



MODEL POLICY | CENTER FOR EDUCATION OPPORTUNITY

LITERACY-BASED PROMOTION ACT

PURPOSE OF THIS ACT

This bill ensures that a 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 or guardian be informed of that student’s reading progress.

- 1) System of Support for Educators– The Department shall provide a system of support for all kindergarten, first, second, and third-grade teachers to ensure they have the knowledge and skill to teach all students to read. The system of support shall include the following:
 - A. An approved list of one or more reliable and valid reading assessment systems for school district use for screening and monitoring student progress toward grade-level reading. The reading assessment system shall:
 - B. Provide a screener to be administered three times per year (fall, winter, and spring) with progress monitoring capabilities and a diagnostic tool to support teachers with targeting instruction based on student needs;
 - C. Measure, at a minimum, phonological awareness, decoding, fluency, vocabulary, and comprehension; and
 - D. Identify students who have a reading deficiency, including identifying students with characteristics of dyslexia.

- E. In determining which assessment systems to approve for use by school districts, the Department shall also consider, at a minimum, the following factors:
 - I. The time required to conduct the assessment, with the intention of minimizing the impact on instructional time;
 - II. The timeliness in reporting assessment results to teachers, administrators, and parents; and
 - III. The integration of assessment and instruction the system provides.

- F. Professional learning for kindergarten, first, second, third, and fourth-grade teachers on the following:
 - I. the Department-approved assessment system(s) selected by school districts to ensure teachers have the knowledge and skill to administer the assessment and use the assessment data to inform instruction based on student needs.
 - II. comprehensive training on the science of reading, including explicit and systematic instruction in phonological awareness, the alphabetic principle, decoding, fluency, vocabulary, comprehension, and building content knowledge, to ensure all teachers have the knowledge and skill to teach all students to read, including students with dyslexia.

- G. Job-embedded coaching support for K-3 reading teachers that shall include the following:
 - I. Provide on-site teacher training on evidence-based reading instruction and data-based decision-making.
 - II. Demonstrate lessons.
 - III. Co-teach and/or observe teaching.
 - IV. Provide immediate feedback for improving instruction.

- H. Educator preparation programs that prepare candidates seeking licensure for elementary education with training and instruction to:
 - I. Effectively teach foundational reading skills: phonemic awareness, phonics, fluency, vocabulary, and comprehension;
 - II. Implement reading instruction using high-quality instructional materials;
 - III. Provide effective instruction and interventions for students with reading deficiencies, including students with characteristics of dyslexia;
 - IV. Understand and use student data to make instructional decisions.

- 2) Reading Instruction and Intervention – It is the ultimate goal of the Legislature that every student read at or above grade level by the end of third grade. Districts shall adopt high-quality instructional materials grounded in scientifically based reading research and aligned to state standards. Districts shall offer a reading intervention program to each K-3 student who exhibits a reading deficiency to ensure students can read at or above grade level by the end of third grade. The reading intervention program shall be provided in addition to core reading instruction that is provided to all students in the general education classroom. The reading intervention program shall:
 - A. Be provided to all K-3 students identified with a reading deficiency as determined by the Department-approved assessment system administered within the first thirty (30) days of school;
 - B. Provide explicit and systematic instruction in phonological awareness, phonics, fluency, vocabulary, and comprehension, as applicable;
 - C. Monitor the reading progress of each student’s reading skills throughout the school year and adjust instruction according to student needs; and
 - D. Be implemented during regular school hours.
- 3) Reading Deficiency and Reading Improvement Plan – Any student in kindergarten or grades first–third, who exhibits a deficiency in reading at any time, based upon the Department-approved assessment system, and any fourth-grade student promoted for good cause 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 research-based reading intervention services the student will receive to remedy the reading deficit. Each student must receive intensive reading intervention until the student no longer has a deficiency in reading.
- 4) 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 15 days after the identification of the reading deficiency, and the written notification must include the following:
 - A. That his or her child has been identified as having a deficiency in reading, and a reading improvement plan will be developed by the teacher, principal, other pertinent school personnel, and the parent(s).



