

# The Literacy-Based Promotion Act

## Section 1. The Literacy-Based Promotion Act

**Section 2.** It is the intent of the Legislature that each student's progression from one grade to another be determined, in part, upon proficiency in reading; that district school board policies facilitate reading instruction and intervention services to address student reading needs; and that each student and his or her parent be informed of that student's reading progress.

**(A) Reading Instruction and Intervention** – It is the ultimate goal of the Legislature that every student read at or above grade level by grade 3. Districts shall offer accelerated reading intervention to each K-3 student who exhibits a reading deficiency to prevent the necessity of grade 3 student retention. The accelerated reading intervention program shall:

- (1) Be provided to all K-3 students identified with a reading deficiency by state approved local or statewide assessments;
- (2) Screen and monitor the reading progress of each student's foundational reading skills at a minimum of three times per year;
- (3) Provide highly effective core reading instruction that is comprehensive and meets the majority of the general education classroom needs; and
- (4) Provide a reading intervention program that meets, at a minimum, the following specifications:
  - a) Assists students exhibiting a reading deficiency in developing the ability to read at grade level;
  - b) Provides intensive development in phonemic awareness, phonics, fluency, vocabulary, and comprehension;
  - c) Provides scientifically based reliable and valid assessments;
  - d) Provides initial and ongoing analysis of each student's reading progress; and
  - e) Is implemented during regular school hours in addition to the regular reading instruction.

**(B) Reading Deficiency and Reading Improvement Plan** – Any student who exhibits a deficiency in reading at any time, based upon state approved local or statewide assessments conducted in grades K-3, shall receive an individual reading improvement plan no later than 30 days after the identification of the reading deficiency. The reading improvement plan shall be created by the teacher, principal, other pertinent school personnel and the parent(s), and shall describe the reading intervention services the student will receive to remedy the reading deficit. Each student receiving reading intervention must be screened and progress monitored, at a minimum of three times per year, and provided with intensive reading intervention until the student no longer has a reading deficiency.

**(C) Parent Notification** – The parent of any K-3 student who exhibits a deficiency in reading at any time during the school year must be notified in writing no later than 30

days after the identification of the reading deficiency, and the written notification must include the following:

- (1) That his or her child has been identified as having a deficiency in reading, and a reading improvement plan will be established by the teacher, principal, other pertinent school personnel, and the parent(s).
- (2) A description of the current services that are provided to the child.
- (3) A description of the proposed reading intervention and supplemental instructional services and supports that will be provided to the child that are designed to ameliorate the identified area(s) of reading deficiency.
- (4) Strategies for parents to use at home in helping their child succeed in reading.
- (5) That if the child's reading deficiency is not corrected by the end of grade 3, the child will not be promoted to grade 4 unless a good cause exemption is met.
- (6) That while the statewide assessment is the initial determinate, it is not the sole determiner of promotion at the end of grade 3 and that additional evaluations, including portfolio reviews and alternative assessments are available through good cause exemptions.

**(D) Elimination of Social Promotion** – If the student's reading deficiency, as identified in paragraph (B), is not remedied by the end of grade 3, as demonstrated by scoring below grade level on the grade 3 statewide reading assessment, the student must be retained.

**(E) Summer Reading Camp** – The school district must provide summer reading camps to all grade 3 students scoring below grade level on the grade 3 statewide reading assessment. Summer Reading Camps must be staffed with effective or highly effective teachers of reading as determined by the teacher evaluation system. The effective or highly effective teacher of reading shall provide reading intervention services and supports to correct the identified area(s) of reading deficiency.

**(F) Good Cause Exemptions** – The district school board may only exempt students from mandatory retention, as provided in paragraph (D), for good cause. Good cause exemptions shall be limited to the following:

- (1) Students who demonstrate grade level performance on an alternative standardized reading assessment approved by the State Board of Education.
- (2) Students who demonstrate, through a student portfolio, grade level performance as evidenced by demonstrating mastery of all grade 3 state reading standards through multiple work samples.
- (3) Students with Disabilities whose Individual Education Plan indicates that participation in the statewide assessment program is not appropriate, consistent with state law.
- (4) Limited English Proficient students who have had less than 2 years of instruction in an English Language Learner program.
- (5) Students with Disabilities who participate in the statewide assessment and who have an Individual Education Plan or a Section 504 plan that reflects that the student has received intensive reading intervention 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 reading intervention for two 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.

