

FILED MAR 04 '04

SENATE FILE 2246
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3149)

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, providing for related matters, and providing an
4 effective date and for the Act's applicability.

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

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SF 2246 EDUCATION

1 Section 1. Section 256D.9, Code Supplement 2003, is
2 amended to read as follows:

3 256D.9 FUTURE REPEAL.

4 This chapter is repealed effective July 1, ~~2004~~ 2005.

5 Sec. 2. NEW SECTION. 279.60 STUDENT PROMOTION OR
6 RETENTION.

7 1. A student enrolled in grade three who at the completion
8 of grade three is more than one year below grade level in
9 reading as determined by reading assessments administered
10 pursuant to this section, shall not be promoted to grade four.
11 The board of directors of each school district shall adopt a
12 student promotion policy that facilitates collaboration among
13 teachers, parents, and guardians of the students, and the
14 school district to support student reading at grade level.
15 The policy shall address the assessment of, and the
16 establishment of performance levels for, a student identified
17 as limited English proficient and a student identified as a
18 child requiring special education. The policy shall be
19 developed, and annually updated, with input from school
20 administrators, teachers, parents, and guardians. Annually,
21 by the first day of school, the school district shall notify
22 the parents and guardians of students in grades kindergarten
23 through grade three of the district's student promotion
24 policy.

25 2. a. To identify students at risk of reading failure,
26 students enrolled in kindergarten through grade three of a
27 school district shall be assessed at the beginning of each
28 school year and throughout the school year as necessary by
29 ongoing assessments of their reading skills or early literacy
30 development including, but not limited to, phonological
31 awareness, reading fluency, and alphabetic principle. At
32 least annually, within the first three months of the school
33 year, the school district shall provide written notice to the
34 parent or guardian of the student's Iowa grade equivalency.

35 b. The department of education shall establish by

1 administrative rule a list of approved reading or early
2 literacy development assessments, which shall be provided to
3 each school district. This list shall include the dynamic
4 indicators of basic early literacy skills (DIBELS), a
5 standardized, individually administered measure of early
6 literacy development, and the Iowa test of basic skills.

7 c. The director of the department of education shall
8 establish a committee to assist with the development of rules
9 required pursuant to paragraph "b", to review and recommend
10 reading and early literacy development assessments that
11 measure a student's reading skills or early literacy
12 development, including assessments relating to the following:

13 (1) To assess a student's reading skills or early literacy
14 development progress throughout the school year.

15 (2) To indicate grade level competencies that have been
16 attained.

17 (3) To review and recommend reading skill or early
18 literacy development assessments that have been developed or
19 utilized by other states to the extent that the tests are
20 appropriate for use under this section.

21 The majority of members appointed shall be supportive of
22 research-based reading instruction described in the center for
23 the improvement of early reading achievement report issued in
24 2001 titled "Put Reading First: The Research Building Blocks
25 for Teaching Children to Read".

26 The assessments recommended shall be thoroughly researched
27 and demonstrated to be reliable and valid indicators of
28 reading progress. In developing its recommendations, the
29 committee shall review the requirements of the federal No
30 Child Left Behind Act of 2001, Pub. L. No. 107-110, and any
31 federal regulations adopted pursuant to the federal Act, to
32 align the committee's recommendations with the requirements of
33 the federal Act when possible in order to minimize any
34 additional burden the committee's recommendations may place on
35 a school district. The committee shall provide a progress

1 report to the chairpersons of the house and senate standing
2 committees on education, annually until July 1, 2008, and
3 biennially thereafter.

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

9 a. Curriculum using systematic and explicit phonics
10 instruction.

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

14 c. Tutorial instruction.

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

20 e. Additional in-school instructional time during the
21 summer.

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

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

34 6. For any grade three student found reading more than one
35 year or more below grade level as determined by reading

1 assessments administered pursuant to this section, a new
2 intensive reading instruction plan, which shall include
3 specialized tutoring by the school district, shall be
4 developed and implemented. The school district is encouraged
5 to provide tutorial instruction in a manner that would
6 minimize interference with a student's instructional time in
7 the classroom. Tutorial instruction may be offered before or
8 after regular school hours.

9 7. A school district shall notify a parent or guardian in
10 writing of the ability of the parent or guardian to appeal a
11 school's decision to deny promotion of a student to the school
12 board. The school board shall decide in favor of a student's
13 promotion only if the school board concludes, using standards
14 adopted by the school board, that if promoted and provided
15 with additional or continued interventions, the student is
16 likely to perform at grade level. However, a school board
17 shall not deny a promotion to a student under the provisions
18 of this section more than once. A decision of the school
19 board to deny promotion is subject to appeal under section
20 290.1.

