

**SB**

**57**

<TARGET><BILL>SB 57</BILL><SUBJECT>SB  
57</SUBJECT><COMM>SEDC28</COMM></TARGET>

SESSION ADDRESS:  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
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# Senator Gary Stevens

## Alaska State Legislature

INTERIM ADDRESS:  
112 Mill Bay Road  
Kodiak, Alaska 99615  
(907) 486-4925  
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## *SPONSOR STATEMENT*

### *SENATE BILL 57*

*"An Act relating to parental involvement in education; adjusting pupil transportation funding; amending the time required for employers to give tenured teachers notification of their nonretention; and providing for an effective date."*

Senate Bill 57 has three components. Firstly, it seeks to improve our efforts at the state and district level of encouraging increased parental involvement in the development of every child's reading skills. Secondly, it automatically adjusts pupil transportation costs by the annual inflation rate of Anchorage. Thirdly, it shifts the March 16 annual notification deadline for non-retained, non-tenured school faculty to May 15.

#### Early Literacy

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, and the resources being used for remediation in reading, writing, and math, there is a body of evidence suggesting our systemic problem begins early in a child's educational career, even at pre-school. While this bill does not intend to interfere with local control in identification, intervention, and retention policies, the state can at least up its efforts to inform parents of the importance of their child reading proficiently by the third grade.

#### Pupil Transportation

It is costing more each year to transport our students safely to and from school. SB 57 recalibrates the funding for pupil transportation by annually adjusting it according to the Consumer Price Index (CPI) for Anchorage. This change allows the funding to match the amounts agreed to in their most recent contract negotiations, providing a more realistic figure for the actual cost of pupil transportation. Currently most districts have to subsidize their pupil transportation programs, which takes foundation formula dollars out of the classroom.

#### Notification of Layoff or Nonretention

The budget cycle of the Alaska Legislature does not come to completion until mid-April annually. On March 16, the Legislature is a long way from being done writing the state budget. Meanwhile school districts are forced to issue pink slip notifications to staff on or by March 16, even though their budget levels are not yet known. This must cause anxiety on many levels, including the classroom. However, by the end of April all funding levels are known and school districts can act accordingly, including a retraction of the layoff pink slips. With such an arbitrary deadline for school districts to notify their faculty of potential layoffs, it is both unfair and inefficient to continue going through this exercise. SB 57 proposes to move the notification deadline to May 15 to better accommodate state and local budget planning.

Thank you for your consideration of this important legislation.

Senate District R  
Senator\_Gary\_Stevens@legis.state.ak.us

**Senator Gary Stevens**  
**Alaska State Legislature**

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***SECTIONAL ANALYSIS***

**SENATE BILL 57**

*"An Act relating to parental involvement in education; adjusting pupil transportation funding; amending the time required for employers to give tenured teachers notification of their nonretention; and providing for an effective date."*

**Section 1:** Calls upon the Alaska Department of Education and Early Development to provide parents with children in kindergarten to grade 3 with information on the importance of early literacy. Also calls for a communications campaign to include development of a website with resources being made available for parents to help their children learn to read.

**Section 2:** Adjusts pupil transportation dollars annually by the inflationary index of Anchorage.

**Section 3:** Shifts the deadline for districts to notify faculty of layoff or nonretention to May 15.

**Section 4:** Repeals the annual adjustment of 1.5% for pupil transportation as enacted in 2012.

**Section 5:** Is required language to allow existing employment contracts to expire before Section 3 is applied.

**Section 6:** Provides for an effective date of July 1, 2013.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: SB 57  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB057-EED-TLS-2-22-13  
Title: LITERACY, PUPIL TRANSP, TEACHER NOTICES  
Sponsor: STEVENS  
Requester: Senate Education Committee

Department: Department of Education and Early Development  
Appropriation: Teaching and Learning Support  
Allocation: Early Learning Coordination  
OMB Component Number: 2912

**Expenditures/Revenues**

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

	FY2014	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2014 Request	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>	<b>FY 2014</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
Personal Services	97.5		97.5	97.5	97.5	97.5	97.5
Travel							
Services	57.7		47.7	47.7	47.7	47.7	47.7
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>155.2</b>	<b>0.0</b>	<b>145.2</b>	<b>145.2</b>	<b>145.2</b>	<b>145.2</b>	<b>145.2</b>

**Fund Source (Operating Only)**

1004 Gen Fund	155.2		145.2	145.2	145.2	145.2	145.2
<b>Total</b>	<b>155.2</b>	<b>0.0</b>	<b>145.2</b>	<b>145.2</b>	<b>145.2</b>	<b>145.2</b>	<b>145.2</b>

**Positions**

Full-time	1.0						
Part-time							
Temporary							

**Change in Revenues**

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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

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

**Why this fiscal note differs from previous version:**

Initial Version
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Prepared By:	Paul R. Prussing, Deputy Director	Phone:	(907)465-8721
Division	Teaching and Learning Support	Date:	02/22/2013 09:52 AM
Approved By:	Mike Hanley	Date:	02/22/13
	Commissioner		

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. SB057

**Analysis**

Sec 1 amends AS 14.03.072 (a) requires the department to annually contact the parent/guardian of approximately 45,000 k-3 students across the state in order to provide them current early literacy information. Amending this same section, AS 14.03.072 (b) requires the department to create and implement a communications campaign about early literacy.

The department anticipates the need for on Education Associate III, range 17 to adequately meet these additional responsibilities. Salaries, Benefits and position chargeback: \$97,500. Creation of communication campaign and material: \$57,700. (\$32,850 annual publications, 45,000 estimated at \$.73 each, tri-fold type brochure; annual postage estimated \$14,850; 45,000 at \$0.33; total \$47,700 per year.) Website creation/maintenance, local media contacts and public service announcement's creation estimated at \$10,000; 2 Public service announcements at \$4,500 each, and \$1,000 web design).

Sec 3 amends AS14.20.140 (a); No anticipated cost to the department.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: SB 57  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB057-EED-PEF-3-11-13  
Title: LITERACY, PUPIL TRANSP, TEACHER NOTICES  
Sponsor: STEVENS  
Requester: Senate Education Committee

Department: Fund Transfers  
Appropriation: Designated Savings (UGF)  
Allocation: Public Education Fund (Savings ) (AS. 14.17.300)  
OMB Component Number: 2929

**Expenditures/Revenues**

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

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates					
			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits	736.3		1,502.0	3,435.8	5,417.9	7,449.6	9,532.2	
Miscellaneous								
<b>Total Operating</b>	<b>736.3</b>	<b>0.0</b>	<b>1,502.0</b>	<b>3,435.8</b>	<b>5,417.9</b>	<b>7,449.6</b>	<b>9,532.2</b>	

**Fund Source (Operating Only)**

1004 Gen Fund	736.3		1,502.0	3,435.8	5,417.9	7,449.6	9,532.2
<b>Total</b>	<b>736.3</b>	<b>0.0</b>	<b>1,502.0</b>	<b>3,435.8</b>	<b>5,417.9</b>	<b>7,449.6</b>	<b>9,532.2</b>

**Positions**

Full-time							
Part-time							
Temporary							

**Change in Revenues**

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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Initial version.

Prepared By: Elizabeth Nudelman, Director  
Division: School Finance and Facilities  
Approved By: Mike Hanley  
Commissioner

Phone: (907)465-8679  
Date: 03/11/2013 10:45 AM  
Date: 03/11/13

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. SB57

**Analysis**

This fiscal note capitalizes the Public Education Fund (PEF) as set out in SB57 in order to provide sufficient funding to address the Pupil Transportation Program. There is a separate fiscal note for the Pupil Transportation Program that shows the calculations for the funding increases.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: SB 57  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB057-EED-K12-3-11-13  
Title: LITERACY, PUPIL TRANSP, TEACHER NOTICES  
Sponsor: STEVENS  
Requester: Senate Education Committee

Department: Department of Education and Early Development  
Appropriation: K-12 Support  
Allocation: Pupil Transportation  
OMB Component Number: 144

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2014	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2014 Request	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>	<b>FY 2014</b>	<b>FY 2014</b>					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Initial version.

Prepared By:	Elizabeth Nudelman, Director	Phone:	(907)465-8679
Division	School Finance & Facilities	Date:	03/11/2013 10:45 AM
Approved By:	Mike Hanley	Date:	03/11/13
	Commissioner		

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. SB57

**Analysis**

Section 2 of this legislation amends AS 14.09.010, "Transportation of Pupils", by adding a subsection that adjusts the per student amounts annually using the change in the Consumer Price Index (CPI) for all urban consumers for the Anchorage metropolitan area. The index for 1982 through 1984 is the reference base index to be used for this annual adjustment.

The CPI increase of 2.5%, which is reflected in the 10-year plan, was used in the calculations. Using this CPI increase, the estimated state costs of the pupil transportation program for FY2014 through FY2019 are shown below.

Section 4 of this legislation repeals the 1.5% increase that was to be applied to the per student amounts for FY2014 and FY2015 and was put into place during the 2012 Legislature with the passage of House CS for CSSB 182.

The projected amounts under the current law, the projected amounts under SB57 (using the 2.5% CPI increase), and the projected increase in state costs are summarized below:

	<u>Current Law</u>	<u>Total New Costs with 2.5% CPI</u>	<u>Annual Increase in State Costs</u>
FY2014	\$74.7 million	\$75.4 million	\$0.7 million
FY2015	\$75.9 million	\$77.4 million	\$1.5 million
FY2016	\$75.9 million	\$79.3 million	\$3.4 million
FY2017	\$75.9 million	\$81.3 million	\$5.4 million
FY2018	\$75.9 million	\$83.3 million	\$7.4 million
FY2019	\$75.9 million	\$85.4 million	\$9.5 million

This legislation would take effect July 1, 2013.

The funding mechanism is a general fund transfer to the Public Education Fund (PEF). The fiscal note effect for FY2014 through FY2019, as reported above, is reported in a fiscal note for the PEF, as the funding is deposited to the PEF not into the Pupil Transportation Program component. The above analysis and attached calculation is presented here for explanation.

