
- The student's READ plan will include targeted, scientifically- or evidence-based intervention instruction to address and remediate the student's specific, diagnosed reading skill deficiencies.
- The parent plays a central role in supporting the student's efforts to achieve reading competency, the parent is strongly encouraged to work with the student's teacher in implementing the READ plan, and, to supplement the intervention instruction the student receives in school, the READ plan will include strategies the parent is encouraged to use at home to support the student's reading success.
- There are serious implications to a student entering fourth grade with a significant reading deficiency and, therefore, if the student continues to have a significant reading deficiency at the end of the school year in grades K-3, under state law, the parent, the student's teacher, and other personnel of the local education provider are required to meet and consider retention as an intervention strategy and determine whether the student, despite having a significant reading deficiency, is able to maintain adequate academic progress at the next grade level.



The state's goal is for all children in Colorado to graduate from high school having attained skill levels that adequately prepare them for postsecondary studies or for the workforce.

A student's READ plan must be implemented, regularly reviewed (at least annually) for effectiveness, and revised until the student attains reading competency at or above grade level. If a student is identified with a significant reading deficiency for a second consecutive year, the district must ensure that the student receives reading instruction that includes additional, more rigorous strategies and interventions to assist the student in attaining reading competency including, but not limited to, increased daily time for reading instruction and the option to receive reading instruction in conjunction with and supported through other subjects. Additionally, if practicable, the student should receive reading instruction from a teacher who has expertise in teaching reading and received an effective or highly effective rating in his/her most recent performance evaluation.

Integration of READ Plans with Other Student Learning Plans

If a student is identified as having a disability impacting progress in developing reading skills, districts shall as appropriate integrate reading intervention and strategies to address the student's reading deficiencies into the student's IEP in lieu of a READ plan. Similarly, if a kindergarten student is identified as having a significant reading deficiency, the student's READ plan should be created as a component of the student's individual school readiness plan.

Districts are responsible for intervention(s) through the Response to Intervention framework or a comparable intervention system if a student's reading skills are below grade level expectations but not identified as a significant reading deficiency. Districts are not required but are encouraged to (1) start a READ plan for students enrolled in fourth grade or higher, (2) provide parents with opportunities to learn how to better help their children, (3) use the instructional programs included on advisory lists that will be provided by CDE, and (4) provide behavioral support or counseling services for students with READ plans with the approval of the parents, when applicable.

Districts must ensure that each student's current READ plan, earlier versions of READ plans, and any relevant documentation is included in a body of evidence demonstrating progress toward reading competency. This body of evidence should be included in the student's permanent record and transferred if the student moves to another school.

Advancement of Students with Significant Reading Deficiencies

The READ Act provides guidance for decisions regarding the advancement of students with significant reading deficiencies.

District and teacher responsibilities:

Districts must adopt and teachers must follow procedures for determining whether a student who has a significant reading deficiency will advance to the next grade level. Districts must outline procedures for communicating with parents/guardians, an approval process for advancement decisions, and procedures for exemptions.

Procedures for parent/guardian communication must include providing updates to the student's parents/guardians concerning the contents of the student's READ plan and the progress toward achieving reading competency. District procedures must include plans for the parent, student's teacher, and other school personnel to meet and consider retention as an intervention strategy and determine whether the student, despite

having a significant reading deficiency, is able to maintain adequate progress at the next grade level. Districts must plan for communicating both in writing and orally in a language the parents/guardians understand.

An approval process for advancement decisions must include:

Beginning in the 2013-14 school year, for students completing grades K-3 with a significant reading deficiency, within 45 days of the end of the school year, personnel of the local education provider shall provide to the student's parent a written notice that there are serious implications to a student entering fourth grade with a significant reading deficiency. The parent, teacher, and other personnel shall meet and decide whether the student will advance to the next grade level. If there is not agreement, the parent shall decide, unless a district has a more rigorous decision making process in place. If, after making three documented attempts to schedule the meeting with the parent, personnel of the school are unable to do so, or if the parent does not attend the scheduled meeting, the school personnel shall decide, based on the student's body of evidence, whether the student will advance to the next grade level.

Beginning in the 2016-2017 school year, if a student is completing third grade and the school personnel or parent decides he/she will advance even though the student has a significant reading deficiency, the decision is subject to the approval of the superintendent (or designee). If the superintendent (or designee) does not approve the advancement decision, the student will not advance. After the decision is made, a subsequent letter to the parent must state the basis for the decision. Districts must include the statement in the student's permanent academic record and remove it when he/she achieves reading competency. Superintendents have the ability to decide whether or not a student should advance at any grade level regardless of the reason.