21 8. The director of the department of education shall
22 conduct a review of school district student promotion
23 policies, including the number of students in need of
24 remediation in reading in kindergarten through grade three,
25 and the number of students who successfully completed their
26 individualized reading instruction program. The director
27 shall evaluate the data reported pursuant to this subsection
28 and shall submit a report of the findings and recommendations
29 resulting from the review to the senate and house standing
30 committees on education and the joint appropriations
31 subcommittee on education by December 1, 2006, and biennially
32 thereafter.

33 9. The state board of education shall submit its
34 recommendations for modifications to this section relating to
35 student promotion in a report to the senate and house standing

1 committees on education and the joint appropriations
2 subcommittee on education by December 1, 2006.

3 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 3, shall not apply to this Act.

5 Sec. 4. EFFECTIVE DATE. The section of this Act amending
6 section 256D.9, being deemed of immediate importance, takes
7 effect upon enactment.

8 Sec. 5. PROMOTION DENIAL APPLICABILITY DATE. Provisions
9 relating to promotion of a student in section 279.60,
10 subsections 1 and 7 of this Act, if enacted, are applicable
11 commencing with the school year beginning July 1, 2007.

12 EXPLANATION

13 This bill requires, effective with the school year
14 commencing July 1, 2007, that a school district retain a
15 student in grade three if, at the completion of grade three,
16 the student is more than one year below grade level in reading
17 assessments specified by the bill. A student shall not be
18 denied promotion under the provisions of the bill more than
19 once.

20 Students enrolled in kindergarten through grade three must
21 be assessed from the beginning of and throughout the school
22 year using ongoing assessments of reading skills or early
23 literacy development including phonological awareness, reading
24 fluency, and alphabetic principle. The department of
25 education is required to establish by rule, and provide each
26 school district with, a list of approved reading or early
27 literacy development assessments.

28 The bill also requires the board of directors of each
29 school district to adopt a student promotion policy, provide
30 interventions to improve a student's reading skills, and
31 notify the parents and guardians of students of the options
32 under the school district's reading instruction program. An
33 intensive reading instruction plan must be developed and
34 implemented by a school district for any grade three student
35 who is one year or more below grade level and their tutorial

1 instruction may be provided before or after regular school
2 hours.

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

7 The bill requires the state board of education to submit
8 recommendations for modifications to the student promotion
9 Code provisions to the house and senate and house standing
10 committees on education and the joint appropriations
11 subcommittee on education by December 1, 2006.

12 The bill requires the director of the department of
13 education to conduct a review of school district student
14 promotion policies and to submit findings and recommendations
15 resulting from the review to the senate and house standing
16 committees on education and the joint appropriations
17 subcommittee on education by December 1, 2006, and biennially
18 thereafter.

19 The bill extends the repeal of the early elementary
20 intervention program to July 1, 2005, effective upon
21 enactment.

22 The bill may include a state mandate as defined in Code
23 section 25B.3. The bill makes inapplicable Code section
24 25B.2, subsection 3, which would relieve a political
25 subdivision from complying with a state mandate if funding for
26 the cost of the state mandate is not provided or specified.
27 Therefore, political subdivisions are required to comply with
28 any state mandates included in the bill.

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SENATE FILE 2246**S-5087**

1 Amend Senate File 2246 as follows:

2 1. By striking page 1, line 5 through page 5,
3 line 4 and inserting the following:

4 "Sec. ____ . NEW SECTION. 279.60 STUDENT PROMOTION
5 POLICY.

6 The board of directors of each school district
7 shall establish a committee composed of parents,
8 teachers, administrators, and other stakeholders, to
9 develop a promotion policy that takes into account the
10 academic progress of students in reading, mathematics,
11 and other academic subjects, and which takes into
12 account the best educational interests of students.
13 The committee shall submit the policy to the board for
14 its consideration."

15 2. Page 5, by striking lines 8 through 11.

16 3. Title page, line 1, by inserting after the
17 word "Act" the following: "relating to student
18 achievement and promotion, by".

19 4. Title page, by striking lines 2 through 4 and
20 inserting the following: "establish a committee to
21 develop a student promotion policy, extending the
22 repeal of the Iowa early intervention block grant
23 program, and providing an effective date."

24 5. By renumbering as necessary.

