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SENATE FILE 2159

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and TINSMAN

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 contract with parents as part of a student promotion
3 policy for grade three level students and providing for
4 related matters.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2159
EDUCATION

1 Section 1. NEW SECTION. 279.59 STUDENT PROMOTION OR
2 RETENTION.

3 1. A student enrolled in grade three who does not perform
4 satisfactorily on the school district's reading or mathematics
5 curriculum, who is not an active participant in school
6 district intervention efforts, and, if the school district
7 administers a standardized basic educational skills test, who
8 is more than one year below grade level in reading or
9 mathematics on the test, shall not be promoted to grade four.
10 However, retention of a student is not recommended or
11 encouraged unless intervention efforts have been unsuccessful.
12 The board of directors of each school district shall adopt a
13 student promotion policy, in accordance with this section,
14 that provides that the district will enter into a contract
15 with the parents and guardians of the students enrolled in the
16 district. By the first day of school, the school district
17 shall notify the parents and guardians of students in grade
18 three of the district's student promotion policy.

19 2. If appropriate, the school district shall make every
20 reasonable effort to provide interventions designed to improve
21 the reading or mathematics skills of a student who is failing
22 the school district's reading or mathematics curriculum or, if
23 the school district administers a standardized basic
24 educational skills test, who is more than one year below grade
25 level in reading or mathematics on the test, and shall provide
26 the student's parent or guardian with strategies to enable the
27 parent or guardian to improve the student's skills.

28 Notwithstanding section 256D.1, subsection 1, paragraph "b",
29 subparagraph (1), if intervention is appropriate, the school
30 district shall provide written notice to the parent or
31 guardian of the actions the school district intends to take to
32 improve the student's reading or mathematics skills.

33 3. At the end of the fifth, fifteenth, twentieth, twenty-
34 fifth, and thirtieth weeks of the school year, a parent or
35 guardian of a student in grade three shall be notified in

1 writing if the student is receiving a failing grade in reading
2 or mathematics. If the school administers a standardized
3 basic educational skills test, the parent or guardian shall be
4 notified in writing within five days of the receipt of the
5 results, if the results indicate a student is more than one
6 year below grade level in reading or mathematics. Notices
7 sent to the parent or guardian of a student who is failing the
8 reading or mathematics curriculum at the end of the twentieth,
9 twenty-fifth, and thirtieth weeks of the school year shall
10 include a copy of the school district's student promotion
11 policy and shall be sent by certified mail. Notices shall be
12 written in clear, understandable language. If the student is
13 identified as limited English proficient, the notice shall be
14 provided in English and in the student's home language. In
15 lieu of notice by mail, the school district may provide a
16 written notice required pursuant to this section to a parent
17 or guardian at a parent-teacher conference occurring in the
18 same week in which a notice would have been required to be
19 sent by mail pursuant to this section.

20 4. A student who is identified as limited English
21 proficient shall complete the reading and mathematics
22 curriculum in the student's home language or in English as
23 determined by the student's English as a second language
24 teacher, with consideration given to specific assessments
25 given in the student's home language.

26 5. A student identified as a child requiring special
27 education shall be expected to master the general curriculum
28 to the maximum extent appropriate with the use of
29 supplementary aides and services. However, the individualized
30 education program team assigned to the child requiring special
31 education shall determine whether the student is expected to
32 meet the school district's student promotion policy, which
33 must be documented in the student's individualized education
34 program.

35 6. If the parent or guardian of a student who does not

1 perform satisfactorily on the school district's reading or
2 mathematics curriculum, and, if the school district
3 administers a standardized basic educational skills test, who
4 is more than one year below grade level in reading or
5 mathematics on the test, notifies the district of residence of
6 an intention to enroll the student in a public school in
7 another school district under section 282.18, the school
8 district in which the student is enrolled shall submit copies
9 to the receiving district of any notices provided to the
10 parent or guardian under subsections 2 and 3. The receiving
11 district shall work with the sending district to ensure
12 continuity in intervention efforts for the student. However,
13 notwithstanding subsection 1, using standards adopted by the
14 receiving district's school board and based upon whether the
15 student is likely to perform at grade level if the receiving
16 district provides the student with interventions designed to
17 improve the student's reading or mathematics skills, the
18 receiving district shall determine whether the student will be
19 promoted to the grade four level or retained at the grade
20 three level.

21 7. A school district shall notify a parent or guardian in
22 writing of the ability of the parent or guardian to appeal a
23 school's decision to deny promotion of a student to the school
24 board. The school board shall decide in favor of a student's
25 promotion only if the school board concludes, using standards
26 adopted by the school board, that if promoted and provided
27 with interventions designed to improve the student's reading
28 or mathematics skills, the student is likely to perform at
29 grade level. A decision of the school board to deny promotion
30 is subject to appeal under section 290.1.

