

# Senate File 85

SENATE FILE \_\_\_\_\_  
BY McKINLEY

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act requiring the board of directors of a school district to  
2 adopt a student promotion policy to support student reading at  
3 grade level, and providing an applicability date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1934XS 82  
6 kh/je/5

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1 1 Section 1. NEW SECTION. 279.65 STUDENT PROMOTION OR  
1 2 RETENTION.  
1 3 1. A student enrolled in grade three who at the completion  
1 4 of grade three is more than one year below grade level in  
1 5 reading as determined by reading assessments administered  
1 6 pursuant to this section, shall not be promoted to grade four  
1 7 unless determined not to be in the best interest of the child  
1 8 as provided in the student promotion policy adopted by the  
1 9 school in accordance with this section. The board of  
1 10 directors of each school district shall adopt a student  
1 11 promotion policy that facilitates collaboration among  
1 12 teachers, parents, and guardians of the students, and the  
1 13 school district to support student reading at grade level.  
1 14 The policy shall address the assessment of, and the  
1 15 establishment of performance levels for, a student identified  
1 16 as limited English proficient and a student identified as a  
1 17 child requiring special education. The policy shall be  
1 18 developed and annually updated with input from school  
1 19 administrators, teachers, parents, and guardians. Annually,  
1 20 by the first day of school, the school district shall notify  
1 21 the parents and guardians of students in kindergarten through  
1 22 grade three of the district's student promotion policy.  
1 23 2. a. To identify students at risk of reading failure,  
1 24 students enrolled in kindergarten through grade three of a  
1 25 school district shall be assessed at the beginning of each  
1 26 school year and throughout the school year as necessary by  
1 27 ongoing assessments of their reading skills or early literacy  
1 28 development including but not limited to phonological  
1 29 awareness, reading fluency, and alphabetic principle. At  
1 30 least annually, within the first three months of the school  
1 31 year, the school district shall provide written notice to the  
1 32 parent or guardian of the student's Iowa grade equivalency.  
1 33 b. The department of education shall establish by  
1 34 administrative rule a list of approved reading or early  
1 35 literacy development assessments, which shall be provided to  
2 1 each school district. This list shall include the dynamic  
2 2 indicators of basic early literacy skills (DIBELS), a  
2 3 standardized, individually administered measure of early  
2 4 literacy development, and the Iowa test of basic skills.  
2 5 c. The director of the department of education shall  
2 6 establish a committee to assist with the development of rules  
2 7 required pursuant to paragraph "b", to review and recommend  
2 8 reading and early literacy development assessments that  
2 9 measure a student's reading skills or early literacy  
2 10 development, including assessments for the following purposes:  
2 11 (1) To assess a student's reading skills or early literacy  
2 12 development progress throughout the school year.  
2 13 (2) To indicate grade level competencies that have been  
2 14 attained.  
2 15 (3) To review and recommend reading skill or early  
2 16 literacy development assessments that have been developed or  
2 17 utilized by other states to the extent that the tests are  
2 18 appropriate for use under this section.  
2 19 The majority of members appointed shall be supportive of

2 20 research-based reading instruction described in the center for  
2 21 the improvement of early reading achievement report issued in  
2 22 2003 titled "Put Reading First: The Research Building Blocks  
2 23 for Teaching Children to Read", second edition.

2 24 The assessments recommended shall be thoroughly researched  
2 25 and demonstrated to be reliable and valid indicators of  
2 26 reading progress. In developing its recommendations, the  
2 27 committee shall review the requirements of the federal No  
2 28 Child Left Behind Act of 2001, Pub. L. No. 107-110, and any  
2 29 federal regulations adopted pursuant to the federal Act, to  
2 30 align the committee's recommendations with the requirements of  
2 31 the federal Act when possible in order to minimize any  
2 32 additional burden the committee's recommendations may place on  
2 33 a school district. The committee shall provide a progress  
2 34 report to the chairpersons of the house and senate standing  
2 35 committees on education, annually until July 1, 2011, and  
3 1 biennially thereafter.

3 2 3. The board of directors of each school district shall  
3 3 establish a committee composed of stakeholders to develop  
3 4 reading instruction programs that meet the requirements of  
3 5 this section. The reading instruction programs shall include  
3 6 but may not be limited to:

3 7 a. Curriculum using systematic and explicit phonics  
3 8 instruction.

3 9 b. Sufficient additional in-school instructional time for  
3 10 the acquisition of phonological awareness, reading fluency,  
3 11 and alphabetic principle.

3 12 c. Tutorial instruction.

3 13 d. Periodic reassessments to measure the reading skills or  
3 14 early literacy development including but not limited to  
3 15 phonological awareness, reading fluency, and alphabetic  
3 16 principle, as identified in the student's individualized  
3 17 reading instruction program.

3 18 e. Additional in-school instructional time during the  
3 19 summer.

3 20 4. If the results of assessments administered indicate  
3 21 intervention is necessary, the school district shall provide  
3 22 written notice to the parent or guardian of the student's Iowa  
3 23 grade equivalency and the options available to the parent or  
3 24 guardian as provided in subsection 3. A parent or guardian of  
3 25 a student shall be included in the development of an  
3 26 individualized program of reading instruction for the student.