- B. A description of the current services that are provided to the child.
 - C. A description of the proposed research-based reading interventions and supplemental instructional services and supports that will be provided to the child that are designed to remedy the identified area(s) of reading deficiency.
 - D. Notification that the parent will be informed in writing of their child's progress towards grade level reading at least every two weeks.
 - E. Strategies for parents to use at home to help their child succeed in reading.
 - F. If the child's reading deficiency is not corrected by the end of third grade, the child will not be promoted to fourth grade unless a good cause exemption is met.
 - G. That while the statewide English language arts assessment is the initial determinate for promotion, it is not the sole determiner at the end of third grade. Additionally, students are provided with a test-based student to demonstrate sufficient reading skills for promotion to fourth grade.
- 5) Successful Progression of Incoming Third Grade-Students Identified with a Reading Deficiency –
- A. Any incoming third-grade student identified with a reading deficiency shall be provided with more intensified interventions to remedy his or her specific deficiency. Intervention services shall include effective instructional strategies to accelerate student progress and be delivered by a highly effective teacher of reading as demonstrated by student reading performance data and teacher performance evaluations.
 - B. At the beginning of the student's third-grade year, teachers should begin to collect evidence for students who may be promoted under the test-based portfolio option. A review of individualized progress monitoring plans shall be conducted for all incoming third-grade students identified with a reading deficiency. The review shall address additional supports and services the student will receive. The supports and services shall include:
 - I. Reading instruction and intervention services and supports to correct any identified area of reading deficiency.



- II. Daily targeted small group reading intervention based on student need, including explicit and systematic instruction with more detailed explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback.
 - III. Specialized supplemental reading intervention before or after school delivered by a highly effective teacher of reading as demonstrated by student reading performance data and teacher performance evaluations.
- 6) Demonstrated Readiness for Promotion – Beginning with the (insert school year one–two years from the enactment of the policy) school year, third-grade students must demonstrate sufficient reading skills for promotion to fourth grade. Students shall be provided the following options to demonstrate sufficient reading skills for promotion to grade 4:
- A. Scoring above the lowest achievement level on the third-grade statewide English language arts assessment;
 - B. Earning an acceptable score on an alternative standardized reading assessment as determined and approved by the State Board of Education; and
 - C. Demonstrating mastery of all third-grade state reading standards as evidenced through a test-based student portfolio option. Regulation must be established to set criteria for the test-based student portfolio option and to define “mastery” of all third-grade state reading standards. Screeners shall not be used for promotion purposes; if the student cannot demonstrate sufficient reading skills on one of the three options and does not qualify for a good cause exemption, the student must be retained.
- 7) Summer Reading Camp – The school district must provide summer reading camps or approve innovative summer reading programs to all third-grade students scoring at the lowest achievement level on the third-grade statewide English language arts assessment. Summer Reading Camps and other approved summer reading programs must be staffed with highly effective teachers of reading as demonstrated by student reading performance data and teacher performance evaluations. The highly effective teacher of reading shall provide explicit and systematic reading intervention services and supports to correct the identified area(s) of reading deficiency. Summer Reading Camps must include, at a minimum, 70 hours of instructional time in reading. If funding allows, districts shall extend Summer Reading Camps to students in first–

second grade identified with a reading deficiency.

- 8) Good Cause Exemptions – The district school board may only exempt students from mandatory retention, as provided in paragraph (6), for good cause. A student who is promoted to fourth grade with a good cause exemption shall continue to receive intensive reading intervention that includes specific reading strategies prescribed by the board of education/2020 individual reading improvement plan until the deficiency is remedied. The school district shall assist schools and teachers with the implementation of reading strategies that research has shown to be successful in improving reading among students with reading difficulties. Good cause exemptions shall be limited to the following:
 - A. Students with Disabilities whose Individual Education Plan indicates that participation in the statewide assessment program is not appropriate, consistent with state law.
 - B. Students identified as English Language Learners who have had less than two years of instruction in an English Language Learner program.
 - C. Students with Disabilities who participate in the statewide English Language Arts 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 two years but still demonstrates a deficiency in reading or was previously retained for one year in kindergarten, first grade, second grade, or third grade.
 - D. 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, first grade, second grade, or third grade for a total of two years. No student shall be retained twice in third grade.
- 9) 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 (8) shall be made consistent with the following:
 - A. 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 and the existing reading improvement plan or Individual Education Plan, as applicable.