31 8. The director of the department of education shall
32 conduct a review of school district student promotion
33 policies, the number of grade three level students retained or
34 promoted, and the success of the interventions implemented by
35 school districts to improve the students' reading or

1 mathematics skills. The director shall submit a report of the
2 findings and recommendations resulting from the review to the
3 senate and house standing committees on education and the
4 joint appropriations subcommittee on education by December 1,
5 2002, and biennially thereafter.

6 9. Notwithstanding section 256D.2, a school district may
7 expend funds received pursuant to section 256D.4 to meet the
8 requirements of this section.

9 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance
10 with section 25B.2, subsection 3, the state cost of requiring
11 compliance with any state mandate included in this Act shall
12 be paid by a school district from state school foundation aid
13 received by the school district under section 257.16 and from
14 early intervention block grant program moneys appropriated in
15 section 256D.4. This specification of the payment of the
16 state cost shall be deemed to meet all the state funding-
17 related requirements of section 25B.2, subsection 3, and no
18 additional state funding shall be necessary for the full
19 implementation of this Act by and enforcement of this Act
20 against all affected school districts.

21 EXPLANATION

22 This bill requires that a school district retain a student
23 in grade three, who would otherwise be promoted to grade four,
24 if the student does not perform satisfactorily on the school
25 district's reading or mathematics curriculum, who is not an
26 active participant in school district intervention efforts,
27 and, if the school district administers a standardized basic
28 educational skills test, who is more than one year below grade
29 level in reading or mathematics on the test. The bill permits
30 school districts to use early intervention block grant program
31 moneys at grade levels three and four to meet the requirements
32 of the bill.

33 The bill also requires the board of directors of each
34 school district to adopt a student promotion policy providing
35 for contracts between the district and parents and guardians

1 and to notify the parents and guardians of students in grade
2 three of the district's student promotion policy.

3 The school district shall make every reasonable effort to
4 provide interventions designed to improve the reading or
5 mathematics skills of the student and shall provide the
6 student's parent or guardian with strategies to enable the
7 parent or guardian to improve the student's skills. If
8 intervention is appropriate, the school district shall
9 periodically provide written notice to the parent or guardian
10 of the actions the school district intends to take to improve
11 the student's reading or mathematics skills.

12 Under the bill, a student identified as limited English
13 proficient must complete the reading and mathematics
14 curriculum in the student's home language or in English as
15 determined by the student's English as a second language
16 teacher, with consideration given to specific assessments
17 given in the student's home language.

18 The individualized education program team assigned to a
19 child requiring special education shall determine whether that
20 student is expected to meet the school district's student
21 promotion policy.

22 If a parent or guardian notifies a school district that
23 they intend to open enroll their child in another district,
24 and the child is not performing satisfactorily in reading or
25 mathematics, the sending district must submit to the receiving
26 district a copy of any notices provided to the parent or
27 guardian. The receiving district shall work with the sending
28 district to ensure continuity in intervention efforts for the
29 student. However, the receiving district shall determine
30 whether the student will be promoted to the grade four level
31 or retained at the grade three level.

32 The school district must notify a parent or guardian in
33 writing of the ability of the parent or guardian to appeal a
34 school's decision to deny promotion of a student to the school
35 board. The school board can decide in favor of a student's

1 promotion only if the school board concludes, using standards
2 adopted by the school board, that if promoted and provided
3 with interventions, the student is likely to perform at grade
4 level. A decision of the school board to deny promotion may
5 be appealed to the state board of education.

6 The bill requires the director of the department of
7 education to conduct a review of school district student
8 promotion policies, the number of grade three level students
9 retained or promoted, and the success of the interventions
10 implemented by school districts to improve the students'
11 reading or mathematics skills. The director must submit a
12 report of the findings and recommendations resulting from the
13 review to the senate and house standing committees on
14 education and the joint appropriations subcommittee on
15 education by December 1, 2002, and biennially thereafter.

16 This bill may include a state mandate as defined in Code
17 section 25B.3. The bill requires that the state cost of any
18 state mandate included in the bill be paid by a school
19 district from state school foundation aid received by the
20 school district under Code section 257.16 and from early
21 intervention block grant program moneys appropriated in Code
22 section 256D.4. The specification is deemed to constitute
23 state compliance with any state mandate funding-related
24 requirements of Code section 25B.2. The inclusion of this
25 specification is intended to reinstate the requirement of
26 political subdivisions to comply with any state mandates
27 included in the bill.

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