

IN THE SENATE

SENATE BILL NO. 1101

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1614, IDAHO CODE, TO REVISE PRO-  
2 VISIONS REGARDING READING INSTRUCTION AND INTERVENTION; AMENDING CHAP-  
3 TER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1614A,  
4 IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A CERTAIN PERFORMANCE  
5 METRIC; AMENDING SECTION 33-1615, IDAHO CODE, TO REVISE PROVISIONS RE-  
6 GARDING READING ASSESSMENTS; AMENDING SECTION 33-1616, IDAHO CODE, TO  
7 REVISE PROVISIONS REGARDING LITERACY INTERVENTION; AND PROVIDING AN  
8 EFFECTIVE DATE.  
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 33-1614, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 33-1614. READING INSTRUCTION AND INTERVENTION. (1) It is the ultimate  
14 goal of the legislature that every student read at or above grade level by the  
15 end of grade 3. School districts shall offer a reading intervention program  
16 pursuant to section 33-1616, Idaho Code, to each kindergarten through grade  
17 3 student who exhibits a reading deficiency on the statewide reading assess-  
18 ment pursuant to section 33-1615, Idaho Code, or who is identified as having  
19 such deficiency in a local assessment as defined in this section, to ensure  
20 students can read at or above grade level at the end of grade 3. The reading  
21 intervention program shall be provided in addition to core reading instruc-  
22 tion that is provided to all students in the general education classroom and  
23 must be in alignment with the Idaho comprehensive literacy plan. The reading  
24 intervention program shall:

25 (a) Be provided to all grade K-3 students identified with a reading de-  
26 ficiency as determined by the statewide reading assessments or a local  
27 assessment;

28 (b) Provide intensive development in phonemic awareness, phonics, flu-  
29 ency, vocabulary, and text comprehension, as applicable to the grade  
30 level and aligned with Idaho content standards; and

31 (c) Monitor the reading progress of each student's reading skills  
32 throughout the school year and adjust instruction according to student  
33 needs. Monitoring may include both local and statewide assessments.

34 (2) Reading Improvement Plan. Any student in kindergarten through  
35 grade 3 who exhibits a deficiency in reading at any time based upon the  
36 statewide reading assessment or a local assessment shall receive an indi-  
37 vidual reading improvement plan no later than thirty (30) days after the  
38 identification of the reading deficiency. The reading improvement plan  
39 shall be created by the teacher, the principal, other pertinent school per-  
40 sonnel, including ~~staff-assigned~~ staff who are assigned library duties if  
41 applicable, and the parent(s) or guardian(s) and shall describe the read-  
42 ing intervention services the student will receive to remedy the reading

1 deficit. Each student must receive intensive reading intervention until the  
2 student is determined to be proficient in reading ~~for their~~ at grade level.

3 (a) Having made a good faith effort, should the school be unable to en-  
4 gage the parent or guardian in the development of the student's reading  
5 improvement plan within fifteen (15) days of notifying the parent, the  
6 school may move forward with the creation of the student's reading im-  
7 provement plan without parental participation.

8 ~~(b) Any student who has been identified as not proficient through a lo-~~  
9 ~~cal literacy assessment may also be put on a reading improvement plan.~~

10 ~~(c)~~ Students who are on a reading improvement plan and have been iden-  
11 tified, through the statewide reading assessment or a local assessment,  
12 to be at grade level may be transitioned off of the reading improvement  
13 plan. Schools must notify the parents or guardians in advance of tran-  
14 sitioning students off of their reading improvement plan.

15 (3) Parent Notification. The parent of any student in kindergarten  
16 through grade 3 who exhibits a deficiency in reading at any time during  
17 the school year must be notified in writing of the reading deficiency. The  
18 school district shall assist schools with providing written notification to  
19 the parent of any student who has not met grade-level proficiency.

20 (a) The initial notification must include the following:

21 (i) A statement that his or her student has been identified as  
22 having a deficiency in reading and a reading improvement plan will  
23 be established by the teacher, principal, other applicable school  
24 personnel and the parent (s) or guardian (s);

25 (ii) A description of the current services that are provided to  
26 the student; and

27 (iii) A description of the available reading intervention and sup-  
28 plemental instructional services and supports that could be pro-  
29 vided to the student ~~that~~ and are designed to address the identi-  
30 fied areas of reading deficiency.

31 (b) Following development of the plan, the parent will be provided  
32 with:

33 (i) A description of the reading intervention and supplemental  
34 instructional services and support that will be provided to the  
35 student ~~that~~ and are designed to address the identified areas of  
36 reading deficiency; and

37 (ii) Strategies for parents to use at home in helping their stu-  
38 dent to succeed in reading.