School District	Renealed FY2014			Repealed FY2015			FY2016	FY2017	FY2018	FY2019
	Projected Grant with 1.5% Increase based on House CS for CSSB182	FY2014 Projected Grant with CPI of 2.5%*	HB120 Increases in the FY2014 Projected Grant	Projected Grant with 1.5% Increase based on House CS for CSSB182	FY2015 Projected Grant with CPI of 2.5%*	HB120 Increases in the FY2015 Projected Grant				
Alaska Gateway	\$ 675,759	\$ 682,417	\$ 6,658	\$ 685,895	\$ 699,477	\$ 13,582	\$ 716,964	\$ 734,888	\$ 753,260	\$ 772,092
Aleutian Region	-	-	-	-	-	-	-	-	-	-
Aleutians East Borough	75,263	76,005	742	76,392	77,905	1,513	79,853	81,849	83,895	85,992
Anchorage	21,741,417	21,955,618	214,201	22,067,538	22,504,508	436,970	23,067,121	23,643,799	24,234,894	24,840,766
Annette Island	55,500	56,047	547	56,333	57,448	1,115	58,884	60,356	61,865	63,412
Bering Strait	84,707	85,541	834	85,978	87,680	1,702	89,872	92,119	94,422	96,783
Bristol Bay Borough	390,932	394,784	3,852	396,796	404,654	7,858	414,770	425,139	435,767	446,661
Chatham	42,079	42,493	414	42,710	43,555	845	44,644	45,760	46,904	48,077
Chugach	-	-	-	-	-	-	-	-	-	-
Copper River	715,383	722,431	7,048	726,114	740,492	14,378	759,004	777,979	797,428	817,364
Cordova	110,899	111,991	1,092	112,562	114,791	2,229	117,661	120,603	123,618	126,708
Craig	139,853	141,231	1,378	141,951	144,762	2,811	148,381	152,091	155,893	159,790
Delta/Greely	1,321,271	1,334,289	13,018	1,341,090	1,367,646	26,556	1,401,837	1,436,883	1,472,805	1,509,625
Denali Borough	437,720	442,033	4,313	444,286	453,084	8,798	464,411	476,021	487,922	500,120
Dillingham	614,069	620,119	6,050	623,280	635,622	12,342	651,513	667,801	684,496	701,608
Fairbanks N. Star Borough	11,988,074	12,106,183	118,109	12,167,895	12,408,838	240,943	12,719,059	13,037,035	13,362,961	13,697,035
Galena	83,233	84,053	820	84,481	86,154	1,673	88,308	90,516	92,779	95,098
Haines Borough	180,872	182,654	1,782	183,585	187,220	3,635	191,901	196,699	201,616	206,656
Hoonah	35,561	35,911	350	36,094	36,809	715	37,729	38,672	39,639	40,630
Hydaburg	-	-	-	-	-	-	-	-	-	-
Iditarod Area	40,229	40,625	396	40,832	41,641	809	42,682	43,749	44,843	45,964
Juneau Borough	3,087,994	3,118,417	30,423	3,134,314	3,196,377	62,063	3,276,286	3,358,193	3,442,148	3,528,202
Kake	29,932	30,227	295	30,381	30,983	602	31,758	32,552	33,366	34,200
Kashunamiut	1,539	1,554	15	1,562	1,593	31	1,633	1,674	1,716	1,759
Kenai Peninsula Borough	7,720,202	7,796,263	76,061	7,836,005	7,991,170	155,165	8,190,949	8,395,723	8,605,616	8,820,756
Ketchikan Gateway Borough	1,603,573	1,619,372	15,799	1,627,627	1,659,856	32,229	1,701,352	1,743,886	1,787,483	1,832,170
Klawock	79,872	80,659	787	81,070	82,675	1,605	84,742	86,861	89,033	91,259
Kodiak Island Borough	2,010,161	2,029,965	19,804	2,040,313	2,080,714	40,401	2,132,732	2,186,050	2,240,701	2,296,719
Kusuk	230,476	232,747	2,271	233,933	238,566	4,633	244,530	250,643	256,909	263,332
Lake & Peninsula Borough	127,917	129,178	1,261	129,836	132,407	2,571	135,717	139,110	142,588	146,153
Lower Kuskokwim	1,165,128	1,176,607	11,479	1,182,605	1,206,022	23,417	1,236,173	1,267,077	1,298,754	1,331,223
Lower Yukon	1,999	2,019	20	2,029	2,069	40	2,121	2,174	2,228	2,284
Mat-Su Borough	14,746,017	14,891,298	145,281	14,967,207	15,263,580	296,373	15,645,170	16,036,299	16,437,206	16,848,136
Nenana	126,063	127,305	1,242	127,954	130,488	2,534	133,750	137,094	140,521	144,034
Nome	443,524	447,894	4,370	450,177	459,091	8,914	470,568	482,332	494,390	506,750
North Slope Borough	1,932,960	1,952,004	19,044	1,961,954	2,000,804	38,850	2,050,824	2,102,095	2,154,647	2,208,513
Northwest Arctic Borough	48,628	49,107	479	49,357	50,335	978	51,593	52,883	54,205	55,560
Pelican	1,108	1,119	11	1,125	1,147	22	1,176	1,205	1,235	1,266
Petersburg	176,783	178,525	1,742	179,435	182,988	3,553	187,563	192,252	197,058	201,984
Pribilof	-	-	-	-	-	-	-	-	-	-
Saint Mary's	36,862	37,225	363	37,415	38,156	741	39,110	40,088	41,090	42,117
Sitka Borough	572,582	578,223	5,641	581,171	592,679	11,508	607,496	622,683	638,250	654,206
Skagway	2,405	2,429	24	2,441	2,490	49	2,552	2,616	2,681	2,748
Southeast Island	229,853	232,118	2,265	233,301	237,921	4,620	243,869	249,966	256,215	262,620
Southwest Region	367,424	371,044	3,620	372,935	380,320	7,385	389,828	399,574	409,563	419,802
Tanana	24,269	24,508	239	24,633	25,121	488	25,749	26,393	27,053	27,729
Unalaska	281,494	284,267	2,773	285,716	291,374	5,658	298,658	306,124	313,777	321,621
Valdez	490,466	495,298	4,832	497,823	507,680	9,857	520,372	533,381	546,716	560,384
Wrangell	222,649	224,842	2,193	225,989	230,463	4,474	236,225	242,131	248,184	254,389
Yakutat	68,793	69,470	677	69,825	71,207	1,382	72,987	74,812	76,682	78,599
Yukon Flats	72,154	72,864	710	73,236	74,686	1,450	76,553	78,467	80,429	82,440
Yukon/Koyukuk	93,165	94,083	918	94,562	96,435	1,873	98,846	101,317	103,850	106,446
Yup'it	883	892	9	896	914	18	937	960	984	1,009
<b>Totals</b>	<b>\$ 74,729,696</b>	<b>\$ 75,465,948</b>	<b>\$ 736,252</b>	<b>\$ 75,850,639</b>	<b>\$ 77,352,597</b>	<b>\$ 1,501,958</b>	<b>\$ 79,286,413</b>	<b>\$ 81,268,574</b>	<b>\$ 83,300,285</b>	<b>\$ 85,382,791</b>
<b>Annual Increase in State Costs:</b>			<b>\$ 736,252</b>			<b>\$ 1,501,958</b>	<b>\$ 3,435,774</b>	<b>\$ 5,417,935</b>	<b>\$ 7,449,646</b>	<b>\$ 9,532,152</b>

\* based on CPI increase of 2.5% each year



## Anchorage School District

5530 E. Northern Lights Blvd.  
Anchorage, Alaska 99504-3135  
(907) 742-4000

March 3, 2013

Senator Gary Stevens  
State Capitol, Room 429  
Juneau, AK 99801-1182

Dear Senator Stevens,

I am writing to express the support of the Anchorage School District for the intent of Senate Bill 57 to increase support for K-12 education in Alaska.

### Section 3 – Notice of Non-Retention of Tenured Employees

ASD is especially supportive of Section 3 which would move the notice of non-retention of tenured employees from March 16<sup>th</sup> to May 15<sup>th</sup>.

ASD develops a balanced budget every year by matching staffing levels and expenditures to projected revenues. Projected revenues are developed based on highly likely revenues which typically include the state K-12 education foundation formula. ASD has not built its budget on what *might* be forthcoming from the legislative process that typically concludes in April. As a result, the district has had to issue notices of non-retention in March based on early revenue projections, only to rescind them in May based on the incremental funding that ultimately emerges from the Legislative process. ASD believes that employees are better served by limiting notice of non-retention to those employees who are highly likely not to be retained – a determination made much more certain after revenues from the legislative process can be reliably taken into account by the middle of May.

### Section 1 – DEED Promotion of Early Literacy

The Anchorage School District supports the promotion of early literacy to parents of students enrolled in kindergarten through third grade. ASD currently promotes early literacy through a variety of activities, including direct promotion of reading at parent meetings, family nights, literacy nights, parental referrals and the well-known “Battle of the Books” program.

While ASD understands and appreciates that not all districts provide this level of support and promotion of early literacy and that the Department of Education and Early Development may be well suited to support and promote early literacy in those districts, we are concerned that section 1 as currently written does not limit the Department to providing support where it may be needed. To avoid excessive duplication of efforts, ASD would like to encourage consideration of limiting DEED’s literacy promotion mandate to those districts not currently engaged in those activities.

Section 2 – 100% of CPI for Transportation

Section 2 would increase the annual escalation in per pupil transportation program for school districts from roughly 60% of inflation under current law to 100% of the Anchorage consumer price index.

ASD remains concerned that operating expenses are increasing for transportation and other areas without additional funding, despite our strong efforts to curb unreasonable growth. We also recognize that the governor and the legislature may have to restrain spending growth to enable the state to save for years when oil revenue is smaller and that downward adjustments in statutory formulas may be necessary as oil revenues decline. In addition, it is noted that when state oil revenues declined in the 1980s, the transportation program increased and support for direct instruction declined. Increasing the transportation reimbursement rate to 100% of CPI now, while holding the base student allocation at 0% of CPI, may not yield results that are much different.

ASD would like to encourage collective consideration of how the state and school districts can work together to exercise fiscal restraint across all support functions in order to sustain direct classroom instruction over the long term. Along those lines, supporters of education may wish to consider targeting additional transportation support toward initiatives that also expand school choice and improve access for all students to high quality instruction within our existing schools.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Browder", with a long horizontal flourish extending to the right.

Jim Browder, Ed.D.  
Superintendent



# FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

520 Fifth Avenue Fairbanks, Alaska 99701-4756 (907) 452-2000

[www.k12northstar.org](http://www.k12northstar.org)



February 22, 2013

Senator Stevens  
State Capitol Room 429  
Juneau, AK 99801

Senator Stevens:

The Fairbanks North Star Borough School District is supportive of Senate Bill 57. This bill provides for Early Literacy information to be disseminated to parents and guardians of students enrolled in kindergarten through grade three. Providing parents with the tools necessary to assist their child in learning to read is a positive step in preparing for success in school.

Section 2 of the bill calls for a change in the inflator from 1.5 percent to the Anchorage Consumer Price Index (CPI). This will match our Transportation Contract Agreement and will fully fund pupil transportation. This too, is a positive move as it keeps our district from using operating dollars for pupil transportation.

Section 3 changes the effective date for employers' notification of nonretention or layoff to tenured teachers from March 16 to May 15. Currently, school districts are forced to make early decisions and often adopt a conservative approach to notify teachers without having budget information from the state or borough. This bill would enable districts to have a more accurate budget picture and eliminate the need to impact teachers unnecessarily.

We appreciate your introduction of this bill.

Respectfully,

Pete Lewis  
Superintendent of Schools

cc: FNSB Board of Education

**SALLY SADDLER**

**PO Box 21356**

**Juneau, Alaska**

**99802.1356**

**Email: [teal@gci.net](mailto:teal@gci.net)**

**Phone: 907.723.2114**

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20 February 2013

The Honorable Gary Stevens  
Alaska State Senate  
Alaska State Capitol, Room 429  
Juneau, Alaska 99801.1182

Dear Senator Stevens:

I write in support of SB57 School Literacy, Transportation and Teacher Notices. I am a member of the Juneau School Board and am currently serving my fifth year in this capacity. The opinions in this letter are my own, as our board has not yet had an opportunity to meet and take a position on this legislation.

Thank you for introducing this bill, which contains several low-cost provisions to help improve the work we do in the Juneau Schools.

Our board understands the importance of having students able to enter school ready to learn.


Section 1 of this bill directly addresses our indicator of success that all students enter school ready to learn. We realize that up to third grade students *learn to read*. After that they *read to learn*. Anything that can be done to support parental and community understanding of the importance of early literacy is a winner in my opinion. Further, it can have the effect of saving schools the cost of remedial literacy at later grades.

Section 2 of the bill will address an anticipated shortfall in our pupil transportation account given the current statutory inflation adjustment is fixed at 1.5%. Changing the adjustment to the Anchorage CPI is aligned with our pupil transportation contract.

Section 3 aligns the date for notifying teachers of non-retention to a date after which districts have received the final state budget allocation from the legislature. This means we don't have to over issue lay-off notices while estimating what the legislature will actually fund. While it may be perceived as controversial by some unions, I believe it actually has the potential to minimize unnecessary reductions and disruptions of people's livelihoods. The section 5 effective date ensures no current contract would be retroactively subjected to this provision.

Thank you for the opportunity to comment on this legislation.