By MIKE CONNOLLY

ROBERT E. DVORSKY

JOE BOLKCOM

EUGENE S. FRAISE

JOHN P. KIBBIE

KEITH A. KREIMAN

JACK HOLVECK

JACK HATCH

DR. JOE SENG

DICK L. DEARDEN

MATT McCOY

HERMAN C. QUIRMBACH

THOMAS G. COURTNEY

STEVEN H. WARNSTADT

DARYL BEALL

S-5087 FILED MARCH 11, 2004

WITHDRAWN

SENATE FILE 2246**S-5084**

1 Amend Senate File 2246 as follows:

2 1. Page 1, line 10, by inserting after the word
3 "four" the following: "unless determined not to be in
4 the best interest of the child as provided in the
5 social promotion policy adopted by the school in
6 accordance with this section".

By PAUL MCKINLEY

S-5084 FILED MARCH 11, 2004

ADOPTED

SENATE FILE 2246

S-5086

1 Amend the amendment, S-5084, to Senate File 2246 as
2 follows:

3 1. Page 1, line 5, by striking the word "social"
4 and inserting the following: "student".

By PAUL MCKINLEY
MIKE CONNOLLY

S-5086 FILED MARCH 11, 2004
ADOPTED

SENATE FILE 2246

S-5088

1 Amend Senate File 2246 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 256D.9, Code Supplement 2003,
5 is amended to read as follows:

6 256D.9 FUTURE REPEAL.

7 This chapter is repealed effective July 1, 2004
8 2005.

9 Sec. 2. NEW SECTION. 279.60 STUDENT PROMOTION
10 POLICY.

11 The board of directors of each school district
12 shall establish a committee composed of parents,
13 teachers, administrators, and other stakeholders, to
14 develop a promotion policy that takes into account the
15 academic progress of students in reading, mathematics,
16 and other academic subjects, and that takes into
17 account the best educational interests of students.
18 The committee shall submit the policy to the board for
19 its consideration.

20 Sec. 3. EFFECTIVE DATE. The section of this Act
21 amending section 256D.9, being deemed of immediate
22 importance, takes effect upon enactment."

23 2. Title page, line 1, by inserting after the
24 word "Act" the following: "relating to student
25 achievement and promotion, by".

26 3. Title page, by striking lines 2 through 4 and
27 inserting the following: "establish a committee to
28 develop a student promotion policy, extending the
29 repeal of the Iowa early intervention block grant
30 program, and providing an effective date."

31 4. By renumbering as necessary.

By MIKE CONNOLLY

DARYL BEALL
JOHN P. KIBBIE
EUGENE S. FRAISE
MICHAEL E. GRONSTAL
STEVEN H. WARNSTADT

MATT McCOY

KEITH A. KREIMAN
HERMAN C. QUIRMBACH
ROGER STEWART
THOMAS G. COURTNEY

S-5088 FILED MARCH 11, 2004

LOST

Fiscal Services Division

Legislative Services Agency

Fiscal Note

SF 2246 - High Stakes Grade 4 Reading Assessments (LSB 6319 SV)
Analyst: Dwayne Ferguson (Phone: (515) 281-6561) (dwayne.ferguson@legis.state.ia.us)
Fiscal Note Version - New

Description

Senate File 2246 requires school districts, beginning in FY 2008, to retain students who read one year below grade level at the end of third grade. The Bill requires school boards to develop policies to implement these requirements and to provide for assessment, intervention, notification of parents, appeal of the retention, and reporting by the Department of Education and Board of Education. Students may be held back only once because of this law.

Assumptions

1. This Bill will affect an estimated 4,375 students annually.
2. The program will be operated within the public school system utilizing school district personnel.
3. The school districts will implement a summer reading program utilizing two teachers at 812 school locations for a total of 10 days of instruction. The average cost per day per teacher is \$230, bringing the total for this portion to \$3.7 million.
4. Participating students will receive tutoring through this program, and the cost will equal the \$880 average cost for tutoring under Title I. The estimated annual cost of tutoring is \$3.9 million.
5. Teachers will be involved in two hours of individualized reading and consultation with the participating students and parents at an average cost of \$28.75 per hour for a total cost of \$252,000 annually.
6. The Iowa Test of Basic Skills (ITBS) will be administered a second time for third graders. The cost is estimated to be \$3.10 per second test for 133,557 third graders annually for a total of \$414,000.
7. The retained students will spend an additional year in the public school system, so in eight years funding through the Foundation Formula will increase with 87.5% of the cost being paid by State Aid and 12.5% being paid through the Additional Levy.
8. The Bill does not adjust the amounts appropriated to the Department of Education or the school districts, therefore, the remediation costs will be absorbed within current budgets.

Fiscal Impact

Upon implementation of the requirements of SF 2246, school districts will incur annual costs of approximately \$8.3 million. Since no funds are appropriated, these will be opportunity costs and offsetting reductions will need to be made by the school districts.