- B. The school principal shall review and discuss the recommendation with the teacher and make the determination as to whether the student meets one of the good cause exemptions. If the school principal determines that the student met one of the good cause exemptions 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.
- 10) 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 reading 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 remedy the identified area(s) of reading deficiency in the retained year.
- 11) Successful Progression of Retained Readers – Beginning with the (insert school year two years from the enactment of the policy) school year, students retained under the provisions of paragraph (6) must be provided intensive reading intervention to remedy the student's specific reading deficiency. The reading intervention services must include effective instructional strategies to accelerate student progress. Each school district shall conduct a review of student reading improvement plans for all students retained in grade 3. The review shall address additional supports and services, as described in this subsection, needed to remedy the identified area(s) of reading deficiency. The district shall provide the following for retained students:
- A. A highly effective teacher of reading as demonstrated by student reading performance data and teacher performance evaluations.
- B. Reading intervention services and supports to correct the identified area(s) of reading deficiency, including, but not limited to:
- I. More dedicated time than the previous school year in scientifically research-based reading instruction and intervention;
- II. Use of reading strategies and/or programs that are scientifically research-based and have proven results in accelerating student reading achievement within the same school year;



- III. Daily targeted small group reading intervention based on student needs, including explicit and systematic instruction with more detailed explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback; and
 - IV. Frequently monitor the reading progress of each student’s reading skills throughout the school year and adjust instruction according to student needs.
- C. The option of a transitional instructional setting. The such setting shall specifically be designed to produce learning gains sufficient to meet fourth-grade performance standards in all other core academic areas while continuing to correct the area(s) of reading deficiency.
 - D. Before and/or after-school supplemental research-based reading intervention delivered by a teacher or tutor with specialized reading training.
 - E. A “Read at Home” plan outlined in a parental contract, including participation in parent training workshops and/or regular parent-guided home reading activities.
- 12) 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, first grade, or second grade. The Intensive Acceleration Class shall include criteria established in (K) and:
- A. Have a reduced teacher-student ratio; and
 - B. Provide explicit and systematic reading instruction and intervention for the majority of student contact time each day.
- 13) District Annual Reporting – Each district school board must annually report in writing to the Department of Education by October 1 of each year the following information on the prior school year:
- A. The district school board’s policies and procedures on student retention and promotion.
 - B. By grade, the number, and percentage of all students in grades K-3 performing below grade level on local or statewide assessments.



- C. By grade, the number, and percentage of all students retained in grades K-3.
 - D. The total number and percentage of students in third grade who demonstrated sufficient reading skills for promotion on the test-based student portfolio.
 - E. The total number and percentage of students in third grade who demonstrated sufficient reading skills for promotion on the alternative reading assessment.
 - F. The total number and percentage of students in third grade who were promoted for good cause by each category of good cause as specified in paragraph (8).
 - G. In succeeding years, the performance of students promoted with good cause on the statewide English language arts assessment.
- 14) Department Responsibilities – The Department of Education shall establish a uniform format for school districts to report the information required. The format shall be developed with input from district school boards and shall be provided to each school district no later than 90 days prior to the annual due date. The Department shall annually compile the information required along with state-level summary information and report such information to the State Board of Education, the public, Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1 of each year. The Department shall provide technical assistance to aid district school boards in implementing the (insert name of Act or policy).
- 15) State Board Authority and Responsibilities – The State Board of Education shall have authority to enforce this chapter.