Sincerely,



Sally Saddler

Cc: Members of the Juneau School Board



# KENAI PENINSULA BOROUGH SCHOOL DISTRICT

## Office of Superintendent

Dr. Steve Atwater, Superintendent of Schools  
148 North Binkley Street Soldotna, Alaska 99669-7553  
Phone (907) 714-8888 Fax (907) 262-9132

February 18, 2013

Senator Gary Stevens  
State Capitol Room 429  
Juneau, AK 99801

Dear Senator Stevens:

I am writing on behalf of the Kenai Peninsula Borough School District (KPBSD) to support Senate Bill 57 as introduced. I will address each of the bill's three sections and offer reasons for my support.

Section I proposes to revise AS 14.03 by requiring the Department of Education and Early Development to provide parents of students in kindergarten through third grade with information on early literacy acquisition including strategies for intervention. KPBSD is pleased to see this new layer of parental support. As you know, academic success hinges on literacy acquisition; this amendment will help to ensure that this is the case for all of Alaska's children.

Section II of the bill amends AS 14.09.010 to annually adjust the per student amount for student transportation by the amount of change to the Consumer Price Index. This is a welcome and necessary addition for KPBSD.

Section III of the bill amends AS 14.20.140 by extending the date of tenured teacher contract notification from March 15, to May 15. This change will provide KPBSD more time to react to a shortfall in revenue. Further, it will allow the district to extend its period of teacher evaluation. Finally, it should be noted that the change in date does not preclude the district from offering a contract to a tenured teacher prior to May 15. I suspect that the majority of such contracts would not be held until May.

Please let me know if I can provide more information on why KPBSD supports SB 57. I view the proposed changes as positive for KPBSD and for all Alaska districts.

Sincerely,

Steve Atwater, Ph.D.  
Superintendent of Schools

# NORTH SLOPE BOROUGH SCHOOL DISTRICT

## Nunamiut Wolves Amaġut

Nunamiut School  
P.O. Box 21029  
Anaktuvuk Pass, Alaska 99721  
(907) 661-3226  
FAX (907) 661-6215

## Atqasuk Eagles Tinmiaqait/ch

Meade River School  
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Atqasuk, Alaska 99791  
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FAX (907) 633-6215

## Barrow Whalers Aġviasiutit

Barrow High School  
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## HMS Wolves Amaġut

Eben Hopson, Sr., Memorial Middle School  
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## Arctic Foxes Tiġiganniat

Fred Ipalook Elementary School  
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## Kiita Snowy Owls Ukpiit/ch

Kiita Learning Community  
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## Kaveolook Rams Imnait/ch

Harold Kaveolook School  
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## Nuiqsut Trappers Naniġiaqtuatit

Trapper School  
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## Tikiġaq Harpooners Kapuatit

Tikiġaq School  
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## Kali Qavviit/ch

Kali School  
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Point Lay, Alaska 99759  
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FAX (907) 833-2315

## Alak Huskies Qimuktit

Alak School  
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February 20, 2013

The Honorable Gary Stevens  
Alaska State Senate  
Alaska State Capitol  
Room 429  
Juneau, AK 99801

Dear Senator Stevens,

We are writing today to strongly support SB57 as introduced in the Senate last week. The first section requiring the provision of information to kindergarten through grade three parents is straightforward.

The second section, which will set the Anchorage CPI as the adjustment for Pupil transportation reimbursement is vitally important to sustaining safe pupil transportation here in the arctic. We want to thank you personally, Senator Stevens, for keeping instructional funds in the classroom by fixing the Pupil Transportation Reimbursement Program.

The third section simply moves the notice of non-retention of tenure from March 16<sup>th</sup> to May 15, which improves our ability to complete the current school year yet deal with personnel issues. Concomitantly, Section 5 is the applicability section that applies to section three because the change in statute cannot break current contractual agreements, and thus we support it as well.

Please do not hesitate to contact me with any questions you have in regards to the North Slope Borough School District. Thank you.

Sincerely,

Peggy Cowan  
Superintendent

Cc: Senator Donald Olson  
Representative Benjamin Nageak  
Representative Lynn Gattis

Letter No. 13-136

Box 169 Barrow, Alaska 99723 (907) 852-5311 Fax (907) 852-9503

# Third Grade Literacy Policies: Identification, Intervention, Retention

By Stephanie Rose and Karen Schimke  
Education Commission of the States  
March 2012



Education  
States

This paper is the product of ECS' P-3 work, supported in part by Pre-K Now.

## Introduction

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Students not reading proficiently by the end of 3rd grade are four times more likely than proficient readers to drop out of high school.<sup>1</sup> This fact and other recent research on the importance of early literacy skills have culminated in an intense focus on improving 3rd-grade reading proficiency. The challenges of improving literacy are, in turn, causing more state leaders to confront the difficult question: *Should students who do not have the requisite knowledge and reading skills to succeed in the next grade be retained?*

The growing number of state initiatives aimed at addressing 3rd-grade reading proficiency include three elements:

- 1) Early identification of reading difficulties
- 2) Interventions that occur as close to the point of need as possible
- 3) Retention.

While states such as Florida and major cities such as New York City have enacted so-called “promotion gates” in the past decade, it is the less-contentious aspects of their policies — early assessments to identify reading difficulties and the provision of “whatever-it-takes” interventions for struggling students — that are the most effective drivers of achievement. That said, proponents of retention credit the threat of retention as the mechanism that helps to ensure that reading difficulties are identified and interventions do occur.

Research asserting that birth to age 5 are critical years for brain development is also encouraging a growing number of state leaders to target literacy development in the earliest years as well as the early grades. We address here the strategy that is causing the most angst across the states: retention. We also stress the importance of and need for early identification and intervention strategies. To illustrate, we describe the experiences of both Florida and New York City. Finally, we outline strategies to help ensure that a far greater number of young readers leave the early grades at a proficient level of knowledge and skills.



## Background on Grade Retention

Research is mixed on the efficacy of grade retention, mirroring the mixed opinions of educators and parents. While some researchers have found that retained students “can significantly improve their grade-level skills during their repeated year,” others have found that less than half of retained students meet promotion standards after attending summer school and repeating a grade.<sup>2,3</sup> Some research points to other negative effects, including a greater likelihood of bullying and victim behavior, or dropping out of high school.<sup>4,5</sup>

On the other hand, promoting students who don’t have the requisite skills to succeed leaves students at risk of failure. And while many fear children will be worse off if they are promoted to the next grade without the needed knowledge and skills, others contend that retention can damage children’s self-esteem and force them to repeat programs that are not meeting their needs. Concerns about damaging students’ early feelings toward school and their attitudes toward their own abilities are especially pertinent, as most children are held back in grades K-3, the majority in kindergarten or 1st grade.<sup>6</sup>

Further concern about grade retention policies stems from the fact that retention disproportionately affects disadvantaged students. While nationally about 10% of K-8 students are retained for one or more years, the figure ranges from just 5% for non-poor children to nearly 25% for poor children.<sup>7</sup> Further, retained students are more likely to be male, minority and of lower socioeconomic status (SES).<sup>8,9</sup> This raises serious questions about equity and the potential for prejudicing teachers’ attitudes toward the academic capabilities of retained students. Given these disparities, some view grade retention as punishing disadvantaged students who also may not have received the same quality of instruction as their more advantaged peers.



Photo courtesy of Pew Center on the States

Finally, grade retention is not without cost. Assessment and identification costs aside, retaining a child costs an average of \$10,297 per year.<sup>10</sup> In a school district of 1,000 students, if 10% of all students were retained in a year (100 students in total) it would produce a cost of almost \$1.3 million. In addition to the direct costs to school districts, the Organization for Economic Cooperation and Development (OECD) has found that student retention creates another cost to our society — that of a delayed entrance into the labor market. Each year that students are retained in school is a year that they are not participating in our labor force.

**In a meta-analysis of studies of student retention policies, the RAND Corporation found that the most successful retention policies, as measured by student outcomes, are characterized by early assessments and numerous interventions.**

In a recent report, OECD notes that retention rates vary widely by country, with 13 out of 65 OECD countries and OECD partners listing 97% or more of their students as never having repeated a grade (primary through upper-secondary) but 12 of 65 countries reporting that over 30% of students repeated at least one grade. The United States falls in between with a K-8 retention rate of about 10% (see **Appendix B** for a full list of countries). OECD researchers point out that countries with low retention rates use other strategies to deal with struggling students, such as granting schools more autonomy to establish student-assessment policies, deciding which courses are offered, designing course content and choosing textbooks.<sup>11</sup>

When coupled with strong identification and intervention components, grade retention policies can have positive effects on student achievement. In a meta-analysis of studies of student retention policies, the RAND Corporation found that the most successful retention policies, as measured by student outcomes, are characterized by early assessments and numerous interventions. Where outcomes were most positive for students, remediation often included individualized education plans, continuous evaluation of academic performance, low student-teacher ratios and other intensive interventions. This analysis suggests that while retention policies may generate public interest and a sense of urgency for improving early reading proficiency, similar improvements in student achievement might well be achieved through identification and intervention — without the need for retention.

# Current Policies and Future Initiatives (State of the Nation)

Some states (such as Ohio) have had laws in place for years that require that no pupils be promoted without reaching 3rd-grade-level reading skills, while others (such as Iowa, Wisconsin and New Mexico) are proposing similar initiatives in 2012. Florida is the most cited model of a strict 3rd-grade retention policy but Florida retains students as a last resort and only after identification of difficulties and provision of interventions for struggling readers. In addition, Florida statute also includes "good cause" exemptions.

Based on the Rand research cited earlier, provisions for early identification of difficulties and numerous interventions should form the basis of effective state policy. ECS staff have identified 22 states and the District of Columbia that have policies centered on 3rd-grade reading and that have at least one of these policy elements. The following section summarizes details embedded within these two key elements and in the more controversial "sister" element — student retention.

## Early Identification

### *Decisions states need to make:*

- ✦ Identify at which levels children should be assessed: Pre-kindergarten, kindergarten through grade 3, or just grades 1-3.
- ✦ Decide who will select key assessments. The legislature might require the state board to select a single assessment or to put together a "bank" of recommended assessments from which local schools could choose.
  - Utah, for example, directs the state board to determine the appropriate state tests and to set the standard for mastery. Utah law even requires that the selected test must be downloadable to portable technology devices.
  - In a number of other states, the assessments are a mix of state-mandated and locally-determined approaches.
  - An important question is, who pays?
- ✦ Assessments could be formative or summative in nature, or a mix of both.
- ✦ Consider how often and when evaluations should be administered, and whether they are required or simply recommended.
  - Four states, for example, require annual reading assessments for all students grades K-3, and one of those states, Arizona, also includes preschool.

## Early Intervention

### *Decisions states need to make:*

- ✦ Interventions should add to instructional time. Some states target after-school hours or intercessions or the summer months.
  - Ten states require or recommend participation in summer school for students with reading deficiencies
  - An additional eight states specify additional instructional time outside of the regular school day (after school) or extending the school year to provide supplemental instruction.
- ✦ Consider how to ensure implementation of multiple, evidence-based, effective interventions.
  - Six states require the development of individualized instruction plans for struggling readers.
  - Also consider whether schools or districts should be required to adopt plans for implementation.
- ✦ Consider how the most effective language and reading teachers or tutors (those with evidence of success) will be assigned to struggling readers.



Photo courtesy of Pew Center on the States

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## Nine states explicitly require parental notification of their child's difficulties, the interventions that are planned and the potential for retention.

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- ✦ Decide whether students will be required to attend after-school programs, Saturday or summer interventions. Consider mechanisms to hold parents accountable for student attendance.
- ✦ Think about the point at which parents need to be notified of their child's reading difficulties and what influence they should be granted over interventions, or retention.
  - Nine states explicitly require parental notification of their child's difficulties, the interventions that are planned and the potential for retention.
  - Arizona allows parents to select an intervention strategy.
  - Indiana requires schools to provide parents with strategies to assist their children.
  - Colorado requires parents to agree to implement a home reading program.
- ✦ Determine whether the state will provide additional funding for interventions and whether funding will vary by level of student need.