Beginning in FY 2016, School Foundation Aid will increase as the students affected by this Bill spend an additional year in the public school system. Using today's State cost per pupil and without adjusting for inflation and allowable growth, State Aid will increase by approximately \$18.1 million and property taxes will increase by \$2.6 million through the Additional Levy. To the extent that these students would be retained without this Bill, this amount would be reduced.

Source

Department of Education

Dennis C Prouty

March 11, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

**Fiscal Services Division
Legislative Services Agency
Fiscal Note**

SF 2246 - High Stakes Grade 4 Reading Assessments (LSB 6319 SV.1)
Analyst: Dwayne Ferguson (Phone: (515) 281-6561) (dwayne.ferguson@legis.state.ia.us)
Fiscal Note Version – As Amended and Passed by the House

Description

Senate File 2246 strikes everything after the enacting clause and substitutes changes to the Early Intervention Block Grant Program. The Bill requires the Department of Education to add phonics skills and vocabulary development assessment tools to the set of diagnostic assessment tools available for teachers to use in assessing achievement of kindergarten through third-grade students under this Program. The Bill requires schools to notify parents of kindergarten through third-grade children whose assessment scores show that no intervention is needed of available enrichment options. Phonic skills, oral reading abilities, and vocabulary development are added to the list of permissible expenditures under the Program. The Bill modifies the reporting requirements for the Early Intervention Block Grant Program.

Assumptions

1. The Department of Education will be able to identify the additional assessment tools and modify the annual Early Intervention Block Grant Program reports within its current resources.
2. Schools will be able to use currently available means of communicating with parents, such as parent-teacher conferences and other regular correspondence, to inform them of enrichment options.
3. Permitting schools to expend funds for additional reading-related materials and support activities allow schools more options to spend available Program funding. Schools will not be required to spend more than the amounts appropriated for the Program.

Fiscal Impact

Senate File 2246, as amended and passed by the House, does not have a significant fiscal impact.

Source

Department of Education

Dennis C Prouty

April 5, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

SENATE FILE 2246
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3149)

(AS AMENDED AND PASSED BY THE SENATE MARCH 11, 2004)

_____ - New Language by the Senate

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, providing for related matters, and providing an
4 effective date and for the Act's applicability.

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

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S.F. 2246

1 Section 1. Section 256D.9, Code Supplement 2003, is
2 amended to read as follows:

3 256D.9 FUTURE REPEAL.

4 This chapter is repealed effective July 1, ~~2004~~ 2005.

5 Sec. 2. NEW SECTION. 279.60 STUDENT PROMOTION OR
6 RETENTION.

7 1. A student enrolled in grade three who at the completion
8 of grade three is more than one year below grade level in
9 reading as determined by reading assessments administered
10 pursuant to this section, shall not be promoted to grade four
11 unless determined not to be in the best interest of the child
12 as provided in the student promotion policy adopted by the
13 school in accordance with this section. The board of
14 directors of each school district shall adopt a student
15 promotion policy that facilitates collaboration among
16 teachers, parents, and guardians of the students, and the
17 school district to support student reading at grade level.
18 The policy shall address the assessment of, and the
19 establishment of performance levels for, a student identified
20 as limited English proficient and a student identified as a
21 child requiring special education. The policy shall be
22 developed, and annually updated, with input from school
23 administrators, teachers, parents, and guardians. Annually,
24 by the first day of school, the school district shall notify
25 the parents and guardians of students in grades kindergarten
26 through grade three of the district's student promotion
27 policy.

28 2. a. To identify students at risk of reading failure,
29 students enrolled in kindergarten through grade three of a
30 school district shall be assessed at the beginning of each
31 school year and throughout the school year as necessary by
32 ongoing assessments of their reading skills or early literacy
33 development including, but not limited to, phonological
34 awareness, reading fluency, and alphabetic principle. At
35 least annually, within the first three months of the school

1 year, the school district shall provide written notice to the
2 parent or guardian of the student's Iowa grade equivalency.

3 b. The department of education shall establish by
4 administrative rule a list of approved reading or early
5 literacy development assessments, which shall be provided to
6 each school district. This list shall include the dynamic
7 indicators of basic early literacy skills (DIBELS), a
8 standardized, individually administered measure of early
9 literacy development, and the Iowa test of basic skills.

10 c. The director of the department of education shall
11 establish a committee to assist with the development of rules
12 required pursuant to paragraph "b", to review and recommend
13 reading and early literacy development assessments that
14 measure a student's reading skills or early literacy
15 development, including assessments relating to the following:

16 (1) To assess a student's reading skills or early literacy
17 development progress throughout the school year.

