

# House File 2413 - Introduced

HOUSE FILE 2413  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2229)

## A BILL FOR

1 An Act relating to reading proficiency assessments and  
2 intensive summer reading programs administered and provided  
3 by school districts.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.7, subsection 31, paragraph a, Code  
2 2016, is amended to read as follows:

3 a. ~~By July 1, 2013, adopt~~ Adopt by rule guidelines for  
4 school district implementation of section 279.68, including  
5 but not limited to basic levels of reading proficiency on  
6 approved locally determined or statewide assessments and  
7 identification of tools that school districts may use in  
8 evaluating and reevaluating any student who may not be or who  
9 is determined not to be ~~deficient~~ reading proficiently and is  
10 persistently at risk in reading, including but not limited to  
11 initial assessments and subsequent assessments, alternative  
12 assessments, and portfolio reviews. The state board shall  
13 adopt standards that provide a reasonable expectation that a  
14 student's progress toward reading proficiency under section  
15 279.68 is sufficient to master appropriate grade four level  
16 reading skills prior to the student's promotion to grade four.

17 Sec. 2. Section 279.68, Code 2016, is amended to read as  
18 follows:

19 **279.68 Student progression — ~~remedial~~ intensive reading**  
20 **instruction — reporting requirements — promotion.**

21 1. ~~Reading deficiency and~~ proficiency, assessments, parental  
22 notification, and promotion.

23 a. A school district shall assess all students enrolled  
24 in kindergarten through grade three at the beginning of each  
25 school year for their level of reading or reading readiness on  
26 locally determined or statewide assessments, as provided in  
27 section 256.7, subsection 31. A If a student is not reading  
28 proficiently and is persistently at risk in reading, based  
29 upon the assessments administered in accordance with this  
30 paragraph, the school district shall provide intensive reading  
31 instruction to any the student ~~who exhibits a substantial~~  
32 ~~deficiency in reading, based upon the assessment or through~~  
33 ~~teacher observations.~~ The student's reading proficiency shall  
34 be periodically reassessed by locally determined or statewide  
35 assessments including periodic universal screening and annual

1 standard-based assessments. The student shall continue to be  
 2 provided with intensive reading instruction until the student  
 3 is reading deficiency is remedied at grade level, as determined  
 4 by the student's consistently proficient performance on valid  
 5 and reliable measures of reading ability. For purposes of  
 6 this section, "persistently at risk" means the student has not  
 7 met the grade-level benchmark on two consecutive screening  
 8 assessments administered under this paragraph.

9     b. The parent or guardian of any student in kindergarten  
 10 through grade three who ~~exhibits a substantial deficiency in~~  
 11 is persistently at risk in reading, as described in paragraph  
 12 "a", shall be notified at least annually in writing and shall be  
 13 provided all of the following:

14     ~~{1} That the child has been identified as having a~~  
 15 ~~substantial deficiency in reading.~~

16     ~~{2} (1)~~ A description of the services currently provided to  
 17 the ~~child~~ student.

18     ~~{3} (2)~~ A description of the proposed supplemental  
 19 instructional services and supports that the school district  
 20 will provide to the ~~child~~ student that are designed to  
 21 remediate the identified ~~area of~~ areas in which the student is  
 22 persistently at risk in reading deficiency.

23     ~~{4} (3)~~ Strategies for parents and guardians to use in  
 24 helping the ~~child succeed in reading proficiency~~ student read  
 25 proficiently, including but not limited to the promotion of  
 26 parent-guided home reading.

27     ~~(4)~~ Regular updates regarding the student's progress  
 28 toward reaching or exceeding the targeted level of reading  
 29 proficiency.

30     c. Beginning May 1, 2017, unless the school district is  
 31 granted a waiver pursuant to subsection 2, paragraph "e", if the  
 32 ~~student's~~ student is persistently at risk in reading deficiency  
 33 ~~is not remedied by the end of grade three, as demonstrated by~~  
 34 ~~scoring on a locally determined or statewide assessment as~~  
 35 ~~provided in~~ section 256.7, subsection 31, the school district

1 shall notify the student's parent or guardian that the parent  
 2 or guardian may enroll the student in an intensive summer  
 3 reading program offered in accordance with subsection 2,  
 4 paragraph "e". If the parent or guardian does not enroll the  
 5 student in the intensive summer reading program and the student  
 6 is ineligible for the good cause exemption under subsection  
 7 5, the student shall be retained in grade three pursuant to  
 8 subsection 3. If the student is exempt from participating in  
 9 an intensive summer reading program for good cause, pursuant  
 10 to subsection 5, or completes the intensive summer reading  
 11 program but is not reading ~~proficient~~ proficiently upon  
 12 completion of the program, the student may be promoted to grade  
 13 four, but the school district shall continue to provide the  
 14 student with intensive reading instruction until the student is  
 15 ~~proficient in reading~~ proficiently as demonstrated by scoring  
 16 on locally determined or statewide assessments administered  
 17 under paragraph "a".

18     2. *Successful progression for early readers.* If funds  
 19 are appropriated by the general assembly for purposes of  
 20 implementing this subsection, a school district shall do all  
 21 of the following:

22     a. Provide students who are ~~identified as having a~~  
 23 ~~substantial deficiency~~ persistently at risk in reading under  
 24 ~~subsection 1, paragraph "a"~~, with intensive instructional  
 25 services and supports, free of charge, to remediate the  
 26 ~~identified areas of reading deficiency~~ in which students are  
 27 not proficient in reading, including a minimum of ninety  
 28 minutes daily of scientific, research-based reading instruction  
 29 and other strategies prescribed by the school district which  
 30 may include but are not limited to the following:

- 31       (1) Small group instruction.
- 32       (2) Reduced teacher-student ratios.
- 33       (3) More frequent progress monitoring.
- 34       (4) Tutoring or mentoring.
- 35       (5) Extended school day, week, or year.