Photo courtesy of Pew Center on the States

## Retention

### *Decisions states need to make:*

- ✦ Decide whether students whose scores do not meet expectations will be retained in grade.
  - Nine states require students to meet a literacy benchmark through traditional or alternative assessment in order to be promoted to the 4th grade.
  - Colorado currently retains 3rd-grade students only in reading, allowing students proficient in other subjects to move ahead with their peers in those areas, but pending 2012 legislation would fully retain students in grade.<sup>12</sup>
- ✦ Decide whether parents can override retention decisions. Expect broad resistance if parents are not provided a voice in retention decisions.
- ✦ Determine whether or not student promotion should hinge solely on a test score. Stakeholders are likely to push back if it does. Consider specifying what constitutes a rich body of evidence to be used for making such retention decisions.
- ✦ Consider whether full participation and a level of improvement in interventions should reduce the likelihood that a student will be retained.
  - Five states require that students either meet a literacy benchmark or that they participate in remediation or an individual improvement plan before moving on to the 4th grade.
  - Two states explicitly authorize retention but allow promotion if students participate in remediation and improve their performance.
- ✦ Define "good cause" exemptions.
  - Of the states that list specific potential exemptions from retention, four allow students to be promoted based on alternative assessments or portfolios, or if a principal and reading teacher otherwise agree that a student is prepared for the next grade.
  - Five states exempt students with disabilities, English language learners (ELLs), or students with other "good cause" exemptions similar to Florida's (see **Appendix A**).
  - Several states allow promotion of students whose skills remain below grade level standards but who have previously been retained for two years and received intensive remediation.
  - At least one state explicitly allows for parental appeals, which are then reviewed by a grade placement committee who will determine if a child is academically prepared to advance to the next grade.

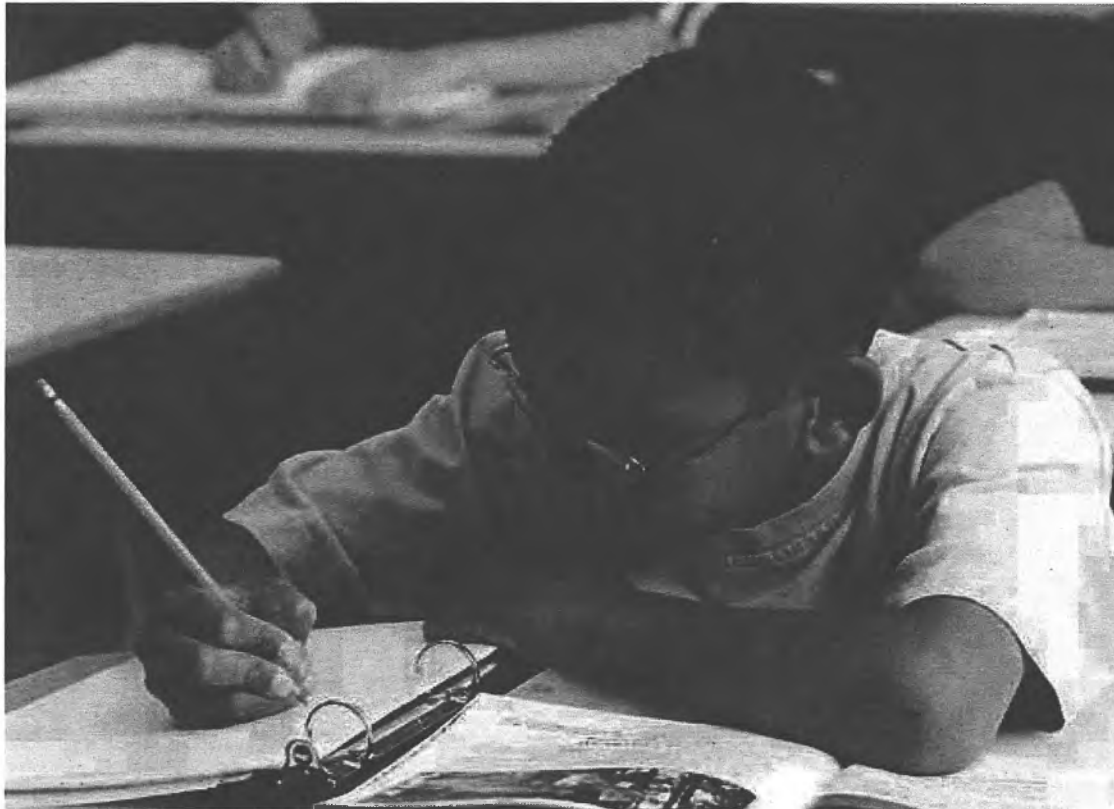
## Florida: A Case Study in Early Identification, Intervention and 3rd-Grade Retention

In 2002, the Florida state legislature passed S.B. 20E. This law required 3rd-grade students to attain a score of level 2 (of 5) on the Florida Comprehensive Achievement Test (FCAT) before being promoted to 4th grade.

Though labeled by most as a 3rd-grade retention policy, it is important to note that this law also sets clear requirements for early identification and intervention for struggling readers in kindergarten to 3rd grade. Once a student's difficulties are identified, schools are required to develop academic improvement plans that describe the specific areas of reading deficiency, desired levels of performance in these areas and necessary support services. Next, schools are required to detail for parents of struggling readers the steps they are taking to help the student, what intervention is proposed and the consequences of continued poor performance (3rd-grade retention). Notably, if students are retained, the law is explicit in requiring that they must be provided with an intensive program that is different from the previous year's program and that takes into account the student's individual learning style.

Florida also offers flexibility through six clear "good cause" exemptions from retention such as disabilities, limited English proficiency, or performance demonstrated via alternative assessments or portfolios. While the state uses a benchmark score of 2 or above on the FCAT for promotion to 4th grade, teachers and principals have an array of options for promoting students who are able to demonstrate reading proficiency by alternate means such as locally determined assessments and portfolios of student work. See **Appendix A** for a full list of exemptions. It is important to note that the state of Florida has assessed student achievement for over 40 years, and has a database of student data upon which to base its FCAT test and retention threshold.

Since implementation, the Florida 3rd-grade retention policy has been studied by a number of researchers seeking to measure the impacts on students in terms of K-3 retention rates, academic gains and future performance. The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) has produced two reports, and researchers at the University of Alabama examined the impact of Florida's policy in a series of reports published by the Manhattan Institute.



## Takeaways from studies of Florida's retention policy include:

- ✦ **Florida experienced a large jump in retention rates in the first year of implementation, followed by a gradual decrease in the percentage of students retained.**  
OPPAGA researchers found that in 2003, the 3rd-grade retention rate rose from 3.3% pre-policy to 14.4% post-implementation. By the 2006-07 school year, the percentage of students retained was down to 8.1%.<sup>13</sup> Researchers also found an increase in the number of children retained in grades K-2 (from approximately 29,500 children in 2001-02 to 40,000 in 2003-04).<sup>14</sup>
- ✦ **Since the retention policy went into effect, 3rd-grade FCAT Reading scores have increased steadily.**  
In the 2001-02 school year, 27% of 3rd graders scored a level 1 (at risk for retention) and 59% scored a 3 or above (proficient), according to a 2008 OPPAGA study.<sup>15</sup> In the 2007-08 school year only 16% of children scored below the level 2 benchmark, with 72% achieving FCAT proficiency.
- ✦ **Most students who were retained in the 3rd grade improved in their 4th-grade year.**  
OPPAGA's 2006 comprehensive study of Florida's 3rd-grade retention policy found that 62% of students who were retained in 3rd grade after scoring at level 1 on the FCAT improved their performance to a level 2 or higher in 4th grade.<sup>16</sup>
- ✦ **Students who were retained under Florida's 3rd-grade retention policy outperformed similar students who were "socially promoted" in earlier years.**  
University of Alabama researchers found that low-performing students subject to the retention policy made gains in reading greater than those of similar students not subject to the policy promoted in earlier years.<sup>17</sup> They also found that students made significant reading gains relative to socially promoted students two years after being subject to the policy. Benefits in reading grew substantially from the first to the second year after retention.<sup>18</sup>
- ✦ **Students promoted on the basis of a good cause exemption outperformed students who were promoted despite scoring a 1 on the FCAT before the retention policy went into effect.**  
This suggests that students receiving "good cause" exemptions were better prepared for 4th grade than socially promoted students. Of pre-policy 3rd graders who were promoted despite scoring a level 1 on the FCAT, only 29% improved to a level 2 or above in 4th grade, versus 44% of "good cause" exempted 3rd graders in year one of Florida's retention policy.
- ✦ **Students with exemptions based on alternate assessments/portfolios outperformed students who received other types of exemptions (70% scored at/above level 2 in 4th grade in 2003-04).**  
This suggests that students who demonstrate proficiency despite scoring a 1 on the FCAT are ready for 4th grade regardless of their difficulties with the assessment. Providing this type of exemption is important for students who have difficulties with standardized tests.

- ✦ **The use of portfolios and alternative assessments increased over time, as educators became more familiar with the policy.**  
The percentage of children scoring at level 1 but receiving a good cause exemption for promotion based on alternative assessments or a student portfolio increased in year two of policy implementation.<sup>19</sup>
- ✦ **Schools reported providing earlier assessments and remediation after the retention policy was adopted.**  
Schools often reported assessing students beginning in kindergarten as well as providing more intensive reading instruction than they had before the policy went into effect.<sup>20</sup> Researchers also found that schools were adopting technology aids (such as reading software capable of tracking student progress) and that 90-minute reading blocks were established in many classrooms.
- ✦ **Strong leadership led to improved outcomes for students under Florida's 3rd-grade retention policy.**  
OPPAGA researchers found that the schools that were most successful in improving the performance of retained 3rd graders set higher academic expectations for all students and had stronger instructional leadership than less successful schools. Florida schools did better in remediating 3rd graders if leaders clearly communicated goals, ensured learning strategies were implemented and set a climate of high expectations.<sup>21</sup>

### Lessons learned from Florida:

- ✦ Strong early identification and intervention are a crucial component of any retention policy.
- ✦ States can expect a jump in 3rd-grade retention rates in the first years of policy implementation.
- ✦ As the benefits of early identification and intervention are felt, test scores are likely to improve, and retention rates likely to decline.
- ✦ A mandated retention policy with identification and intervention guidelines provides regularity around 3rd grade reading and leads to earlier assessment and intervention.
- ✦ Good-cause exemptions allowing students to demonstrate proficiency through alternative assessments and/or portfolios appear to adequately screen for children who would benefit from promotion, despite low scores on statewide assessments.
- ✦ Strong school leadership is important to the success of any early identification, intervention and retention policy. Particularly helpful are setting high expectations for children, communicating goals and processes clearly to teachers, and providing adequate support to staff.

# New York City: A Case Study in Early Identification, Intervention and Retention

In 2003, New York City (NYC) adopted promotion and retention guidelines for 3rd graders (followed by 5th graders in 2003, 7th graders in 2005 and 8th graders in 2008).<sup>22</sup> NYC requires students to be retained if they score at level 1 of 4 (signifying “serious academic difficulties”) on the New York State assessment of English Language Arts (ELA) or mathematics. The policy also has strong identification and intervention components, emphasizing early identification, additional instructional time and continuous assessment of student progress. Schools identify students needing services at the beginning of each year, based on teacher or principal recommendations, previous test results and/or in-class assessments. Students identified as struggling in one of the tested subjects are ensured access to Academic Intervention Services (AIS), including differentiated instruction in the classroom, small-group instruction, small class sizes and summer school. NYC’s retention policy applies only to general education students and offers students opportunities to be promoted based on a portfolio of student work, summer standardized assessment or an appeals process.