18 (2) To indicate grade level competencies that have been
19 attained.

20 (3) To review and recommend reading skill or early
21 literacy development assessments that have been developed or
22 utilized by other states to the extent that the tests are
23 appropriate for use under this section.

24 The majority of members appointed shall be supportive of
25 research-based reading instruction described in the center for
26 the improvement of early reading achievement report issued in
27 2001 titled "Put Reading First: The Research Building Blocks
28 for Teaching Children to Read".

29 The assessments recommended shall be thoroughly researched
30 and demonstrated to be reliable and valid indicators of
31 reading progress. In developing its recommendations, the
32 committee shall review the requirements of the federal No
33 Child Left Behind Act of 2001, Pub. L. No. 107-110, and any
34 federal regulations adopted pursuant to the federal Act, to
35 align the committee's recommendations with the requirements of

1 the federal Act when possible in order to minimize any
2 additional burden the committee's recommendations may place on
3 a school district. The committee shall provide a progress
4 report to the chairpersons of the house and senate standing
5 committees on education, annually until July 1, 2008, and
6 biennially thereafter.

7 3. The board of directors of each school district shall
8 establish a committee, composed of stakeholders, to develop
9 reading instruction programs that meet the requirements of
10 this section. The reading instruction programs shall include,
11 but may not be limited to:

12 a. Curriculum using systematic and explicit phonics
13 instruction.

14 b. Sufficient additional in-school instructional time for
15 the acquisition of phonological awareness, reading fluency,
16 and alphabetic principle.

17 c. Tutorial instruction.

18 d. Periodic reassessments to measure the reading skills or
19 early literacy development including, but not limited to,
20 phonological awareness, reading fluency, and alphabetic
21 principle, as identified in the student's individualized
22 reading instruction program.

23 e. Additional in-school instructional time during the
24 summer.

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

32 5. If the results of assessments administered indicate the
33 student is reading above grade level, the school district
34 shall provide written notice to the parent or guardian of the
35 options available to the parent for enrichment activities for

1 the child.

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

12 7. A school district shall notify a parent or guardian in
13 writing of the ability of the parent or guardian to appeal a
14 school's decision to deny promotion of a student to the school
15 board. The school board shall decide in favor of a student's
16 promotion only if the school board concludes, using standards
17 adopted by the school board, that if promoted and provided
18 with additional or continued interventions, the student is
19 likely to perform at grade level. However, a school board
20 shall not deny a promotion to a student under the provisions
21 of this section more than once. A decision of the school
22 board to deny promotion is subject to appeal under section
23 290.1.

24 8. The director of the department of education shall
25 conduct a review of school district student promotion
26 policies, including the number of students in need of
27 remediation in reading in kindergarten through grade three,
28 and the number of students who successfully completed their
29 individualized reading instruction program. The director
30 shall evaluate the data reported pursuant to this subsection
31 and shall submit a report of the findings and recommendations
32 resulting from the review to the senate and house standing
33 committees on education and the joint appropriations
34 subcommittee on education by December 1, 2006, and biennially
35 thereafter.

1 9. The state board of education shall submit its
2 recommendations for modifications to this section relating to
3 student promotion in a report to the senate and house standing
4 committees on education and the joint appropriations
5 subcommittee on education by December 1, 2006.

6 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
7 3, shall not apply to this Act.

8 Sec. 4. EFFECTIVE DATE. The section of this Act amending
9 section 256D.9, being deemed of immediate importance, takes
10 effect upon enactment.

11 Sec. 5. PROMOTION DENIAL APPLICABILITY DATE. Provisions
12 relating to promotion of a student in section 279.60,
13 subsections 1 and 7 of this Act, if enacted, are applicable
14 commencing with the school year beginning July 1, 2007.

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SENATE FILE 2246

H-8325

1 Amend Senate File 2246, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 256D.1, subsection 1,
6 paragraph b, unnumbered paragraph 1, Code 2003, is
7 amended to read as follows:

8 The department of education shall identify
9 diagnostic assessment tools that can be used to assist
10 teachers in measuring reading accuracy and fluency
11 skills, including but not limited to phonemic
12 awareness, phonics skills, oral reading ability, and
13 comprehension skills, and vocabulary development to
14 improve student achievement in kindergarten through
15 grade three. The department, in collaboration with
16 the area education agencies, school districts, and
17 institutions with approved practitioner preparation
18 programs, shall identify and serve as a clearinghouse
19 on intensive, research-based strategies and programs
20 for training teachers in both diagnosis and
21 appropriate instruction interventions.

