LEGISLATIVE BILL 651

Introduced by Linehan, 39.
Read first time January 18, 2017
Committee:

A BILL FOR AN ACT relating to schools; to adopt the Nebraska Reading Improvement Act.

Be it enacted by the people of the State of Nebraska,
Section 1. Sections 1 to 12 of this act shall be known and may be cited as the Nebraska Reading Improvement Act.

Sec. 2. It is the intent of the Legislature that:

(1) Each student's progression from one grade to the next grade be determined, in part, by his or her proficiency in reading;

(2) School boards develop policies to facilitate reading instruction and create intervention services to address student reading needs;

(3) Each student and his or her parents or guardians be informed of the student's reading progress; and

(4) Each student in a public school be able to read at or above grade level by third grade.

Sec. 3. School districts shall offer an accelerated reading intervention program for the purpose of ensuring that students can read at or above grade level at the end of third grade. The accelerated reading intervention program shall:

(1) Be provided to all students in kindergarten, first grade, second grade, and third grade who are identified as having a reading deficiency based upon state-approved local or statewide assessments administered within the first thirty days of the school year;

(2) Provide intensive development in phonemic awareness, phonics, fluency, vocabulary, and reading comprehension;

(3) Monitor the reading progress of each student's reading skills throughout the school year and adjust instruction accordingly; and

(4) Be implemented during regular school hours in addition to the regular reading instruction.

Sec. 4. Any student who exhibits a reading deficiency at any time, based upon state-approved local or statewide assessments conducted in kindergarten, first grade, second grade, or third grade shall receive an individual reading improvement plan no later than thirty days after identification of the reading deficiency. The reading improvement plan shall be created by the teacher, the principal, other pertinent school
personnel, and the parents or guardians of the student and shall describe the reading intervention services the student will receive to remedy the reading deficiency. Each such student shall receive intensive reading intervention services until the student no longer has a reading deficiency.

Sec. 5. The school of any student who, in kindergarten, first grade, second grade, or third grade, exhibits a reading deficiency at any time during the school year, based upon a state-approved local or statewide assessment, shall notify such student's parents or guardians in writing no later than fifteen days after the identification of the reading deficiency. The written notification shall include the following:

(1) That the student has been identified as having a reading deficiency and an individual reading improvement plan will be established by the teacher, the principal, other pertinent school personnel, and the parents or guardians;

(2) A description of the current services that are provided to the student;

(3) A description of the proposed reading intervention and supplemental instructional services and support that will be provided to the student which are designed to remedy the identified area or areas of reading deficiency;

(4) Strategies for parents or guardians to use at home in helping the student succeed in reading;

(5) That if the student's reading deficiency is not corrected by the end of third grade, the student will not be promoted to fourth grade unless he or she qualifies for an exemption pursuant to section 7 of this act; and

(6) That while the statewide assessment is the initial determinant for promotion at the end of third grade, it is not the sole determinant of promotion and that additional evaluations, including, but not limited to, portfolio reviews and alternative assessments, are available pursuant
to such exemptions.

Sec. 6. (1) Beginning with school year 2019-20, each student shall demonstrate sufficient reading skills by the end of third grade as demonstrated by the student scoring at or above grade level on the third grade statewide reading assessment or the student shall be retained in third grade unless he or she qualifies for an exemption pursuant to section 7 of this act.

(2) Each school district shall provide summer reading camps to all third grade students scoring below grade level on the third grade statewide reading assessment. Summer reading camps shall be staffed with highly effective reading teachers as evidenced by evaluations based on classroom observation and student improvement on reading assessments. The teacher shall provide reading intervention services and support to remedy the identified area or areas of reading deficiency. Summer reading camps shall include, at a minimum, seventy hours of instructional time in reading.

Sec. 7. (1) A school board may only exempt students from mandatory retention in third grade pursuant to section 6 of this act for good cause. The exemption shall apply to the following students:

(a) A student who demonstrates performance at or above grade level on an alternative standardized reading assessment approved by the State Board of Education;

(b) A student who demonstrates, through a student portfolio, performance at or above grade level as evidenced by demonstrating mastery of all third grade state reading standards through multiple work samples;

(c) A student who is a child with a disability as defined in section 79-1117 and has an individualized education plan which indicates that participation in the statewide assessment program is not appropriate;

(d) A limited English proficiency student as defined in section 79-1003 who has had less than two years of instruction pursuant to a limited English proficiency plan;
(e) A student who is a child with a disability as defined in section 79-1117 and participates in the statewide assessment and has an individualized education plan that reflects that the student has received intensive reading intervention services for more than two years but still demonstrates a reading deficiency and was previously retained in kindergarten, first grade, second grade, or third grade;

(f) A student who has received intensive reading intervention services for two or more years but still demonstrates a reading deficiency and who was previously retained in kindergarten, first grade, second grade, or third grade for a total of two years; and

(g) A student who has previously been retained in third grade.

(2) A request to exempt a student from mandatory retention pursuant to one of the exemptions described in subsection (1) of this section shall be made as follows:

(a) The student's teacher shall submit documentation to the school principal, recommending promotion of the student. Such documentation shall consist of only material supporting the exemption being requested, the existing reading improvement plan or individualized education plan, and the alternative assessment or student portfolio results as applicable; and

(b) The school principal shall review and discuss the recommendation with the teacher and make the determination as to whether the student should be promoted. If the principal determines that the student should be promoted based on the documentation provided, the principal shall make such recommendation in writing to the superintendent of the school district. The superintendent shall accept or reject the principal's recommendation in writing.