## Takeaways from studies of NYC’s retention policy include:<sup>23</sup>

- ✦ **Intervention services were offered to all students identified as struggling, as well as stronger readers who requested AIS.**  
RAND Corporation found that schools served not only Level 1 students needing remediation, but also extended services to students scoring at Level 2 and Level 3 (not at risk of retention) as space permitted.<sup>24</sup> Most schools relied mainly on reading and mathematics specialists and AIS leaders to provide intervention services.
- ✦ **Schools varied in the type and intensity of interventions offered to students.**  
Nearly all schools provided small group tutoring during the school day and provided after-school programming (37.5 minutes of small-group instruction). More than two thirds of schools provided one-on-one tutoring. Less than half provided instruction during school

breaks, with most schools offering services two or more times per week. Many different people were involved in providing AIS, including coaches, administrators, aides and parent volunteers.

- ✦ **School leaders utilized additional strategies to improve student performance.**  
Schools studied by RAND provided professional development to teachers on differentiated instruction and using assessment data to guide instruction in order to better serve struggling readers. Some principals also required teachers to use highly structured curricula with detailed daily plans, and/or use materials that teach test-taking strategies.<sup>25</sup>
- ✦ **The overwhelming majority of principals and AIS leaders felt that interventions enhanced student performance.**  
Over 95% of principals and AIS leaders rated small group and one-on-one tutoring as moderately or very effective in improving student performance. Over 90% of principals felt that Saturday school programs improved student reading, mathematics and test-taking skills.
- ✦ **5th-grade students who were identified for intervention and retained under NYC’s policy improved their skills, even two years later.**  
Researchers found that retained students outperformed the comparison group on 7th-grade assessments and would be expected to score a Level 2 and be promoted to 8th grade. (Note: RAND focused on interventions and results of New York City’s 5th-grade retention policy.)
- ✦ **Researchers found few differences in socio-emotional well-being between students who were retained and those who were promoted.**  
Comparing at-risk students who were promoted to retained students, researchers found student attitudes toward reading and mathematics generally comparable. Retained students, however, reported a “greater sense of school connectedness” than at-risk promoted students and not-at-risk students, even four years after the retention decision.

### Lessons learned from New York City

- ✦ Intensive remediation such as small-group and one-on-one tutoring as well as Saturday and summer school can improve students’ reading skills for many subsequent years.
- ✦ Interventions can also be useful to students scoring in the mid-range on state-wide assessments, though they are not at immediate risk of being promoted.
- ✦ Professional development for teachers in the areas of differentiated instruction and teaching test-taking strategies can help teachers better identify and intervene with struggling readers.

## Moving Forward

In this document, we have discussed various actions that states are taking to ensure students have adequate literacy skills by 3rd grade. Below are guidelines for states to follow as they work toward improving 3rd-grade reading proficiency.

1. Create a sense of urgency around 3rd-grade reading, emphasizing the benefits of early identification and intervention. While implementing a 3rd-grade retention policy is one way to do this, consider alternatives:
  - a. Set annual goals for improvement and publicly report on how well those goals are met.
  - b. Publicize evidence-based literacy resources, including best practices for parents and educators to improve early reading skills (pre-K-3).
  - c. Initiate a statewide campaign for grade-level reading proficiency that includes what early literacy looks like and empowers parents and educators to help young students acquire reading skills.
2. Expand access to quality pre-K and full-day kindergarten programs to give young learners ample opportunities and assistance to develop literacy skills. Providing low-cost or needs-based programs also speaks to equity concerns, as low-income and minority children are disproportionately retained.
3. Ensure all early learning opportunities are built around language-rich, rigorous and engaging curricula to develop students' knowledge, vocabulary and skills. Require selection only of materials, systems and programs for which independently reviewed impact data is available. Selection and implementation of any components should be limited to those that allow for frequent and ongoing review for whether they are resulting in student growth.
4. Assess knowledge and reading as early as possible (pre-K or kindergarten), and provide numerous avenues for identifying struggling readers. Teacher recommendations and a mix of local and state assessments will cast a wide net. Utilize Early Warning Systems to make use of data to keep students on track to 3rd-grade reading proficiency.<sup>26</sup>
5. Require immediate, evidence-based interventions in K-3 for struggling readers. Ensure that remediation is targeted and personalized, and that students are getting additional instruction, versus redistributing class time. Develop a body of information on research-based intervention strategies proven to enhance student achievement. Require impact analyses that identify where interventions are getting results and where they are not. While intensive interventions may be costly, the cost of providing remediation to a student is lower than that of having him/her repeat a grade.

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6. Implement strategies to strengthen human capital:
  - a. Require assurance that teacher preparation programs include robust development of oral language and vocabulary.
  - b. Take advantage of Common Core State Standards to provide all teachers (including content teachers) with professional development in teaching reading to world-class benchmarks of content and performance, differentiating instruction and using assessments to guide instruction.
  - c. Identify those teachers who are most successful at teaching reading and leverage their talents in multiple ways, such as teaching reading to children from multiple classrooms.
7. Involve parents and communities in improving reading proficiency
  - a. Make sure parents are well-informed if their child is a struggling reader. Provide information on intervention strategies, help them to develop a home literacy plan and be sure they are aware of any retention policy in place.
  - b. Parents should receive information about how to work with teachers to find classroom accommodations for their children. Provide information on intervention strategies, help them to develop a home literacy plan and be sure they are aware of any retention policy in place.
  - c. Promote partnerships with families that are focused on language and learning. Inform parents of the importance of early literacy, and arm them with strategies and resources to help their children learn to read.
  - d. Partnering with local media outlets, states could create a website and establish an aggressive communications campaign aimed at parents. Such a resource could provide research on early literacy, book recommendations, links to vocabulary building exercises and other research-based interventions.
8. Provide professional development opportunities for school leaders, including training on how best to identify and intervene with struggling students, and how to successfully evaluate reading teachers. Emphasize the importance of early identification and intervention, setting high expectations for children, and communicating with and supporting teachers.



## Conclusion

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**W**hile retention policies are receiving a lot of attention due to a push to improve 3rd-grade reading, early identification and intervention are more likely to improve student performance. Mandates from 3rd-grade retention policies in both Florida and NYC appear to have motivated school leaders and teachers to intervene earlier and more intensively, but states might be able to achieve a similar sense of urgency without implementing promotion gates. Given the potential negative effects of holding children back, grade retention is not a policy to be entered into lightly, especially without strong early identification and intervention initiatives in place. Both Florida and New York City provide good examples of assessment and remediation programs that can help students improve their early literacy skills. Retention is one means of creating a sense of urgency around 3rd-grade reading; policymakers should consider others as well.

What is clear from the examples of Florida and NYC is that retention should not be the first or only step taken to improve the skills of struggling readers. The earlier children are identified for services and receive specialized attention, the more likely they are to improve their knowledge and skills. Given the importance of birth to age 5 in brain development, and research surrounding the positive effects of quality pre-K, it follows that successful 3rd-grade literacy initiatives should expand access to quality pre-K and promote programs that include rich, rigorous bodies of content. Strong leadership, professional development for teachers and parental involvement are also important in helping educators identify and successfully intervene with struggling students.



## Appendix A

### Florida's "Good Cause" Exemptions for students scoring below a 2 on the FCAT (Florida Comprehensive Assessment Test):

1. Limited English Proficient students who have had less than two years of instruction in an English for Speakers of Other Languages program
2. Those with disabilities whose individual education plan (IEP) indicates that participation in the statewide assessments is not appropriate
3. Those who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education
4. Those who demonstrate, through a student portfolio, the mastery of the Sunshine State Standards in reading equal to a Level 2 performance on the FCAT
5. Students with disabilities who were previously retained in kindergarten, 1st or 2nd grade, who participate in the FCAT and whose IEP or 504 plan shows a remaining deficiency after intensive remediation in reading for more than two years
6. Students who have received the intensive remediation in reading for two or more years but still demonstrate a deficiency or who were previously retained in kindergarten, 1st or 2nd grade for a total of two years.

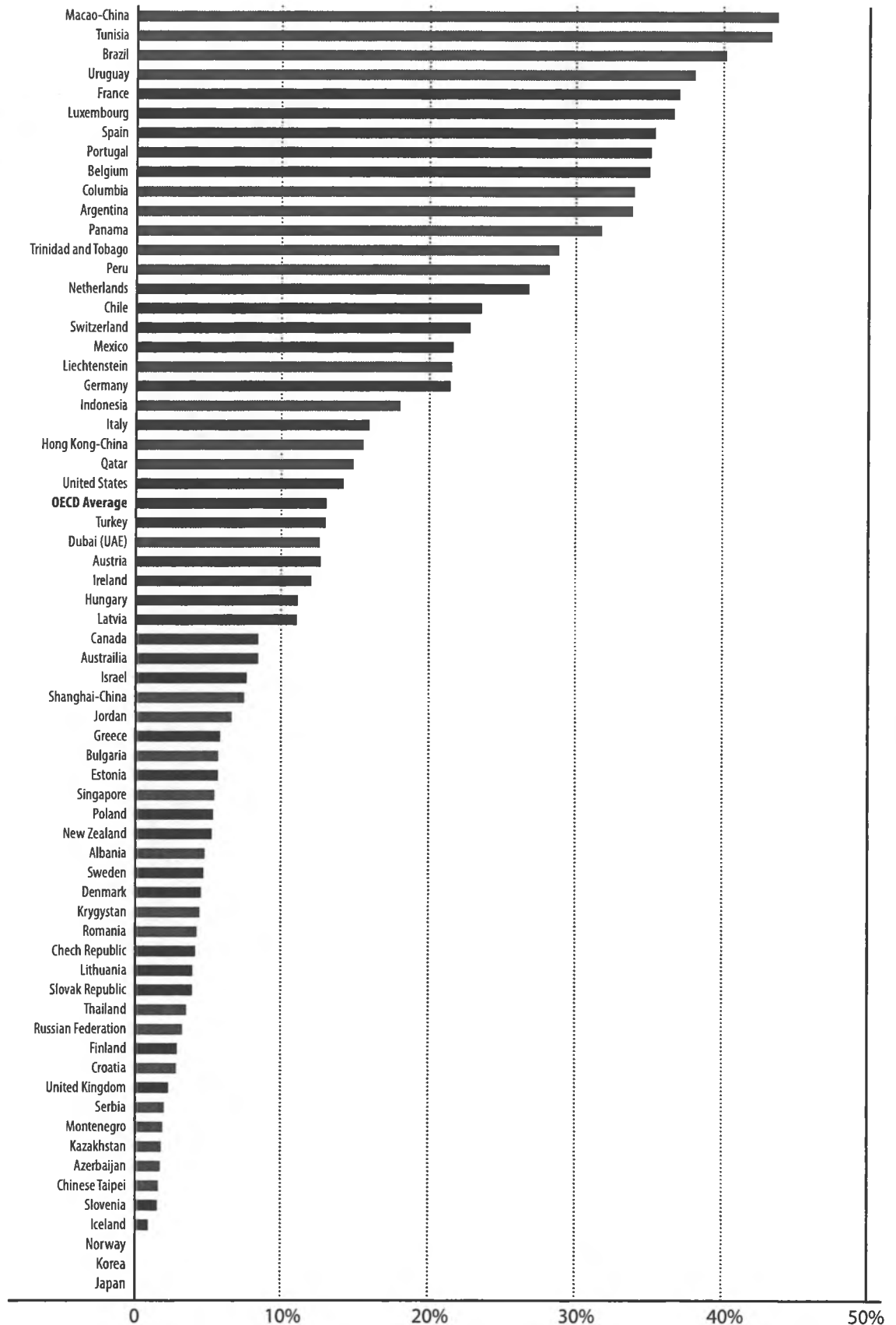


Photo courtesy of Pew Center on the States

# Appendix B

Percentage of students in OECD countries reporting that they have repeated a grade at least once in primary, lower secondary or upper secondary school <sup>27</sup>

OECD Country   
 OECD Partner 



Source: OECD, PISA 2009 Database, Table IV.3.1.