22 Sec. 2. Section 256D.1, subsection 1, paragraph b,
23 subparagraph (1), Code 2003, is amended to read as
24 follows:

25 (1) A school district shall at a minimum
26 biannually inform parents of their individual child's
27 performance on the diagnostic assessments in
28 kindergarten through grade three. If intervention is
29 appropriate, the school district shall inform the
30 parents of the actions the school district intends to
31 take to improve the child's reading skills and provide
32 the parents with strategies to enable the parents to
33 improve their child's skills. If intervention is not
34 warranted, the school district shall inform the
35 parents of options available to the parents for
36 enrichment activities for the child. The board of
37 directors of each school district shall adopt a policy
38 indicating the methods the school district will use to
39 inform parents of their individual child's
40 performance.

41 Sec. 3. Section 256D.2, Code 2003, is amended to
42 read as follows:

43 256D.2 PROGRAM EXPENDITURES.

44 A school district shall expend funds received
45 pursuant to section 256D.4 at the kindergarten through
46 grade three levels to reduce class sizes to the state
47 goal of seventeen students for every one teacher and
48 to achieve a higher level of student success in the
49 basic skills, especially reading. In order to support
50 these efforts, school districts may expend funds

H-8325

H-8325

Page 2

1 received pursuant to section 256D.4 at the
2 kindergarten through grade three level on programs,
3 instructional support, and materials that include, but
4 are not limited to, the following: additional
5 licensed instructional staff; additional support for
6 students, such as before and after school programs,
7 tutoring, and intensive summer programs; the
8 acquisition and administration of diagnostic reading
9 assessments; the implementation of research-based
10 instructional intervention programs for students
11 needing additional support; the implementation of all-
12 day, everyday kindergarten programs; and the provision
13 of classroom teachers with intensive training programs
14 to improve reading instruction and professional
15 development in best practices, including but not
16 limited to training programs related to instruction to
17 increase students' phonemic awareness, phonics skills,
18 oral reading abilities, and comprehension skills, and
19 vocabulary development.

20 Sec. 4. Section 256D.3, subsection 3, Code 2003,
21 is amended to read as follows:

22 3. Beginning January 15, ~~2001~~ 2005, the department
23 shall submit an annual report to the chairpersons and
24 ranking members of the senate and house education
25 committees that includes the statewide average school
26 district class size in basic skills instruction in
27 kindergarten through grade three, by grade level and
28 by district size, and describes school district
29 progress toward achieving early intervention block
30 grant program goals and the ways in which school
31 districts are using moneys received pursuant to
32 section 256D.4 this chapter and expended as provided
33 in section 256D.2.

34 Sec. 5. Section 256D.9, Code Supplement 2003, is
35 amended to read as follows:

36 256D.9 FUTURE REPEAL.

37 This chapter is repealed effective July 1, ~~2004~~
38 2005.

39 Sec. 6. EFFECTIVE DATE. The section of this Act
40 amending section 256D.9, being deemed of immediate
41 importance, takes effect upon enactment."

42 2. Title page, by striking lines 1 through 4 and
43 inserting the following: "An Act relating to the Iowa
44 early intervention block grant program and providing
45 an effective date."

By COMMITTEE ON EDUCATION
TYMESON of Madison, Chairperson

H-8325 FILED MARCH 29, 2004

**HOUSE AMENDMENT TO
SENATE FILE 2246**

S-5237

1 Amend Senate File 2246, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 256D.1, subsection 1,
6 paragraph b, unnumbered paragraph 1, Code 2003, is
7 amended to read as follows:

8 The department of education shall identify
9 diagnostic assessment tools that can be used to assist
10 teachers in measuring reading accuracy and fluency
11 skills, including but not limited to phonemic
12 awareness, phonics skills, oral reading ability, and
13 comprehension skills, and vocabulary development to
14 improve student achievement in kindergarten through
15 grade three. The department, in collaboration with
16 the area education agencies, school districts, and
17 institutions with approved practitioner preparation
18 programs, shall identify and serve as a clearinghouse
19 on intensive, research-based strategies and programs
20 for training teachers in both diagnosis and
21 appropriate instruction interventions.

22 Sec. 2. Section 256D.1, subsection 1, paragraph b,
23 subparagraph (1), Code 2003, is amended to read as
24 follows:

25 (1) A school district shall at a minimum
26 biannually inform parents of their individual child's
27 performance on the diagnostic assessments in
28 kindergarten through grade three. If intervention is
29 appropriate, the school district shall inform the
30 parents of the actions the school district intends to
31 take to improve the child's reading skills and provide
32 the parents with strategies to enable the parents to
33 improve their child's skills. If intervention is not
34 warranted, the school district shall inform the
35 parents of options available to the parents for
36 enrichment activities for the child. The board of
37 directors of each school district shall adopt a policy
38 indicating the methods the school district will use to
39 inform parents of their individual child's
40 performance.