3 27 5. If the results of assessments administered indicate the  
3 28 student is reading above grade level, the school district  
3 29 shall provide written notice to the parent or guardian of the  
3 30 options available to the parent for enrichment activities for  
3 31 the child.

3 32 6. For any grade three student found reading more than one  
3 33 year or more below grade level as determined by reading  
3 34 assessments administered pursuant to this section, a new  
3 35 intensive reading instruction plan, which shall include  
4 1 specialized tutoring by the school district, shall be  
4 2 developed and implemented. The school district is encouraged  
4 3 to provide tutorial instruction in a manner that would  
4 4 minimize interference with a student's instructional time in  
4 5 the classroom. Tutorial instruction may be offered before or  
4 6 after regular school hours.

4 7 7. A school district shall notify a parent or guardian in  
4 8 writing of the ability of the parent or guardian to appeal to  
4 9 the school board a school's decision to deny promotion of a  
4 10 student. The school board shall decide in favor of a  
4 11 student's promotion only if the school board concludes, using  
4 12 standards adopted by the school board, that if promoted and  
4 13 provided with additional or continued interventions, the  
4 14 student is likely to perform at grade level. However, a  
4 15 school board shall not deny a promotion to a student under the  
4 16 provisions of this section more than once. A decision of the  
4 17 school board to deny promotion is subject to appeal under  
4 18 section 290.1.

4 19 8. The director of the department of education shall  
4 20 conduct a review of school district student promotion  
4 21 policies, including the number of students in need of  
4 22 remediation in reading in kindergarten through grade three,  
4 23 and the number of students who successfully completed their  
4 24 individualized reading instruction program. The director  
4 25 shall evaluate the data reported pursuant to this subsection  
4 26 and shall submit a report of the findings and recommendations  
4 27 resulting from the review to the general assembly by December  
4 28 1, 2009, and biennially thereafter.

4 29 9. The state board of education shall submit its  
4 30 recommendations for modifications to this section relating to

4 31 student promotion in a report to the general assembly by  
4 32 December 15, 2009.  
4 33 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
4 34 3, shall not apply to this Act.  
4 35 Sec. 3. PROMOTION DENIAL APPLICABILITY DATE. Provisions  
5 1 relating to promotion of a student in section 279.65,  
5 2 subsections 1 and 7, if enacted, are applicable commencing  
5 3 with the school year beginning July 1, 2010.

5 4 EXPLANATION

5 5 This bill requires, effective with the school year  
5 6 commencing July 1, 2010, that a school district retain a  
5 7 student in grade three if, at the completion of grade three,  
5 8 the student is more than one year below grade level in reading  
5 9 assessments specified by the bill. However, the child shall  
5 10 not be retained if it is determined not to be in the child's  
5 11 best interest. A student shall not be denied promotion under  
5 12 the provisions of the bill more than once.

5 13 Students enrolled in kindergarten through grade three must  
5 14 be assessed from the beginning of and throughout the school  
5 15 year using ongoing assessments of reading skills or early  
5 16 literacy development including phonological awareness, reading  
5 17 fluency, and alphabetic principle. The department of  
5 18 education is required to establish by rule, and provide each  
5 19 school district with, a list of approved reading or early  
5 20 literacy development assessments.

5 21 The bill also requires the board of directors of each  
5 22 school district to adopt a student promotion policy, establish  
5 23 a committee to develop reading instruction programs, provide  
5 24 interventions to improve a student's reading skills, and  
5 25 notify the parents and guardians of students of the options  
5 26 under the school district's reading instruction program. An  
5 27 intensive reading instruction plan must be developed and  
5 28 implemented by a school district for any grade three student  
5 29 who is one year or more below grade level and their tutorial  
5 30 instruction may be provided before or after regular school  
5 31 hours.

5 32 The school board can decide in favor of a student's  
5 33 promotion only if the school board concludes that if promoted  
5 34 and provided with additional or continued interventions, the  
5 35 student is likely to perform at grade level.

6 1 The bill requires the state board of education to submit  
6 2 recommendations for modifications to the student promotion  
6 3 Code provisions to the senate and house standing committees on  
6 4 education and the joint appropriations subcommittee on  
6 5 education by December 1, 2006.

6 6 The bill requires the director of the department of  
6 7 education to compose a committee to review and recommend  
6 8 reading and early literacy development assessments. The  
6 9 director must also conduct a review of school district student  
6 10 promotion policies and to submit findings and recommendations  
6 11 resulting from the review to the general assembly by December  
6 12 15, 2009, and biennially thereafter.

6 13 The bill also requires the state board of education to  
6 14 submit recommendations for modifications relating to student  
6 15 promotion to the general assembly by December 15, 2009.

6 16 The bill may include a state mandate as defined in Code  
6 17 section 25B.3. The bill requires that the state cost of any  
6 18 state mandate included in the bill be paid by a school  
6 19 district from state school foundation aid received by the  
6 20 school district under Code section 257.16. The specification  
6 21 is deemed to constitute state compliance with any state  
6 22 mandate funding-related requirements of Code section 25B.2.  
6 23 The inclusion of this specification is intended to reinstate  
6 24 the requirement of political subdivisions to comply with any  
6 25 state mandates included in the bill.

6 26 LSB 1934XS 82

6 27 kh:nh/je/5.1