39 (c) At the conclusion of each school year, or earlier if it has been  
40 determined that the student is proficient and is no longer in need of  
41 intervention, the parent or guardian will be updated on the student's  
42 progress, including any recommendation for placement.

43 (4) District Annual Reporting. Each school district shall report to  
44 the state department of education by October 1 of each year. The report shall  
45 contain the following information on the prior school year:

46 (a) By grade, the number and percentage of all students in grades K-3  
47 performing at the basic or below basic level in reading on local and the  
48 ~~statewide assessments in reading~~ or a local assessment; and

1 (b) By grade, the number and percentage of all students in grades K-3  
 2 performing at the proficient or ~~higher~~ advanced level in reading on  
 3 ~~local and the statewide assessments in reading or a local assessment.~~

4 (5) Department Responsibilities. The state department of education  
 5 shall annually compile the information required along with state-level sum-  
 6 mary information and annually report such information to the state board of  
 7 education, the public, the governor, and the legislature. The department  
 8 shall provide technical assistance as needed to aid school districts in im-  
 9 plementing the provisions of this section.

10 (6) The state board of education may promulgate rules for the adminis-  
 11 tration and implementation of this section.

12 (7) For purposes of this section and sections 33-1614A through 33-1616,  
 13 Idaho Code, "local assessment" means an examination, exercise, or evalua-  
 14 tion required or offered by a school district. An evaluation may be per-  
 15 formed by a teacher, a literacy specialist, or other pertinent personnel.

16 SECTION 2. That Chapter 16, Title 33, Idaho Code, be, and the same is  
 17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 18 ignated as Section 33-1614A, Idaho Code, and to read as follows:

19 33-1614A. PERFORMANCE METRIC. (1) An assessment performed pursuant  
 20 to sections 33-1614 through 33-1616, Idaho Code, shall measure a student's  
 21 reading proficiency based on a performance metric established by the state  
 22 board of education. The performance metric shall include and define four  
 23 (4) performance categories for each grade level, which categories shall be  
 24 below basic, basic, proficient, and advanced. A student's placement in a  
 25 category shall be determined by performance indicators established for each  
 26 category by the board. Such performance indicators shall be aligned with  
 27 Idaho content standards.

28 (2) The state board of education shall develop the performance metric  
 29 described in subsection (1) of this section in consultation with the state  
 30 department of education and other education specialists as determined by the  
 31 board.

32 SECTION 3. That Section 33-1615, Idaho Code, be, and the same is hereby  
 33 amended to read as follows:

34 33-1615. READING ASSESSMENT. The state department of education shall  
 35 be responsible for administration of the statewide reading assessment and  
 36 coordination of all assessment efforts and shall train assessment personnel  
 37 and report results. The state department of education shall, every three (3)  
 38 years, confirm that the statewide reading assessment is aligned with Idaho  
 39 content standards.

40 (1) In continuing recognition of the critical importance of reading  
 41 skills, all public school students in kindergarten and grades 1, 2, and  
 42 3 shall have their reading skills assessed by an assessment designed to  
 43 measure a student's reading competency. For purposes of this ~~assessment~~  
 44 section, the state board-approved research-based "Idaho Comprehensive Lit-  
 45 eracy Plan" shall be the reference document. The kindergarten assessments  
 46 shall include, but not be limited to, reading readiness, fluency, and phono-  
 47 logical awareness as recognized by Idaho content standards. Grades 1, 2,

1 and 3 shall test for fluency, comprehension, and accuracy of the student's  
 2 reading. The reading assessment shall be by a single statewide test speci-  
 3 fied by the state board of education, and the state department of education  
 4 shall ensure that testing aligned with Idaho content standards. Assess-  
 5 ment shall take place not less no fewer than two (2) times per year in the  
 6 relevant grades to show student growth toward reading competency. Read-  
 7 ing assessments shall assist school personnel in developing the student's  
 8 reading improvement plan and provide in-depth information about a student's  
 9 instructional needs. Additional progress monitoring assessments may be  
 10 administered to students who are identified for reading interventions as set  
 11 forth in section 33-1616, Idaho Code. The ~~state~~ K-3 assessment ~~test~~ results  
 12 shall be reviewed by school personnel for the purpose of providing necessary  
 13 interventions to sustain or improve the students' reading skills. Reports  
 14 shall be submitted by the school districts in such a manner that it is possi-  
 15 ble to determine for each school building with kindergarten through grade 3  
 16 in each school district the percentage of students who are achieving profi-  
 17 ciency ~~on the reading assessment~~. Results shall be maintained and compiled  
 18 by the school district for inclusion in its continuous improvement plan and  
 19 by the state department of education and shall be reported annually to the  
 20 state board, legislature, and governor and made available to the public in a  
 21 consistent manner, by school and by district.

22 (2) The assessment scores and interventions recommended and imple-  
 23 mented shall be maintained in the permanent record of each student.