41 Sec. 3. Section 256D.2, Code 2003, is amended to
42 read as follows:

43 256D.2 PROGRAM EXPENDITURES.

44 A school district shall expend funds received
45 pursuant to section 256D.4 at the kindergarten through
46 grade three levels to reduce class sizes to the state
47 goal of seventeen students for every one teacher and
48 to achieve a higher level of student success in the
49 basic skills, especially reading. In order to support
50 these efforts, school districts may expend funds

S-5237

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Page 2

1 received pursuant to section 256D.4 at the
2 kindergarten through grade three level on programs,
3 instructional support, and materials that include, but
4 are not limited to, the following: additional
5 licensed instructional staff; additional support for
6 students, such as before and after school programs,
7 tutoring, and intensive summer programs; the
8 acquisition and administration of diagnostic reading
9 assessments; the implementation of research-based
10 instructional intervention programs for students
11 needing additional support; the implementation of all-
12 day, everyday kindergarten programs; and the provision
13 of classroom teachers with intensive training programs
14 to improve reading instruction and professional
15 development in best practices, including but not
16 limited to training programs related to instruction to
17 increase students' phonemic awareness, phonics skills,
18 oral reading abilities, and comprehension skills, and
19 vocabulary development.

20 Sec. 4. Section 256D.3, subsection 3, Code 2003,
21 is amended to read as follows:

22 3. Beginning January 15, ~~2001~~ 2005, the department
23 shall submit an annual report to the chairpersons and
24 ranking members of the senate and house education
25 committees that includes the statewide average school
26 district class size in basic skills instruction in
27 kindergarten through grade three, by grade level and
28 by district size, and describes school district
29 progress toward achieving early intervention block
30 grant program goals and the ways in which school
31 districts are using moneys received pursuant to
32 section 256D.4 this chapter and expended as provided
33 in section 256D.2.

34 Sec. 5. Section 256D.9, Code Supplement 2003, is
35 amended to read as follows:

36 256D.9 FUTURE REPEAL.

37 This chapter is repealed effective July 1, 2004
38 2005.

39 Sec. 6. EFFECTIVE DATE. The section of this Act
40 amending section 256D.9, being deemed of immediate
41 importance, takes effect upon enactment."

42 2. Title page, by striking lines 1 through 4 and
43 inserting the following: "An Act relating to the Iowa
44 early intervention block grant program and providing
45 an effective date."

RECEIVED FROM THE HOUSE

S-5237 FILED MARCH 31, 2004

McKinley
Brunkhorst
Connolly

Submitted By
① / HF 2246 SSB# 3149
Education

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON BOETTGER)

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, providing for related matters, and providing an
4 effective date and for the Act's applicability.

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

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1 Section 1. Section 256D.9, Code Supplement 2003, is
2 amended to read as follows:

3 256D.9 FUTURE REPEAL.

4 This chapter is repealed effective July 1, ~~2004~~ 2005.

5 Sec. 2. NEW SECTION. 279.60 STUDENT PROMOTION OR
6 RETENTION.

7 1. A student enrolled in grade three who at the completion
8 of grade three is more than one year below grade level in
9 reading as determined by reading assessments administered
10 pursuant to this section, shall not be promoted to grade four.
11 The board of directors of each school district shall adopt a
12 student promotion policy that facilitates collaboration among
13 teachers, parents, and guardians of the students, and the
14 school district to support student reading at grade level.
15 The policy shall address the assessment of, and the
16 establishment of performance levels for, a student identified
17 as limited English proficient and a student identified as a
18 child requiring special education. The policy shall be
19 developed, and annually updated, with input from school
20 administrators, teachers, parents, and guardians. Annually,
21 by the first day of school, the school district shall notify
22 the parents and guardians of students in grades kindergarten
23 through grade three of the district's student promotion
24 policy.

25 2. a. To identify students at risk of reading failure,
26 students enrolled in kindergarten through grade three of a
27 school district shall be assessed at the beginning of each
28 school year and throughout the school year as necessary by
29 ongoing assessments of their reading skills or early literacy
30 development including, but not limited to, phonological
31 awareness, reading fluency, and alphabetic principle. At
32 least annually, within the first three months of the school
33 year, the school district shall provide written notice to the
34 parent or guardian of the student's Iowa grade equivalency.

