Introduced by Linehan, 39.

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Sections 1 to 8 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) School boards develop policies to facilitate reading instruction and create intervention services to address student reading needs, including, but not limited to, dyslexia;

(2) All teachers for kindergarten through grade three should be highly effective reading teachers as evidenced by (a) evaluations based on classroom observations and student improvement on reading assessments, (b) an endorsement related to reading instruction, or (c) specialized training in reading improvement;

(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. (1) For the 2019-20 school year and each school year thereafter, each school district shall administer an approved reading assessment three times during such school year to all students in kindergarten through grade three, except any student receiving specialized instruction for limited English proficiency who has been receiving such instruction for less than two years and any student receiving special education services for whom such assessment would conflict with the individualized education plan. The first administration of such assessment for each such school year shall occur within the first thirty days of the school year.
(2) For purposes of this section, an approved reading assessment means an assessment of student reading skills approved by the State Department of Education which:

(a) Measures progress toward proficiency in the reading skills assessed pursuant to subsection (5) of section 79-760.03 on the statewide assessment of reading for grade three;

(b) Is valid and reliable;

(c) Is aligned with academic content standards for reading adopted by either the board pursuant to section 79-760.01 or the school district administering such assessment pursuant to section 79-760.02; and

(d) Allows teachers access to results in a reasonable time period as established by the department, not to exceed fifteen working days.

(3) On or before March 1, 2019, and on or before each March 1 thereafter, the board shall make public a list for the subsequent school year of approved reading assessments and the threshold level of performance for each such assessment below which a student will be identified as having a reading deficiency for purposes of the Nebraska Reading Improvement Act. The department shall make recommendations to school districts regarding commercially available reading assessments from which to choose.

(4) On or before March 1, 2019, and as needed thereafter, the department shall make public the threshold level of performance for the statewide assessment of reading administered pursuant to section 79-760.03 for grade three below which a student will be identified as having a reading deficiency for purposes of the Nebraska Reading Improvement Act.

(5) Diagnostic assessments used within a supplemental reading intervention program do not require department approval.

Sec. 4. (1) Any student in kindergarten, grade one, grade two, or grade three shall be identified as having a reading deficiency if such student performs below the threshold level set pursuant to section 3 of
this act on an approved reading assessment. A student who is identified
as having a reading deficiency pursuant to this subsection shall remain
identified as having a reading deficiency until the student performs at
or above the threshold level on an approved reading assessment or at or
above the threshold level on the statewide assessment of reading
administered pursuant to section 79-760.03 for the grade level of such
student.

(2) Any student in grade four or higher shall be identified as
having a reading deficiency if such student performed below the threshold
level established pursuant to section 3 of this act on the statewide
assessment of reading administered pursuant to section 79-760.03 for the
grade level of such student. A student who is identified as having a
reading deficiency pursuant to this subsection shall remain identified as
having a reading deficiency until the student performs at or above the
threshold level on a subsequent administration of the statewide
assessment of reading administered pursuant to section 79-760.03 for the
grade level of such student.

(3) Nothing in the Nebraska Reading Improvement Act shall prohibit a
school district from identifying any other student as having a reading
deficiency.

Sec. 5. Each school district shall provide a supplemental reading
intervention program for the purpose of ensuring that students can read
at or above grade level at the end of third grade. School districts may
work collaboratively with educational service units, with learning
communities, or through interlocal agreements to develop and provide such
supplemental reading intervention programs. Each supplemental reading
intervention program shall:

(1) Be provided to any student identified as having a reading
deficiency;

(2) Be implemented during regular school hours in addition to
regular reading instruction unless otherwise agreed to by a parent or
guardian;

(3) Utilize reading intervention techniques that are based on scientific research;

(4) Administer diagnostic assessments to frequently monitor student progress throughout the school year and adjust instruction accordingly;

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

(6) Provide explicit and systematic instruction with detailed explanations, extensive opportunities for guided practice, and opportunities for error corrections and feedback;

(7) Provide daily targeted small-group reading intervention based on student needs as determined by diagnostic assessment data;

(8) Provide parents and guardians with strategies and resources to assist with reading skills at home, including parent training workshops and suggestions for parent-guided home reading;

(9) Encourage access to optional before-school or after-school supplemental reading intervention with a teacher or tutor who has specialized training in reading intervention; and

(10) Provide access, without charge, to a summer reading camp each summer with a minimum of sixty hours of instructional time in reading for any student who has been enrolled in grade one or higher and is identified as continuing to have a reading deficiency at the conclusion of the school year preceding such summer reading camp. Such summer reading camps can be held in conjunction with already existing summer reading programs.

Sec. 6. (1) The school of any student who is identified as having a reading deficiency shall notify such student's parents or guardians in writing no later than fifteen working days after the identification of the reading deficiency that the student has been identified as having a reading deficiency and that an individual reading improvement plan will be established and shared with parents or guardians.
Any student who is identified as having a reading deficiency shall receive an individual reading improvement plan no later than thirty days after the identification of such reading deficiency. The reading improvement plan may 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 through the supplemental reading intervention program pursuant to section 5 of this act to remedy such reading deficiency. Each such student shall receive reading intervention services through the supplemental reading intervention program pursuant to section 5 of this act until the student is no longer identified as having a reading deficiency.

Sec. 7. 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) By grade, the number and percentage of all students in kindergarten, first grade, second grade, and third grade who were identified as having a reading deficiency at the beginning of the school year and who were no longer identified as having a reading deficiency at the end of the school year; and

(2) By grade, the number and percentage of all students in kindergarten, first grade, second grade, and third grade who were identified as having a reading deficiency as of the end of the school year.

(3) Any report pursuant to this section shall comply with any standards used by the department to protect the individual identity of a student.

Sec. 8. (1) The State Department of Education shall establish a uniform format for school districts to report the information required pursuant to section 7 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.

(2) The department shall annually compile the information submitted under section 7 of this act along with state-level summary information and report such information to the public, the Governor, and electronically to the Legislature on or before October 1 of each year.

(3) The department shall provide technical assistance as needed to assist school boards in carrying out the Nebraska Reading Improvement Act.

(4) The department may adopt and promulgate rules and regulations to carry out the act.