Exemptions related to an advancement decision are allowed under state law. Provisions for an advancement decision will not apply if the student is completing the second school year at the same grade level or the student has a disability and is eligible to take the alternative assessment, or the student is identified as having a disability that substantially impacts the student's progress in developing reading skills. Students with limited English proficiency and a significant reading deficiency primarily due to language skills may also receive an exemption.

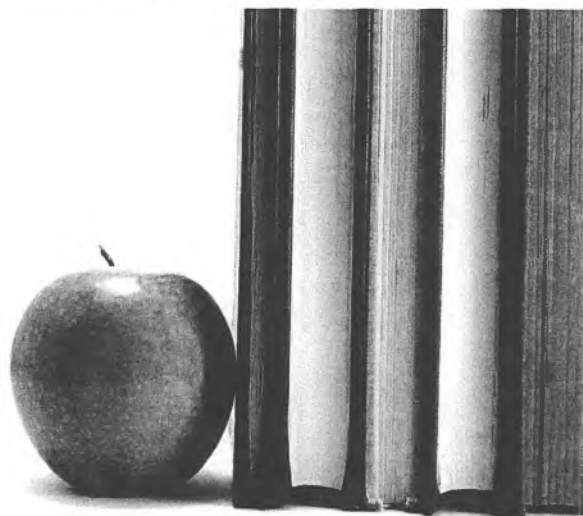
District Reporting Requirements

The READ Act requires all districts to report specific student, school, and district level data to the Colorado Department of Education (CDE). Districts are also encouraged to report strategies and instructional techniques used in order to assist in sharing best practices.

Beginning with the 2012-2013 school year, districts *must* annually report to the CDE the state assigned student identifier (SASID) for each student who is identified as having a significant reading deficiency.

Beginning with the 2013-2014 school year, districts *must* submit annually to the CDE information necessary to determine:

- the total number and percentage of K-3 students identified with significant reading deficiencies, including student level data for identified students using the state assigned student identifier (SASID);



- the total number of students not recommended for advancement and the total number of students who actually did not advance to the next grade level;
- the level at which all identified students progress toward reading competency, regardless of advancement decision;
- a quantitative comparison showing the degree to which identified students who advanced to the next grade level have progressed toward reading competency versus the degree to which identified students who did not advance to the next grade level progress toward reading competency.

Accountability and Improvement Planning

Districts and schools will be held accountable for student progress in the Performance Frameworks and be expected to address requirements in their Unified Improvement Plans (UIPs). Beginning with the school and district performance frameworks based on 2013-2014 assessment data, (released in the fall of 2014), CDE will include the reading scores of third and fourth grade students who were previously identified with a significant reading deficiency. The Colorado Growth Model Technical Advisory Panel shall consult with CDE to determine the amount of additional credit toward accreditation that local education providers will receive for students who were at one time identified with significant reading deficiencies that later score partially proficient, proficient, or advanced on the state summative assessment.

Districts must use data gathered to fulfill the requirements of the READ Act to inform the development and implementation of a district's UIP. Districts must also include in improvement plans the strategies to be used to address the needs of students with significant reading deficiencies and ambitious attainable targets to reduce the number of students with significant reading deficiencies and to ensure all students reach grade level proficiency in reading.

State Supports for Effective Implementation

The Early Literacy Fund provides districts with per-pupil funding in order to help fund programs designed to meet the needs of students identified with a significant reading deficiency. The legislation requires these funds to be spent according to the guidelines described below.

Districts must provide interventions to each K-3 student identified with a significant reading deficiency. Per-pupil intervention moneys for students with significant reading deficiencies must be used in one or more ways including to provide full-day kindergarten, to purchase tutoring services in reading, to provide other targeted, scientifically- or evidence-based intervention services approved by the department, or to operate a summer school literacy program. Summer school literacy programs may serve students in grades K-3 with significant reading deficiencies and may allow other students who are reading below grade level to participate if funding allows after enrolling students with significant reading deficiencies. Summer school programs must use scientifically- or evidence-based instructional programming in reading that has been proven to accelerate student progress in attaining reading competency, includes explicit and systematic instruction in phonemic awareness, phonics, vocabulary, fluency, oral language, and reading comprehension, and includes scientifically-based assessments for ongoing analysis of progress.

Districts must report to the CDE the use of per-pupil moneys and the number of students for which they received these moneys.

Grant Program

The Colorado READ Act includes a competitive grant program through the CDE designed to help districts fund a variety of efforts to improve reading and literacy outcomes for students in kindergarten and first, second, and third grades. **The Early Literacy Grant** program will fund local school and district intervention programs for students identified with significant reading deficiencies.