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# Reading/Literacy

P-3

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## Third Grade Reading Policies

By Stephanie Rose

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In 2012, 14 states passed legislation geared toward improving 3rd-grade literacy through identification, intervention, and/or retention initiatives. Today, a total of 32 states and the District of Columbia have policies in statute aimed at improving 3rd-grade reading proficiency. The majority of these states require early assessment and intervention, often as early as kindergarten. Fourteen states and the District of Columbia require retention of students on the basis of reading proficiency, most which require assessment and remediation for students in all K-3 grades.

This paper identifies statutory provisions regarding identification of, intervention for, and retention of struggling readers in the P-3 grades. A state-by-state policy summary is included in **Appendix A**. For examples of statutory language, see **Appendix B**. Examples of notable changes made this year are included in **Appendix C**. Note: for state responses to improving 3rd-grade reading proficiency, see the March 2012 ECS report *Third Grade Literacy Policies: Identification, Intervention, Retention*. For recent trends in reading/literacy policy activity, see the [ECS State Policy Database](#).

The following states require identification of, intervention for, and/or retention of struggling readers in the P-3 grades:

#	States	Identification
32 + DC	AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IA, KY, LA, MD, MN, MO, NM, NY, NC, ND, OH, OK, RI, SC, TN, TX, UT, VT, VA, WA, WV, WI, WY	Reading assessment or diagnosis of reading deficiency in at least one grade, P-3. The assessments are a mix of state-mandated and locally determined approaches, with most states administering a criterion-referenced reading test in grade 3.
2	AZ, FL	<b>Annual reading assessments for students in:</b> <ul style="list-style-type: none"> <li>• Pre-K-3</li> </ul>
17 + DC	AR, CO, CT, DC, GA, IA, LA, KY, MN, NC, NM, ND, OK, TX, UT, WA <sup>1</sup> , WI, WY	<ul style="list-style-type: none"> <li>• Grades K-3</li> </ul>
3	ID, OH, SC	<ul style="list-style-type: none"> <li>• Grades 1-3</li> </ul>
1	CA	<ul style="list-style-type: none"> <li>• Grades 2-3</li> </ul>
9	DE, MD, MO, NY, RI, TN, VT, VA, WV	<ul style="list-style-type: none"> <li>• Grade 3</li> </ul>
2	NY, RI	Screening of students prior to, or upon, their first entry to school

1. Washington currently has a voluntary pilot program for 2nd-grade reading assessments. As the state phases in full-day kindergarten, districts are instructed to use the state's Kindergarten Inventory of Developing Skills.

Intervention				
#	States		What's Required	
29 + DC	AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IA, KY, LA, MD, MN, MO, NM, NY, NC, ND, OH, OK, RI, TN, TX, UT, VA, WV, WI, WY		Districts offer some type of intervention or remediation for struggling readers in a P-3 grade. Some states require specific interventions, while others let districts choose from a list of suggested interventions.	
21 + DC	AZ, AR, CA, CO, CT, DE, DC, FL, GA, IA, MN, MO, NY, NC, OH, OK, TX, UT, VT, VA, WA, WI		Parental notification of a student's reading deficiency, interventions in place, and (if applicable) the possibility a student may be retained.	
19 + DC	AZ, AR, CO, CT, DC, FL, GA, ID, IA, KY, LA, MN, NY, NC, ND, OK, RI, TX, WI, WY		<b>Interventions provided for struggling readers in:</b>	
2	OH, UT		<ul style="list-style-type: none"> <li>• Grades K-3</li> </ul>	
1	CA		<ul style="list-style-type: none"> <li>• Grades 1-3</li> </ul>	
6	DE, MD, MO, TN, VA, WV		<ul style="list-style-type: none"> <li>• Grades 2-3</li> </ul>	
			<ul style="list-style-type: none"> <li>• Grade 3</li> </ul>	
#	Require	#	Recommend	Type of Intervention
15	AR, CO, CT, FL, IA, KY, MD, NC, OH, OK, RI, TX, VT, WV, WI	3	GA, MN, VA	Supplemental instruction during regular school hours
6	AZ, CT, FL, IA, MO, NC	11 + DC	CA, CO, DE, DC, MN, ND, OH, OK, TX, UT, VA, WV	Summer school
5	AZ, ID, MO, NC, WV	13 + DC	CA, CT, DE, DC, FL, IA, MN, NC, NM, OH, OK, TX, UT, VA	Instruction outside of regular school hours, including after school and Saturday school
11	AR, CO, CT, DE, FL, MO, NM, NC, OH, OK, WY	0		Academic improvement plans (AIPs) for struggling readers
4	AZ, CO, DE, OH	DC	DC	Parents are involved in choosing an intervention strategy or developing an AIP
5	CO, IA, NC, OH, UT	6	AZ, CT, FL, OK, VT, WV	Information, support, and/or strategies for parents to work with students at home (a "home reading program," HRP)
1	NC	11 + DC	CT, DE, DC, FL, IA, MN, NC, ND, OH, OK, UT, VA	Individual or group tutoring
8	AR, CO, FL, KY, NC, NY, OK, UT	2 + DC	DC, GA, IA	Instruction tailored specifically to students' deficiencies/needs
1	AZ	3	OK, UT, VA	Online or computer-based instruction
2	CT, ND	2	OK, VA	Involvement of a reading specialist
3	AZ, NC, FL	1 + DC	DC, OH	Assignment to a different teacher if retained

Retention		
#	States	What's Required
14 + DC	AZ, AR, CA, CT, DE, DC, FL, GA, IA, MD, MO, NC, OH, OK, TN	Third grade students must be proficient in reading, attain a specific score on a state-wide reading exam, or otherwise meet a defined literacy benchmark in order to be promoted to 4th grade.
7	AR, CT, DE, IA, MD, TN, WV	Retention permitted only if a student does not participate in an intervention before starting 4th grade, such as mandatory summer school.
2	OK, MO	Allow teachers to make retention contingent upon participating in an intervention, but do not require it.
1	OH	Permits a student to be promoted to 4th grade if he/she receives remediation in the 4th grade.
1	CT	Permits retention of students in 1st, 2nd, and 3rd grade.
1	CA	Makes reading proficiency the primary basis for retention in both 2nd and 3rd grades
1	MO	Requires second year of retention (in 4th grade) if the student is reading below 3rd-grade level after completing 4th grade and summer school.
1	CO	For 3rd-grade students with <i>significant</i> reading deficiencies, parents, teachers, and other personnel must meet and consider retention as an intervention strategy and determine whether the student should advance to 4th grade. The decision is subject to approval by the district superintendent, who can require that a student be retained.
1	WV	Allows students to be retained in grades 3 and 8 if they are identified for additional academic help and fail to attend summer school.
1	TX	Students in grades 5 and 8 must be retained if they do not perform satisfactorily on statewide reading or mathematics exams. State statute <i>previously</i> required that 3rd-grade students be retained if they did not perform satisfactorily on the 3rd-grade reading exam.
Exemptions from Retention		
#	State	States Exempt Students Who:
8	CT, DE, FL, IA, NC, OH, OK, TX	Are deemed proficient on the basis of an alternative assessment or portfolio of student work, or whose principal and reading teacher agree are prepared for the next grade
11	AZ, AR, CO, FL, IA, MD, MO, NC, OK, TN, WV	Receive special education services, have disabilities, are intellectually limited, or have been assigned an Individualized Education Plan (IEP)
7	AZ, CO, FL, IA, MO, NC, OK	Are English Language Learners (ELL) or have limited English proficiency. States often clarify that this exemption applies to students with less than two years of instruction in an ELL program.
5	DE, CO, IA, MD, MO	Have previously been retained solely on the basis of a reading deficiency
3	FL, NC, OK	Have been retained twice solely on the basis of a reading deficiency
4	CA, CT, OH, OK	Receive a principal or teacher recommendation
1	GA	Receive a parental appeal, which is reviewed by a placement committee and includes indicators of academic achievement

**Appendix A: State Policies Dealing with Identification, Intervention, and Retention of P-3 Students based on Literacy Assessments**

**I. Identification of Struggling Readers**

	Statute	P-3 Grades Tested <sup>1</sup>	State or Local Assessment <sup>2</sup>	Assessment Timing
Arizona	<u>S.B. 1258 (2012), §15-701, §15-704</u>	Pre-K-3	State	Ongoing
Arkansas	<u>§6-15-2009, §6-15-433</u>	K-3	Local: K-2 State: 3	-
California	<u>§48070.5, §60642.5</u>	2-3	State	Annual
Colorado	<u>H.B. 12-1238 (2012), §22-7-504</u>	K-3	Local	Ongoing
Connecticut <sup>3</sup>	<u>S.B. 458 (2012), §10-221h, §10-265g, §10-265l</u>	K-3	State or Local	Ongoing
Delaware	<u>§14.1-§151, §14.1-§153</u>	3 <sup>4</sup>	State	Twice a year
District of Columbia	<u>B19-0648 (2012), §38-1803.11, §38-1803.21, Rule: 5-F2200.9</u>	K-3	Local	Annual
Florida	<u>H.B. 5101 (2012), §1008.25</u>	Pre-K-3	Local: Pre-K-3 State: 3	At least annually
Georgia	<u>§20-2-153, §20-2-283</u>	K-3	Local: K-2 State: 3	
Idaho	<u>§33-1614, §33-1615</u>	1,2,3	State	Twice a year
Iowa	<u>S.F. 2284 (2012)</u>	K-3	Local or State	Beginning of year
Kentucky	<u>H.B. 69 (2012), §158.791, §158.840</u>	K-3	Local	-
Louisiana	<u>LAC 28:CXV §2307</u>	K-3	Local	
Maryland	<u>§7-202</u>	3	Local	-
Minnesota	<u>§120B.12, §120B.30</u>	K-3	Local: K-2 State: 3	By end of year
Missouri	<u>§167.645, §162.1100</u>	3	Local	End of year
New Mexico	<u>§22-13-1, §22-13-1.3, §22-2C-4</u>	K-3	Local: K-2 State: 3	Ongoing
New York	<u>CR 117.3, §3208, §3602-e, §3211-a</u>	Pre-K-3 <sup>5</sup>	Local: K-2 State: 3	Ongoing

	Statute	P-3 Grades Tested	State or Local Assessment	Assessment Timing
North Carolina	<u>H.B. 950 (2012),</u> <u>§115C-105.41, §115C-81.2, §115C-105.27,</u> <u>§115C-174.11</u>	K-3	State	Annual
North Dakota	<u>§15.1-07, §15.1-21-08</u>	K-3	Local: K-2 State: 3	Twice a year <sup>6</sup>
Ohio	<u>S.B. 316 (2012),</u> <u>§3313.608,</u> <u>§3301.0710</u>	K-3	State	Beginning of year
Oklahoma <sup>7</sup>	<u>H.B. 2516 (2012), §70-1210.508C, §70-1210.508E</u>	K-3	Local: K-2 State: 3	Ongoing
Rhode Island	<u>§16-67-2</u>	K-3 <sup>8</sup>	Local: K-2 State: 3	-
South Carolina	<u>§59-18-310</u>	1-3	Local: 1,2 State: 3	Ongoing
Tennessee	<u>S.B. 2156 (2012), §49-6-3115, §49-6-6002,</u> <u>§49-6-702</u>	3 <sup>9</sup>	State	Annual
Texas	<u>§28.006, §28.0211</u>	K-3	Local: K-2 State: 3	-
Utah	<u>§53A-1-606.5-7, §53A-17a-150</u>	K-3	State	Beginning, middle, end
Vermont	<u>16 V.S.A. §2903.16</u> <u>V.S.A. §164</u>	3	State	-
Virginia <sup>10</sup>	<u>H.B. 1181 (2012),</u> <u>§22.1-253.13:1</u>	3	State	-
Washington	<u>§28A.300.310,</u> <u>§28A.300.320,</u> <u>§28A.150.315</u>	K, 2 <sup>11</sup>	State	-
West Virginia	<u>§18-2E-10</u>	3	Local	Ongoing <sup>12</sup>
Wisconsin	<u>S.B. 461 (2012),</u> <u>§118.016, §121.02</u>	K-3	Local: K-2 State: 3	Annual
Wyoming	<u>S.F. 52 (2012), §21-3-401</u>	K-3	Local	Annual

Note: "-" = Not specified.

