

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 651

Introduced by Linehan, 39.

Read first time January 18, 2017

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to adopt the Nebraska Reading
- 2 Improvement Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 12 of this act shall be known and may be
2 cited as the Nebraska Reading Improvement Act.

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

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

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

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

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

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

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

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

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

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

26 Sec. 4. Any student who exhibits a reading deficiency at any time,
27 based upon state-approved local or statewide assessments conducted in
28 kindergarten, first grade, second grade, or third grade shall receive an
29 individual reading improvement plan no later than thirty days after
30 identification of the reading deficiency. The reading improvement plan
31 shall be created by the teacher, the principal, other pertinent school

1 personnel, and the parents or guardians of the student and shall describe
2 the reading intervention services the student will receive to remedy the
3 reading deficiency. Each such student shall receive intensive reading
4 intervention services until the student no longer has a reading
5 deficiency.

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

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

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

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

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

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

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

1 to such exemptions.

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

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

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

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

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

26 (c) A student who is a child with a disability as defined in section
27 79-1117 and has an individualized education plan which indicates that
28 participation in the statewide assessment program is not appropriate;

29 (d) A limited English proficiency student as defined in section
30 79-1003 who has had less than two years of instruction pursuant to a
31 limited English proficiency plan;

1 (e) A student who is a child with a disability as defined in section
2 79-1117 and participates in the statewide assessment and has an
3 individualized education plan that reflects that the student has received
4 intensive reading intervention services for more than two years but still
5 demonstrates a reading deficiency and was previously retained in
6 kindergarten, first grade, second grade, or third grade;

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

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

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

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

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

28 (3) If a student is promoted to fourth grade pursuant to an
29 exemption specified in this section, his or her school shall provide the
30 student with intensive reading intervention services that include
31 specialized diagnostic information and specific reading strategies to

1 meet the needs of such student. The school district shall assist schools
2 and teachers with the implementation of reading strategies demonstrated
3 by research to be successful in improving reading among students with
4 reading deficiencies.

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

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

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

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

29 (3) Provide retained students with reading intervention services and
30 support to remedy the identified area or areas of reading deficiency,
31 including, but not limited to:

1 (a) More dedicated time than the previous school year spent in
2 reading instruction and intervention which is based in scientific
3 research;

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

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

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

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

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

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

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

26 (2) The intensive acceleration class shall:

27 (a) Have a reduced teacher-student ratio;

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

31 (c) Provide reading instruction and intervention for the majority of

1 student contact time each day;

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

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

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

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

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

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

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

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

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

1 assessment or statewide assessment;

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

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

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

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

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