(3) If a student is promoted to fourth grade pursuant to an exemption specified in this section, his or her school shall provide the student with intensive reading intervention services that include specialized diagnostic information and specific reading strategies to
meet the needs of such student. The school district shall assist schools and teachers with the implementation of reading strategies demonstrated by research to be successful in improving reading among students with reading deficiencies.

Sec. 8. A school district shall assist schools with providing written notification to the parents and guardians of any student who is retained pursuant to section 6 of this act that such student has not met the proficiency level required for promotion, the reasons the student is not eligible for an exemption pursuant to section 7 of this act, and that the student will be retained in third grade. The notification shall include a description of the proposed interventions and support that will be provided to the student to remedy the identified area or areas of reading deficiency.

Sec. 9. Beginning with school year 2019-20, the school of any student retained pursuant to section 6 of this act shall provide such student with intensive reading intervention to remedy the student's specific reading deficiency. Such reading intervention services shall include effective instructional strategies to accelerate student progress. Each such school district shall:

(1) Conduct a review of student reading improvement plans for all students who scored below grade level on the reading portion of the statewide assessment and who did not meet the criteria for one of the exemptions specified in section 7 of this act. The review shall address additional support and services as described in this section which are available to remedy the identified area or areas of reading deficiency;

(2) Provide retained students with highly effective reading teachers as evidenced by evaluations based on classroom observations and student improvement on reading assessments;

(3) Provide retained students with reading intervention services and support to remedy the identified area or areas of reading deficiency, including, but not limited to:
(a) More dedicated time than the previous school year spent in reading instruction and intervention which is based in scientific research;

(b) Daily targeted small group reading intervention based on student needs as determined by diagnostic assessment data;

(c) Reading programs based in scientific research which have demonstrated results in accelerating student reading achievement within the same school year;

(d) Explicit and systematic instruction with more detailed explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback;

(e) Administration of assessments to frequently monitor student progress; and

(f) Before-school or after-school supplemental reading intervention based in research, delivered by a teacher or tutor with specialized reading training; and

(4) Provide parents and guardians of retained students with a read-at-home plan outlined in a parental contract, including, but not limited to, participation in parent training workshops and regular parent-guided home reading.

Sec. 10. (1) Each public school shall establish an intensive acceleration class for any student retained in third grade who was previously retained in kindergarten, first grade, second grade, or third grade. The focus of the intensive acceleration class shall be to increase a student's reading level at least two grade levels in one school year.

(2) The intensive acceleration class shall:

(a) Have a reduced teacher-student ratio;

(b) Provide students with highly effective reading teachers as evidenced by evaluations based on classroom observation and student improvement on reading assessments;

(c) Provide reading instruction and intervention for the majority of
student contact time each day;

(d) Use reading programs based in scientific research which have
proven results in accelerating student reading achievement within the
same school year;

(e) Administer assessments to frequently monitor student progress
and adjust instruction according to student needs;

(f) Provide students the option of being placed in a transitional
instructional setting. Such setting shall be designed specifically to
produce learning gains sufficient to meet fourth grade performance
standards while continuing to correct the area or areas of reading
deficiency;

(g) Provide before-school or after-school supplemental reading
instruction based in research and delivered by a teacher or tutor with
specialized reading training; and

(h) Provide parents and guardians with a read-at-home plan outlined
in a parental contract, including, but not limited to, participation in
parent training workshops and regular parent-guided home reading.

(3) Each school district shall report to the State Department of
Education, in the manner prescribed by the department, the progress of
every student enrolled in the intensive acceleration class at the end of
the first semester.

Sec. 11. By September 1 of each year, each school board shall
annually report in writing to the State Department of Education the
following information on the prior school year:

(1) The school board's policies and procedures on student retention
and promotion;

(2) By grade, the number and percentage of all students in
kindergarten, first grade, second grade, and third grade who were
identified with a reading deficiency at the beginning of the school year
and who performed at or above grade level at the end of the school year,
as demonstrated by achieving a passing score on the state-approved local
assessment or statewide assessment;

(3) By grade, the number and percentage of all students in kindergarten, first grade, second grade, and third grade performing below grade level on the state-approved local assessment or statewide assessment;

(4) By grade, the number and percentage of all students retained in kindergarten, first grade, second grade, and third grade;

(5) Information on the total number and percentage of students in third grade who were promoted pursuant to an exemption pursuant to section 7 of this act, by each category of good cause described in such section; and

(6) Any revisions to the school board's policy on student retention and promotion from the prior year's report.

Sec. 12. The State Department of Education shall establish a uniform format for school districts to report the information required pursuant to section 11 of this act. The format shall be developed with input from school boards and shall be provided to each school district no later than ninety days prior to the annual due date. The department shall annually compile the information submitted under section 11 of this act along with state-level summary information and report such information to the State Board of Education, the public, the Governor, and electronically to the Legislature by October 1 of each year. The department shall provide technical assistance as needed to assist school boards in carrying out this section.