1. Many states test reading after grade 3. Only the assessments through grade 3 are included here.
2. Many states with local assessments require districts to pick from a state-developed list of approved assessments or mandate that local assessments must be approved by the state.
3. Specific identification, intervention and retention policies are laid out in statute for priority school districts only. S.B. 453 requires that an intensive reading program be piloted in five elementary schools for the 2013-14 school year.
4. Delaware H.B. 317 (2012) requires the state to adopt a kindergarten readiness assessment by 2015 that includes a language and literacy development component.

5. New York requires diagnostic screening of all new entrants and students with low test scores. Pre-K providers are required to administer an assessment of the development of language.
6. In North Dakota, schools must administer interim assessments for students in grades 2-10.
7. Oklahoma passed numerous bills in 2012 pertaining to reading assessments and interventions, including S.B. 1565, H.B. 2511, and H.B. 2676.
8. In Rhode Island, all districts that provide elementary education are required to screen all children prior to, or upon, their first entry to school to determine their level of educational readiness. Third graders take the New England Common Assessment Program (NECAP).
9. Tennessee statute prohibits state-mandated tests earlier than grade 3, except for when the 1st- and 2nd-grade tests provided for in Acts 1997, ch. 434, § 7 are available.
10. Virginia statute requires local school boards to implement early identification, diagnosis, and assistance for students with reading problems and provide instructional strategies that benefit the development of reading skills for all students.
11. As Washington phases in Full-Day Kindergarten, districts are instructed to use the state's Kindergarten Inventory of Developing Skills. The state superintendent is to develop 2nd-grade assessments and passages for districts to choose from to assess oral reading accuracy and fluency skills. Washington currently has a voluntary pilot program for 2nd-grade reading assessments.
12. West Virginia requires every school to establish a student assistance team that reviews student academic needs that have persisted despite being addressed by instruction and intervention.

## II. Interventions for Struggling Readers

### Interventions Include:

**AIP:** Assignment to an Academic Improvement Program  
**HRP:** Implementation of a Home Reading Program  
**OS:** Instruction outside of school hours including after school and Saturday school instruction  
**RS:** Involvement of a Reading Specialist  
**SS:** Summer School or summer reading program  
**TI:** Instruction tailored specifically to students' deficiencies/needs  
**DT:** Assignment to a different teacher  
**OI:** Online or computer-based instruction  
**SI:** Supplemental Instruction (during school hours)  
**T:** Individual or group tutoring

	Statute	Grades Intervention Provided	Required Interventions	Suggested Interventions	Notification of Parent / Guardian
Arizona	<u>S.B. 1258 (2012), §15-701, §15-704</u>	K-3	Choose one: SS, OS, OI, DT	HRP	Yes
Arkansas	<u>§6-15-2009, §6-15-433</u>	K-12	AIP, SI, TI	-	Yes
California	<u>§48070.5, §60642.5</u>	2-5, 6, 8	-	SS, OS	Yes
Colorado	<u>H.B. 12-1238 (2012), §22-7-504</u>	K-3	AIP, SI, TI, HRP	SS	Yes
Connecticut <sup>1</sup>	<u>S.B. 458 (2012), §10-221h, §10-265g, §10-265i</u>	K-3	AIP, RS, SI, SS	T, OS, HRP	Yes
Delaware	<u>§14.1-§151, §14.1-§153</u>	3	AIP <sup>2</sup>	SS, OS, T	Yes
District of Columbia	<u>B19-0648 (2012), §38-1803.11, §38-1803.21, Rule: 5-F-2009</u>	K-12	-	T, OS, SS, TI, DT	Yes
Florida	<u>HB 5101 (2012), §1008.25</u>	K-5 <sup>3</sup>	AIP, SI, TI, DT, SS <sup>4</sup>	HRP, OS, T <sup>5</sup>	Yes
Georgia	<u>§20-2-153, §20-2-283</u>	K-5	-	SI, TI	Yes
Idaho	<u>§33-1614, §33-1615</u>	K-3	OS	-	-
Iowa	<u>S.F. 2284 (2012)</u>	K-3	HRP, SI, SS	OS, T, TI	Yes
Kentucky	<u>H.B. 69 (2012), §158.791, §158.840</u>	K-3	SI, TI	-	-
Louisiana	<u>LAC 28: CXV §2307</u>	K-3	-	-	-
Maryland	<u>§7-202</u>	3	SI	-	-
Minnesota	<u>§120B.12, §120B.30</u>	K-3	-	SI, SS, OS, T	Yes

	Statute	Grades Intervention Provided	Required Interventions	Suggested Interventions	Notification of Parent / Guardian
Missouri	<u>§167.645, §162.1100</u>	3	AiP, OS, SS	-	Yes
New Mexico	<u>§22-13-1, §22-13-1.3, §22-2C-4</u>	-	AiP	OS	-
New York	<u>CR 117.3, §3208, §3602-e, §3211-a</u>	K-12	TI	-	Yes
North Carolina	<u>H.B. 950 (2012), §115C-105.41, §115C-81.2, §115C-105.27, §115C-174.11</u>	K-3	AiP, HRP <sup>6</sup> , DT, SI, SS <sup>7</sup> , TI	OS, T	Yes
North Dakota	<u>§15.1-07, §15.1-21-08</u>	K-3	Performance Strategist <sup>8</sup>	T, SS (K-8)	-
Ohio	<u>S.B. 316 (2012), §3313.608, §3301.0710</u>	K-4	AiP, SI, HRP <sup>9</sup>	DT, OS, SS, T	Yes
Oklahoma <sup>10</sup>	<u>H.B. 2516 (2012), §70-1210.508C, §70-1210.508E</u>	K-3	AiP, SI, TI	OS, SS, T, OI, HRP, RS	Yes
Rhode Island	<u>§16-67-2</u>	K-12	SI	-	-
South Carolina	<u>§59-18-310</u>	-	-	-	-
Tennessee	<u>S.B. 2156 (2012), §49-6-3115, §49-6-6002, §49-6-702</u>	3	Locally Determined	-	-
Texas	<u>§28.006, §28.0211</u>	K-8	SI	OS, SS	Yes
Utah	<u>§53A-1-606.5-7, §53A-17a-150</u>	1-3	TI, HRP	T, OS, SS, OI	Yes
Vermont	<u>16 V.S.A. §2903, 16 V.S.A. §164</u>	4-12	SI	HRP	Yes
Virginia <sup>11</sup>	<u>H.B. 1181 (2012), §22.1-253.13:1</u>	3-8	Locally Determined	RS, T, OI, SI, OS, SS	Yes
Washington	<u>§28A.300.310, §28A.300.320, §28A.150.315</u>	-	-	-	Yes
West Virginia	<u>§18-2E-10</u>	3, 8	SI, OS	SS, HRP	-
Wisconsin	<u>S.B. 461 (2012), §118.016, §121.02</u>	K-4	SI	-	Yes
Wyoming	<u>S.F. 52 (2012), §21-3-401</u>	K-3	AiP	-	-

Note: "-" = Not specified.

1. Specific identification, intervention and retention policies are laid out in statute for priority school districts only. S.B. 453 requires that an intensive reading program be piloted in five elementary schools for the 2013-14 school year.
2. Delaware specifies that a student's AIP must be developed with input from a parent or guardian.
3. Florida HB 5101 also provides for additional reading instruction for students in grades K-12 in each school district that has one or more of the 100 lowest-performing elementary schools based on the state reading assessment.
4. In Florida, 3<sup>rd</sup> grade students who score below the cutoff on the state reading exam (FCAT) are required to attend their district's summer reading camp (SS). If the student can demonstrate proficiency upon completion of camp, he/she may be promoted to 4<sup>th</sup> grade. FL statute §1011.62(9)(c)(5) permits funding for summer reading camps for all K-2 students who demonstrate a reading deficiency, as well as students in grades 3-5 who score at Level 1 on FCAT Reading in each school district that has one or more of the 100 lowest-performing elementary schools based on the state reading assessment.
5. Florida statute §1008.25(7)(b) requires and recommends intensive interventions for students who are retained in the third grade including assistance to parents of retained students (HRP), assignment to a high-performing teacher (DT), a mentor or tutor with specialized reading training (T) and tutoring outside of school hours (OS).
6. North Carolina requires parents of retained students to be provided with a plan for reading at home, including participation in shared and guided reading workshops for the parent or guardian, and outlined in a parental or guardian contract.
7. North Carolina requires 3rd grade students who do not demonstrate reading proficiency to attend a summer reading camp. Students who do not demonstrate reading proficiency after completion of camp will be retained.
8. North Dakota requires school districts to employ one performance strategist for every 400 students in grades K-3, whose duties include tutoring students and providing instructional coaching to teachers.
9. Ohio specifies that parents of 3rd-grade students must be involved in choosing an intervention strategy.
10. Oklahoma passed numerous bills in 2012 pertaining to reading assessments and interventions including S.B. 1565, H.B. 2511, and H.B. 2676.
11. Virginia statute requires local school boards to implement early identification, diagnosis, and assistance for students with reading problems, and provide instructional strategies that benefit the development of reading skills for all students.

### III. Reading-Based Retention

	Statute	Require, Recommend or Allow	Grades Students are Retained	May be Promoted if Participate in Intervention	Promotion based on Alternative Assessment /Portfolios?	Exemptions Included <sup>6</sup>
Arizona	<u>S.B. 1258 (2012), §15-701, §15-704</u>	Require	3	No	No	ELL, Special Education
Arkansas	<u>§6-15-2009, §6-15-433</u>	Require	3	Yes	No	Special Education
California	<u>§48070.5, §60642.5</u>	Require	2, 3	Yes	-	Teacher Rec.
Colorado	<u>H.B. 12-1238 (2012), §22-7-504</u>	Recommend <sup>2</sup>	3	No	No	2x, ELL, Special Education
Connecticut <sup>3</sup>	<u>S.B. 458 (2012), §10-221h, §10-265g, §10-265l</u>	Require	1,2,3	Yes	Yes	Principal Rec <sup>4</sup>
Delaware	<u>§14.1-§151, §14.1-§153</u>	Require	3	Yes	Yes <sup>5</sup>	2x
District of Columbia	<u>B19-0648 (2012), §38-1803.11, §38-1803.21, Rule: 5-F2200.9</u>	Require	3 <sup>6</sup>	-	-	-
Florida	<u>H.B. 5101 (2012), §1008.25</u>	Require	3	No	Yes	2x, ELL, Special Education
Georgia	<u>§20-2-153, §20-2-283</u>	Require	3	No	No	Parental Appeal
Idaho	<u>§33-1614, §33-1615</u>	-	-	-	-	-
Iowa	<u>S.F. 2284 (2012)</u>	Require	3	Yes	Yes	2x, ELL, Special Education
Kentucky	<u>H.B. 69 (2012), §158.791, §158.840</u>	-	-	-	-	-
Louisiana	<u>LAC 28:CXV §2307</u>	-	-	-	-	-
Maryland	<u>§7-202</u>	Require	3	Yes	-	2x, Special Education
Minnesota	<u>§120B.12, §120B.30</u>	-	-	-	-	-
Missouri	<u>§167.645, §162.1100</u>	Require	3, 4	Allowed in grade 3 only	No	2x, ELL, Special Education
New Mexico	<u>§22-13-1, §22-13-1.3, §22-2C-4</u>	-	-	-	-	-
New York	<u>CR 117.3, §3208, §3602-e, §3211-a</u>	-	-	-	-	-

	Statute	Require, Recommend or Allow	Grades Students are Retained	May be Promoted if Participate in Intervention	Promotion based on Alternative Assessment /Portfolios?	Exemptions Included
North Carolina	<u>H.B. 950 (2012), §115C-105.41, §115C-81.2, §115C-105.27, §115C-174.11</u>	Require	3	No	Yes	3x, ELL, Disabilities
North Dakota	<u>§15.1-07, §15.1-21-08</u>	-	-	-	-	-
Ohio	<u>S.B. 316 (2012), §3313.608, §3301.0710</u>	Require	3	Yes <sup>7</sup>	Yes	2x, ELL, Special Education
Oklahoma	<u>H.B. 2516 (2012), §70-1210.508C, §70-1210.508E</u>	Require	3	Allowed <sup>8</sup>	Yes	3x, ELL, Principal Rec., Special Education
Rhode Island	<u>§16-67-2</u>	-	-	-	-	-
South Carolina	<u>§59-18-310</u>	-	-	-	-	-
Tennessee	<u>S.B. 2156 (2012), §49-6-3115, §49-6-6002, §49-6-702</u>	Require	Grades 3 & 8	Yes	-	Special Education
Texas	<u>§28.006, §28.0211</u>	Require	Grades 5 & 8	Yes	Yes	Parental Appeal
Utah	<u>§53A-1-606.5-7, §53A-17a-150</u>	-	-	-	-	-
Vermont	<u>16 V.S.A. §2903, 16 V.S.A. §164</u>	-	-	-	-	-
Virginia	<u>H.B. 1181 (2012), §22.1-253.13:1</u>	-	-	-	-	-
Washington	<u>§28A.300.310, §28A.300.320, §28A.150.315</u>	-	-	-	-	-
West Virginia	<u>18-2E-10</u>	Allow	Grades 3 & 8	Yes	-	Special Education
Wisconsin	<u>S.B. 461 (2012), §118.016, §121.02</u>	-	-	-	-	-
Wyoming	<u>S.F. 52 (2012), §21-3-401</u>	-	-	-	-	-

Note: "-" = Not specified.