**(G) Requests for Good Cause Exemptions** – Requests to exempt students from the mandatory retention requirement using one of the good cause exemptions as described in paragraph (F) shall be made consistent with the following:

- (1) Documentation shall be submitted from the student's teacher to the school principal that indicates that the promotion of the student is appropriate. Such documentation shall consist only of the good cause exemption being requested, the existing reading improvement plan or Individual Education Plan, and the alternative assessment or student portfolio results as applicable.
- (2) 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 school principal determines that the student should be promoted based on the documentation provided, the school principal shall make such recommendation in writing to the district school superintendent. The district school superintendent shall accept or reject the school principal's recommendation in writing.

**(H) Students Promoted with a Good Cause Exemption** – A student who is promoted to grade 4 with a good cause exemption shall be provided intensive reading instruction and intervention that includes specialized diagnostic information and specific reading strategies to meet the needs of each student so promoted. The school district shall assist schools and teachers with the implementation of reading strategies for students promoted with a good cause exemption that research has shown to be successful in improving reading among students with reading difficulties.

**(I) Parent Notification of Retention** – The school district shall assist schools with providing written notification to the parent of any student who is retained that his or her child has not met the proficiency level required for promotion, the reasons the child is not eligible for a good cause exemption, and that his/her child will be retained in grade 3. The notification must include a description of the proposed interventions and supports that will be provided to the child to ameliorate the identified area(s) of reading deficiency.

**(J) Successful Progression of Retained Readers** – Students retained under the provisions of paragraph (D) must be provided intensive reading intervention to remedy the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment. The reading intervention services must include effective instructional strategies necessary to assist those students in becoming successful readers, and ready for promotion to the next grade. Each 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 good cause exemptions. The review shall address additional supports and services, as described in this subsection, needed to correct the identified area(s) of reading deficiency.

- (2) Provide students who are retained with a highly effective teacher of reading as determined by the teacher evaluation system.
- (3) Provide students who are retained with reading intervention services and supports to correct the identified area(s) of reading deficiency, including, but not limited to:
  - a) More dedicated time than the previous school year spent in scientifically research-based reading instruction and intervention;
  - b) Daily targeted small group reading intervention based on student needs determined by diagnostic assessment data;
  - c) Reading programs that are scientifically research-based and have proven 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 ongoing progress monitoring assessments to frequently monitor student progress; and
  - f) Before and/or after school supplemental research-based reading intervention delivered by a teacher or tutor with specialized reading training.
- (4) Provide parents of retained students with a “Read at Home” plan outlined in a parental contract, including participation in parent training workshops and regular parent-guided home reading.

**(K) Intensive Acceleration Class** – Establish at each school, where applicable, an Intensive Acceleration Class for any student retained in grade 3 who was previously retained in kindergarten, grade 1, grade 2, or grade 3. The focus of the Intensive Acceleration Class shall be to increase a child’s reading level at least two grade levels in one school year.

- (1) The Intensive Acceleration Class shall:
  - a) Have a reduced teacher-student ratio;
  - b) Provide students with a highly effective teacher of reading as determined by the teacher evaluation system;
  - c) Provide reading instruction and intervention for the majority of student contact time each day and incorporate opportunities to master the grade 4 state standards in other core academic areas;
  - d) Use reading programs that are scientifically research-based and have proven results in accelerating student reading achievement within the same school year;
  - e) Provide intensive language and vocabulary instruction, including use of a speech-language therapist.
  - f) Frequently administer ongoing progress monitoring assessments to monitor student progress;

- g) Provide a student the option of being placed in a transitional instructional setting. Such setting shall specifically be designed to produce learning gains sufficient to meet grade 4 performance standards while continuing to correct the area(s) of reading deficiency;
  - h) Provide before and/or after school supplemental research-based reading instruction delivered by a teacher or tutor with specialized reading training; and
  - i) Provide parents with a “Read at Home” plan outlined in a parental contract, including participation in parent training workshops and regular parent-guided home reading.
- (2) Each school district shall report to the Department of Education, in the manner described by the Department, the progress of every student enrolled in the Intensive Acceleration Class at the end of the first semester.

**(L) District Annual Reporting** – Each district school board must annually report in writing to the Department of Education by September 1 of each year, the following information on the prior school year:

- (1) The district school board’s policies and procedures on student retention and promotion.
- (2) By grade, the number and percentage of all students in grades K-3 who were identified with a reading deficiency at the beginning of the school year, and met grade level standards at the end of the school year, as demonstrated on the state approved local assessment or statewide assessment.
- (3) By grade, the number and percentage of all students in grades K-3 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 grades K-3.
- (5) Information on the total number and percentage of students in grade 3 who were promoted for good cause, by each category of good cause as specified in paragraph (F).
- (6) Any revisions to the district school board’s policy on student retention and promotion from the prior year.