24 (3) The administration of ~~the state~~ K-3 assessments is to be done in the  
 25 local school districts by individuals chosen by the district ~~other than to~~  
 26 maintain the integrity of the assessment process and should include the reg-  
 27 ular classroom teacher. All those who administer the assessments shall be  
 28 trained by the state department of education.

29 (4) ~~It is legislative intent that curricular materials utilized by~~  
 30 ~~school districts for kindergarten through grade 3 shall align with the~~  
 31 "Idaho Comprehensive Literacy Plan." At a minimum, reading assessments must  
 32 be:

33 (a) Scientifically based, with instruction based on research that ap-  
 34 plies rigorous, systematic, and objective procedures to obtain valid  
 35 knowledge that is relevant to reading development, reading instruc-  
 36 tion, and reading difficulties;

37 (b) Valid and reliable;

38 (c) Proven to effectively and accurately measure a student's reading  
 39 skills in the areas of phonemic awareness, phonics, vocabulary devel-  
 40 opment, fluency, and reading comprehension in alignment with Idaho con-  
 41 tent standards; and

42 (d) In the case of a diagnostic assessment, proven to accurately iden-  
 43 tify a student's reading skill deficiencies.

44 SECTION 4. That Section 33-1616, Idaho Code, be, and the same is hereby  
 45 amended to read as follows:

46 33-1616. LITERACY INTERVENTION. (1) Each school district and public  
 47 charter school shall establish an extended time literacy intervention pro-  
 48 gram for students in kindergarten through grade 3 who score basic or below  
 49 basic on the fall statewide reading screening assessments or alternate read-

1 ~~ing screening assessment in kindergarten through grade 3~~ or a local assess-  
 2 ment and submit it to the state board of education.

3 (2) The program shall provide:

4 (a) Proven, effective research-based substantial intervention and  
 5 shall include phonemic awareness, decoding intervention, vocabulary,  
 6 comprehension, and fluency as applicable to the student based on a for-  
 7 mative assessment designed to, at a minimum, identify such weaknesses;

8 (b) May include online or digital instructional materials or computer-  
 9 assisted learning programs or library resources and must include parent  
 10 input and be in alignment with the Idaho comprehensive literacy plan;

11 (c) A minimum of sixty (60) hours of sSupplemental instruction for  
 12 students in kindergarten through grade 3 who score below basic on the  
 13 statewide reading screening assessment or a local assessment; and

14 (d) A minimum of thirty (30) hours of sSupplemental instruction  
 15 for students in kindergarten through grade 3 who score basic on the  
 16 statewide reading screening assessment or a local assessment.

17 (3) Of the funds appropriated for the purpose of this section, no more  
 18 than one hundred dollars (\$100) per student may be used for transportation  
 19 costs.

20 (4) For the purpose of program reimbursement, the state department of  
 21 education shall adopt reporting forms, establish reporting dates, and adopt  
 22 such additional guidelines and standards as necessary to accomplish the pro-  
 23 gram goals that every child will read fluently and comprehend printed text ~~en~~  
 24 at grade level by the end of the third grade.

25 (5) To ensure students receive high-quality literacy instruction and  
 26 intervention, the state department of education shall provide professional  
 27 development to districts and schools on best practices supporting literacy  
 28 instruction as outlined in the state board of education approved "Idaho  
 29 Comprehensive Literacy Plan." Curricular materials utilized by school  
 30 districts for kindergarten through grade 3 shall align with the Idaho com-  
 31 prehensive literacy plan and the Idaho content standards. Intervention  
 32 program participation and effectiveness by school and district shall be pre-  
 33 sented annually to the state board, the legislature, and the governor.

34 (6) At a minimum, digital instructional materials and computer-as-  
 35 sisted learning programs must:

36 (a) Meet the requirements in subsection (2) (a) of this section;

37 (b) Be evidence-based, with instruction based on reliable and trust-  
 38 worthy data;

39 (c) Have demonstrated a record of success in adequately increasing stu-  
 40 dents' reading competency;

41 (d) Provide initial and ongoing analysis of a student's progress toward  
 42 reading competency;

43 (e) Provide explicit instruction in the areas of phonemic awareness,  
 44 phonics, vocabulary, fluency, and comprehension; and

45 (f) Align with Idaho content standards.

46 (7) A school district may cooperate with another school district or  
 47 with more than one (1) school district to procure technology or instruc-  
 48 tional materials for literacy intervention.

49 (8) The state board of education shall promulgate rules implementing  
 50 the provisions of this section. ~~At a minimum, such rules shall include stu-~~

1 ~~dent trajectory growth to proficiency benchmarks and a timeline for reaching~~  
2 ~~such benchmarks.~~

3 SECTION 5. This act shall be in full force and effect on and after July  
4 1, 2020.