35 b. The department of education shall establish by

1 administrative rule a list of approved reading or early
2 literacy development assessments, which shall be provided to
3 each school district. This list shall include the dynamic
4 indicators of basic early literacy skills, a standardized,
5 individually administered measure of early literacy
6 development, and the Iowa test of basic skills.

7 c. The director of the department of education shall
8 establish a committee to assist with the development of rules
9 required pursuant to paragraph "b", to review and recommend
10 reading and early literacy development assessments that
11 measure a student's reading skills or early literacy
12 development, including assessments relating to the following:

13 (1) To assess a student's reading skills or early literacy
14 development progress throughout the school year.

15 (2) To indicate grade level competencies that have been
16 attained.

17 (3) To review and recommend reading skill or early
18 literacy development assessments that been developed or
19 utilized by other states to the extent that the tests are
20 appropriate for use under this section.

21 The majority of members appointed shall be supportive of
22 research-based reading instruction described in the United
23 States department of education report issued in 2001 titled
24 "Put Reading First: The Research Building Blocks for Teaching
25 Children to Read".

26 The assessments recommended shall be thoroughly researched
27 and demonstrated to be reliable and valid indicators of
28 reading progress. The committee shall provide a progress
29 report to the chairpersons of the house and senate standing
30 committees on education, annually until July 1, 2008, and
31 biennially thereafter.

32 3. The board of directors of each school district shall
33 establish a committee, composed of stakeholders, to develop
34 reading instruction programs that meet the requirements of
35 this section. The reading instruction programs shall include,

1 but may not be limited to:

2 a. Curriculum using systematic and explicit phonics
3 instruction.

4 b. Sufficient additional in-school instructional time for
5 the acquisition of phonological awareness, reading fluency,
6 and alphabetic principle.

7 c. Tutorial instruction.

8 d. Periodic reassessments to measure the reading skills or
9 early literacy development including, but not limited to,
10 phonological awareness, reading fluency, and alphabetic
11 principle, as identified in the student's individualized
12 reading instruction program.

13 e. Additional in-school instructional time during the
14 summer.

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

22 5. If the results of assessments administered indicate the
23 student is reading above grade level, the school district
24 shall provide written notice to the parent or guardian of the
25 options available to the parent for enrichment activities for
26 the child.

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

1 after regular school hours.

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

14 8. The director of the department of education shall
15 conduct a review of school district student promotion
16 policies, including the number of students in need of
17 remediation in reading in kindergarten through grade three,
18 and the number of students who successfully completed their
19 individualized reading instruction program. The director
20 shall evaluate the data reported pursuant to this subsection
21 and shall submit a report of the findings and recommendations
22 resulting from the review to the senate and house standing
23 committees on education and the joint appropriations
24 subcommittee on education by December 1, 2006, and biennially
25 thereafter.

26 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
27 with section 25B.2, subsection 3, the state cost of requiring
28 compliance with any state mandate included in this Act shall
29 be paid by a school district from state school foundation aid
30 received by the school district under section 257.16. This
31 specification of the payment of the state cost shall be deemed
32 to meet all the state funding-related requirements of section
33 25B.2, subsection 3, and no additional state funding shall be
34 necessary for the full implementation of this Act by and
35 enforcement of this Act against all affected school districts.

1 Sec. 4. EFFECTIVE DATE. The section of this Act amending
2 section 256D.9, being deemed of immediate importance, takes
3 effect upon enactment.

4 Sec. 5. PROMOTION DENIAL APPLICABILITY DATE. Provisions
5 relating to promotion of a student in section 279.60,
6 subsections 1 and 6 of this Act, if enacted, are applicable
7 commencing with the school year beginning July 1, 2007.

8 EXPLANATION

9 This bill requires, effective with the school year
10 commencing July 1, 2007, that a school district retain a
11 student in grade three if, at the completion of grade three,
12 the student is more than one year below grade level in reading
13 assessments specified by the bill. A student shall not be
14 denied promotion under the provisions of the bill more than
15 once.

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

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

34 The school board can decide in favor of a student's
35 promotion only if the school board concludes that if promoted

1 and provided with additional or continued interventions, the
2 student is likely to perform at grade level.

3 The bill requires the director of the department of
4 education to conduct a review of school district student
5 promotion policies and to submit findings and recommendations
6 resulting from the review to the senate and house standing
7 committees on education and the joint appropriations
8 subcommittees on education by December 1, 2006, and biennially
9 thereafter.

10 The bill extends the repeal of the early elementary
11 intervention program to July 1, 2005, effective upon
12 enactment.

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

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