Resource Bank

The READ Act requires CDE to create and maintain a resource bank in order to help districts meet the needs of students with significant reading deficiencies. The resource bank will include required assessments and suggested instructional programs and professional development.

The **Colorado Department of Education** must develop procedures for identifying reading assessments, instructional programming, and professional development programs. At a minimum, procedures must include soliciting through public notice, accepting, and promptly reviewing assessments, instructional programming, and professional development programs from districts and publishers. Assessments, instructional programming, and professional development programs will be evaluated using any additional criteria the state board adopts. The CDE must periodically review and update the list of approved assessments, instructional programs, and professional development and make available any information received from districts concerning strategies and intervention instruction found effective in assisting students to achieve reading competency, including copies of any effective materials that the department receives. The CDE may contract with an independent, third-party evaluator to evaluate the materials and is not required to provide copies of any reading assessments, instructional programming, or professional development programs included on approved or advisory lists.

Instructional Programming

The Department must create an advisory list, by July 1, 2013, of scientifically- or evidence-based instructional programming that, at a minimum has been proven to accelerate progress in attaining reading competency and provides explicit and systematic skill development in the areas of phonemic awareness, phonics, vocabulary development, reading fluency, including oral skills, and reading comprehension. Programs must include texts on core academic content to assist students in maintaining or meeting grade appropriate proficiency levels in academic subjects in addition to reading. Instructional programs selected for the advisory lists must also include scientifically-based and reliable assessments for initial and ongoing analysis of students' progress in attaining reading competency. The advisory list will include both programs related to teaching literacy at the universal level and intervention programs.

Professional Development

The Department must create an advisory list by July 1, 2013 of professional development programs related to teaching literacy.

Assessments

The Department must create a list of interim, diagnostic, and summative assessments approved by the state board and make the list available on the CDE website by April 1, 2013. These instruments should be designed to assess the areas of phonemic awareness, phonics, vocabulary development, including oral skills, reading fluency, and reading comprehension.

Where can I learn more?

The Office of Literacy

Rati Montgomery, Executive Director

Montgomery_r@cde.state.co.us

303-866-6016

Dian Prestwich, PhD, Assistant Director

Prestwich_d@cde.state.co.us

303-866-6150

Resource information

- <http://www.cde.state.co.us/coloradoliteracy/ReadAct/index.asp>
- <http://www.cde.state.co.us/coloradoliteracy/index.asp>
- <http://www.cde.state.co.us/coloradoliteracy/AboutOfficeOfLiteracy.asp>

The Colorado Department of Education

201 E. Colfax Ave., Denver, CO 80203 • 303-866-6016

28-LS0916U
Mischel
2/4/14

CS FOR SENATE BILL NO. 107(EDC)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE EDUCATION COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS STEVENS, Gardner

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 standards 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 reading assessments, instructional practices,
20 and staff development programs required under AS 14.30.760 - 14.30.790;

21 and

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

24 * **Sec. 3.** AS 14.03.255(a) is amended to read:

25 (a) A charter school operates as a school in the local school district except that
26 the charter school (1) is exempt from the local school district's textbook, program,
27 other than the reading program under AS 14.30.760 - 14.30.790, curriculum, and
28 scheduling requirements; (2) is exempt from AS 14.14.130(c); the principal of the
29 charter school shall be selected by the academic policy committee and shall select,
30 appoint, or otherwise supervise employees of the charter school; and (3) operates
31 under the charter school's annual program budget as set out in the contract between the

1 local school board and the charter school under (c) of this section. **Except as provided**
2 **in (e) of this section, a** [A] local school board may exempt a charter school from other
3 local school district requirements if the exemption is set out in the contract. A charter
4 school is subject to secondary school competency testing as provided in AS 14.03.075
5 and other competency tests required by the department.

6 * **Sec. 4.** AS 14.03.255 is amended by adding a new subsection to read:

7 (e) A charter school shall comply with school accountability measures required
8 under AS 14.03.123 and the district reading program established under AS 14.30.760 -
9 14.30.790.