1. Exemptions from retention policies include:

- a. 2x – students may not be retained twice solely on the basis of a reading deficiency, so students who have been previously retained in grade may not be retained again (some states specify that the student must have been held back due to a reading deficiency).

- b. 3x – students who have been previously held back two times may not be retained three times solely on the basis of a reading deficiency (some states specify that the student must have been held back due to a reading deficiency).
  - c. ELL – students with limited English proficiency or who are English Language Learners are exempt from retention. This provision often applies only to students who have had less than two years of instruction in English.
  - d. Parental Appeal – students may be promoted if parents appeal the retention decision and a placement committee finds the student's academic achievement sufficient for promotion.
  - e. Principal Rec. – students may be promoted based upon a recommendation from their principal.
  - f. Special Education – students who are assigned to Special Education or receive Special Education services, who have an Individualized Education Plan (IEP), have a disability, or are intellectually limited are not subject to retention.
  - g. Teacher Rec. – students may be promoted based upon a recommendation from their teacher.
2. Colorado H.B. 12-1238 requires that, for any student with a significant reading deficiency at the end of 3rd grade, 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 is able to maintain adequate academic progress at the next grade level.
  3. Specific identification, intervention and retention policies are laid out in statute for priority school districts only. S.B. 453 requires that an intensive reading program be piloted in five elementary schools for the 2013-14 school year.
  4. The superintendent of schools may exempt an individual student from having to attend summer school in order to be promoted, upon the recommendation of the school principal, based on the student's progress with the student's personal reading plan.
  5. A student may advance to the next grade level without attending summer school if an academic review committee determines that the student has demonstrated proficient performance using evidence from other indicators.
  6. The Superintendent must establish promotion gates for mathematics, reading, and writing, for not less than one grade level from kindergarten through grade 4, including at least grade 4.
  7. Ohio statute specifies that a 3rd-grade child without a passing score on the state reading assessment may be retained in 3rd grade, promoted to 4th grade based on principal/reading teacher agreement that the student is prepared, or promoted to 4th grade with intensive intervention services (in grade 4). S.B. 316 changes the state's policy such that, beginning in 2013, no student with a failing score may be promoted unless he or she demonstrates proficiency on an alternate assessment, or is a limited English proficient student or child with a disability.
  8. Oklahoma's 2012 House Bill 2516 changed the retention provision such that a teacher *may* recommend promotion contingent upon a student's participation in intervention, but does not have to.

## Appendix B: Sample Statutory Language from some of the more established/comprehensive 3rd-grade reading policies

### Identification

- Arizona – §15-701
  - “The state board of education shall ... provide for universal screening of pupils in preschool programs, kindergarten programs and grades one through three that is designed to identify pupils who have reading deficiencies.”
- Arizona – §15-704
  - “Each school district or charter school that provides instruction in kindergarten programs and grades one through three shall select and administer screening, ongoing diagnostic and classroom based instructional reading assessments, including a motivational assessment, as defined by the state board of education, to monitor student progress. Each school shall use the diagnostic information to plan appropriate and effective intervention.”

### Intervention

- Oklahoma – H.B. 2516 (2012)
  - “Beginning with the 2011-2012 school year, each school district shall establish a Reading Enhancement and Acceleration Development (READ) Initiative. The focus of the READ Initiative shall be to prevent the retention of third-grade students by offering intensive accelerated reading instruction to third-grade students who failed to meet standards for promotion to fourth grade and to kindergarten through third-grade students who are exhibiting a reading deficiency. The READ Initiative shall:
    1. Be provided to all kindergarten through third-grade students at risk of retention as identified by the assessments administered pursuant to the Reading Sufficiency Act. The assessment used shall measure phonemic awareness, phonics, fluency, vocabulary, and comprehension;
    2. Be provided during regular school hours in addition to the regular reading instruction; and
    3. Provide a state-approved reading curriculum that, at a minimum, meets the following specifications:
      - Assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level,
      - Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension,
      - Provides scientifically a scientific-research-based and reliable assessment,
      - Provides initial and ongoing analysis of the reading progress of each student,
      - Is implemented during regular school hours,
      - Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects,
      - Establishes at each school, where applicable, an Intensive Acceleration Class for retained third-grade students who subsequently score at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests. The focus of the Intensive Acceleration Class shall be to increase the reading level of a child at least two grade levels in one (1) school year.”
  - “Any student who is assessed and found not to be reading at the appropriate grade level shall be provided a program of reading instruction designed to enable the student to acquire the appropriate grade level reading skills. Beginning with students entering the first grade in the 2011-2012 school

year, the program of reading instruction shall include provisions of the READ Initiative adopted by the school district ... The program of reading instruction ... shall align with the PASS, shall include provisions of the READ Initiative adopted by the school district ... beginning with students entering the first grade in the 2011-2012 school year and may include, but is not limited to:

1. Sufficient additional in-school instructional time for the acquisition of phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension
  2. If necessary, tutorial instruction after regular school hours, on Saturdays and during summer
  3. Assessments identified for diagnostic purposes and periodic monitoring to measure the acquisition of reading skills including, but not limited to, phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension, as identified in the student's program of reading instruction.
  4. The program of reading instruction shall continue until the student is determined by the results of approved reading assessments to be reading on grade level."
- "Beginning with the 2011-2012 school year, each school district shall ... Provide to students *who have been retained* ... with intensive interventions in reading, intensive instructional services and supports to remediate the identified areas of reading deficiency, including a minimum of ninety (90) minutes of daily, uninterrupted, scientific-research-based reading instruction. Retained students shall be provided other strategies prescribed by the school district, which may include, but are not limited to:
    1. Small group instruction,
    2. Reduced teacher-student ratios,
    3. More frequent progress monitoring,
    4. Tutoring or mentoring,
    5. Transition classes containing third- and fourth-grade students,
    6. Extended school day, week, or year, and
    7. Summer reading academies"
  - "In addition to required reading enhancement and acceleration strategies, provide students who are retained with at least one of the following instructional options:
    1. Supplemental tutoring in scientific-research-based reading services in addition to the regular reading block, including tutoring before or after school,
    2. A parent-guided "Read at Home" assistance plan, as developed by the State Department of Education, the purpose of which is to encourage regular parent-guided home reading, or
    3. A mentor or tutor with specialized reading training"
  - "School districts may approve an option for students who are unable to attend a summer academy. The optional program may include, but is not limited to, an approved private provider of instruction, approved computer- or Internet-based instruction, or an approved program of reading instruction monitored by the parent or guardian. School districts shall not be required to pay for the optional program, but shall clearly communicate to the parent or guardian the expectations of the program and any costs that may be involved."

### **Retention**

- Georgia – §20-2-283
  - "No student shall be promoted, except as provided in this section, to:
    1. The fourth grade program to which the student would otherwise be assigned if the student does not achieve grade level as defined by the Office of Student Achievement ... on the third grade criterion-referenced reading assessment ... and meet the promotional standards and

criteria established by the State Board of Education and by the local school board for the school that the student attends.”

**Exemptions from Retention**

- Florida – §1008.25
  - “The district school board may only exempt students from mandatory retention ... for good cause. Good cause exemptions shall be limited to the following:
    1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.
    2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of State Board of Education rule.
    3. Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education.
    4. Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the FCAT.
    5. Students with disabilities who participate in the FCAT and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive remediation in reading 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.
    6. Students who have received intensive remediation in reading for 2 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. Intensive reading instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.”

## Appendix C: Notable 2012 Policy Changes

- Iowa created a new section in their Early Childhood Literacy statutes to require school districts to assess all students in K-3 for reading or reading readiness, and provide intensive reading instruction to any student who exhibits a substantial deficiency. S.F. 2284 also requires that students must be retained in 3<sup>rd</sup> grade if their reading deficiencies are not remedied unless they attend an intensive summer reading institute.
- Connecticut's S.B. 458 requires all certified teachers and administrators working in K-3 to take a state board-approved reading instruction practice exam, and teachers with a comprehensive special education or remedial reading and language arts endorsement to pass the exam starting July 1, 2013. Connecticut will also establish a professional development program in reading instruction and identify mentor teachers who will train teachers in reading instruction.
- Colorado added a number of provisions related to reading, including one requiring a student's parent, teacher and other school personnel to meet to decide whether a student should advance to 4th grade despite having a significant reading deficiency. Arizona now requires that a student's parent or guardian choose a remediation strategy for their child if he/she is deficient in reading.
- Oklahoma revised its 3rd-grade reading retention policy to allow principals to promote students with reading deficiencies to 4th grade based on alternative assessments or a portfolio of student work. Conversely, Arizona removed a similar provision from its statutes, such that a 3rd-grade student may no longer be exempt from retention on the basis of an alternative assessment, having been previously retained twice in grade or a parental request for exemption.
- Other notable changes to current reading statutes were passed in Florida, Kentucky, North Carolina, Ohio, Tennessee, Virginia, Washington, D.C., Wisconsin, and Wyoming.

*Stephanie Rose, Policy Analyst, with the ECS Information Clearinghouse, updated this report. She can be reached at [srose@ecs.org](mailto:srose@ecs.org).*

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Equipping Education Leaders, Advancing Ideas

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 2/15/13

FURTHER: Finance

Date of 5-Day Notice: 3/7/13  
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: ZOMARIZ

Education Committee considered SENATE BILL NO. 57

### SB 57 SCHOOL LITERACY, TRANSP., TEACHER NOTICES

"An Act relating to parental involvement in education; adjusting pupil transportation funding; amending the time required for employers to give tenured teachers notification of their nonretention; and providing for an effective date."

and recommends:

- be replaced with CS SB 57 ( EDC )  Same Title [ ] New Title
- [ ] adopt previous CS \_\_\_\_\_ ( \_\_\_\_\_ ) [ ] Same Title [ ] New Title
- [ ] attached amendment(s)
- [ ] adopt \_\_\_\_\_ Letter of Intent
- [ ] further referral to \_\_\_\_\_ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
EED	✓			1
EED			✓	2
EED	✓			3
Fiscal Info Forthcoming				

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

[ ] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Huggins				✓
	Stedman	✓			✓
	GARDNER				✓
CHAIR:	Stevens	✓			