10 * **Sec. 5.** AS 14.07.020(a) is amended to read:

11 (a) The department shall

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

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

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

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

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

26 (6) accredit those public schools that meet accreditation standards
27 prescribed by regulation by the department; these regulations shall be adopted by the
28 department and presented to the legislature during the first 10 days of any regular
29 session [,] and become effective 45 days after presentation or at the end of the session,
30 whichever is earlier, unless disapproved by a resolution concurred in by a majority of
31 the members of each house;

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

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

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

12 (10) accredit private schools that request accreditation and that meet
13 accreditation standards prescribed by regulation by the department; nothing in this
14 paragraph authorizes the department to require religious or other private schools to be
15 licensed;

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

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

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

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

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

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

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

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

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

13 (17) notify the legislative committees having jurisdiction over
14 education before intervening in a school district under AS 14.07.030(14) or redirecting
15 public school funding under AS 14.07.030(15);

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

18 (19) periodically review assessments, instructional practices, and
19 staff development programs for their effectiveness in developing reading skills
20 and, after consultation with school districts and experts, recommend to the board
21 for approval assessments, instructional practices, and staff development
22 programs that

23 (A) have been proven to assess and accelerate student
24 progress toward reaching reading competency;

25 (B) provide explicit and systematic skill development in the
26 areas of phonemic awareness, phonics, vocabulary development, and
27 reading fluency, including verbal skills and reading comprehension;

28 (C) are scientifically based and reliable; and

29 (D) provide initial and ongoing analysis of student progress
30 toward reaching reading competency;

31 (20) publish on the department's Internet website and annually

update a list of approved assessments, instructional practices, and staff development programs recommended under this subsection;

(21) provide technical assistance and coaching services or strategies to school districts as necessary to improve implementation of approved reading assessments, instructional practices, and staff development programs.

* Sec. 6. AS 14.07.165 is amended by adding new subsections to read:

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

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

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

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

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

* Sec. 7. AS 14.30 is amended by adding new sections to read:

Article 14. District Reading Program.

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

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

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

(2) participation of students in statewide assessments;

(3) a meeting with the parent or guardian of the student as soon as practicable after a student has been identified as having a significant reading

1 deficiency, followed by regular written notifications, to describe, in language
2 understandable to the parent or guardian,

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

4 (B) the educational services currently being provided to the
5 student;

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

9 (D) strategies for the parent or guardian to use to help the child
10 succeed;

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

14 (F) the importance of early reading competency to academic
15 success and the result of significant reading deficiencies that increase the
16 likelihood of falling behind in school beginning in the fourth grade and
17 continuing in later grades and the likelihood of a student with a significant
18 reading deficiency failing to possess the skills necessary to complete
19 coursework required for high school graduation;

20 (4) implementation of student reading plans under AS 14.30.765 and
21 school monitoring plans under AS 14.30.775 for remediation of significant reading
22 deficiencies;

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

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

30 (7) strategies designed to supplement the program that a parent or
31 guardian may be encouraged to use to assist a student in achieving reading

1 competency; and

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

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

6 (1) has limited English proficiency and is enrolled in a limited English
7 proficiency program;

8 (2) has a disability and is the subject of an individualized education
9 plan under AS 14.30.278 that integrates intervention instruction and strategies to
10 address the student's reading deficiency, exempts the student from participation in
11 statewide standards-based assessments, and meets other requirements established by
12 law; or

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

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

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

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

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

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

31 (4) include

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

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

4 (C) a description of the additional reading instructional services
5 and interventions the student will receive; the instructional services and
6 interventions must be evidence-based reading strategies and instruction that the
7 teacher will use daily to advance, at a minimum, the student's phonemic
8 awareness, phonics, vocabulary development, and reading fluency, including
9 verbal skills and reading comprehension.

10 (c) All versions of a student's reading plan, including supporting
11 documentation, shall be placed in the student's permanent academic record and
12 transferred with the student if the student transfers to another school while in grades
13 kindergarten through three.

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

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

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

24 (3) whenever practicable, the student receives reading instruction from
25 a teacher who has a high rating on the teacher's most recent performance evaluation
26 and who possesses expertise in reading instruction; and

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

30 **Sec. 14.30.770. Student advancement through fourth grade; parental**
31 **involvement.** (a) If, within 45 days before the end of a school year in grades

1 kindergarten through three, a teacher determines that a student has a significant
2 reading deficiency, the school district in which the student is enrolled shall provide to
3 the student's parents or guardians a written notice stating, at a minimum, that

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

10 (2) school staff members will work with the parents or guardians to
11 schedule a date, time, and place for the meeting; and

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

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

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

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

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

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

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

6 (d) At the meeting described in (c) of this section, the parents or guardians, the
7 teacher, and the participating staff members shall decide whether the student will
8 advance to the next grade level in the next school year. If the parents or guardians, the
9 teacher, and the participating staff members are not in agreement, the parents or
10 guardians shall decide whether the student will advance to the next grade level unless
11 circumstances exist as specified in the policy adopted by the district that would
12 prevent advancement.

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

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

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