1 (6) Summer reading programs.

2 b. At regular intervals, apprise the parent or guardian of  
3 academic and other progress being made by the student and give  
4 the parent or guardian other useful information.

5 c. In addition to required reading enhancement and  
6 acceleration strategies, provide parents of students who are  
7 ~~identified as having a substantial deficiency~~ persistently at  
8 risk in reading under ~~subsection 1, paragraph "a"~~, with a plan  
9 outlined in a parental contract, including participation in  
10 regular parent-guided home reading.

11 d. Establish a reading enhancement and acceleration  
12 development initiative designed to offer intensive accelerated  
13 reading instruction to each kindergarten through grade three  
14 student who is ~~assessed as exhibiting a substantial deficiency~~  
15 persistently at risk in reading. The initiative shall comply  
16 with all of the following criteria:

17 (1) Be provided to all kindergarten through grade  
18 three students who ~~exhibit a substantial deficiency in~~ are  
19 persistently at risk in reading under ~~this section~~. The  
20 assessment initiative shall measure phonemic awareness,  
21 phonics, fluency, vocabulary, and comprehension.

22 (2) Be provided during regular school hours in addition to  
23 the regular reading instruction.

24 (3) Provide a reading curriculum that meets guidelines  
25 adopted pursuant to ~~section 256.7, subsection 31~~, and at a  
26 minimum has the following specifications:

27 (a) ~~Assists students assessed as exhibiting a substantial~~  
28 ~~deficiency in~~ who are persistently at risk in reading to  
29 develop the skills to read at grade level. Assistance shall  
30 include but not be limited to strategies that formally address  
31 dyslexia, when appropriate. For purposes of this subparagraph  
32 division (a), "dyslexia" means a specific and significant  
33 impairment in the development of reading, including but not  
34 limited to phonemic awareness, phonics, fluency, vocabulary,  
35 and comprehension, that is not solely accounted for by

1 intellectual disability, sensory disability or impairment, or  
2 lack of appropriate instruction.

3 (b) Provides skill development in phonemic awareness,  
4 phonics, fluency, vocabulary, and comprehension.

5 (c) Includes a scientifically based and reliable  
6 assessment.

7 (d) Provides initial and ongoing analysis of each student's  
8 reading progress.

9 (e) Is implemented during regular school hours.

10 (f) Provides a curriculum in core academic subjects to  
11 assist the student in maintaining or meeting proficiency levels  
12 for the appropriate grade in all academic subjects.

13 e. Offer each summer, beginning in the summer of 2017,  
14 unless the school district receives a waiver from this  
15 requirement from the department of education for the summer of  
16 2017, an intensive summer literacy reading program for students  
17 ~~assessed as exhibiting a substantial deficiency in who are~~  
18 persistently at risk in reading. The program shall meet the  
19 criteria and follow the guidelines established pursuant to  
20 section 256.9, subsection 53, paragraph "c", subparagraph (1),  
21 subparagraph division (g).

22 f. Report to the department of education the specific  
23 intensive reading interventions and supports implemented by the  
24 school district pursuant to [this section](#). The department shall  
25 annually prescribe the components of required or requested  
26 reports.

27 3. *Promotion to grade four.* In determining whether to  
28 promote a student in grade three to grade four, a school  
29 district shall place significant weight on any area in which  
30 the student is persistently at risk in reading deficiency  
31 ~~identified pursuant to [subsection 1](#), paragraph "a", that is~~  
32 ~~not yet remediated~~. The school district shall also weigh  
33 the student's progress in other subject areas, as well as  
34 the student's overall intellectual, physical, emotional, and  
35 social development. A decision to retain a student in grade

1 three shall be made only after direct personal consultation  
 2 with the student's parent or guardian and after the formulation  
 3 of a specific plan of action to ~~remedy~~ increase the student's  
 4 reading ~~deficiency~~ skills until the student is reading at grade  
 5 level.

6 4. *Ensuring continuous improvement in reading proficiency.*

7 a. To ensure all children are reading proficiently by the  
 8 end of third grade, each school district shall address reading  
 9 proficiency as part of its comprehensive school improvement  
 10 plan, drawing upon information about ~~children~~ students from  
 11 assessments and reassessments conducted pursuant to subsection  
 12 1 and the prevalence of ~~deficiencies~~ areas in which students  
 13 are persistently at risk in reading identified by classroom,  
 14 elementary school, and other student characteristics. As part  
 15 of its comprehensive school improvement plan, each school  
 16 district shall review chronic early elementary absenteeism  
 17 for its impact on literacy development. If more than fifteen  
 18 percent of an attendance center's students are not ~~proficient~~  
 19 in reading proficiently and are persistently at risk in  
 20 reading by the end of third grade, the comprehensive school  
 21 improvement plan shall include strategies to reduce that  
 22 percentage, including school and community strategies to raise  
 23 the percentage of students who are ~~proficient in reading at~~  
 24 grade level.

25 b. Each school district, subject to an appropriation of  
 26 funds by the general assembly, shall provide professional  
 27 development services to enhance the skills of elementary  
 28 teachers in responding to children's unique reading issues and  
 29 needs and to increase the use of evidence-based strategies.

30 5. *Good cause exemption.*

31 a. The school district shall exempt students from the  
 32 retention and intensive summer reading program requirements  
 33 of subsection 1, paragraph "c", for good cause. Good cause  
 34 exemptions shall be limited to the following:

35 (1) Limited English proficient students who have had

1 less than two years of instruction in an English as a second  
2 language program.

3 (2) Students requiring special education whose  
4 individualized education program indicates that participation  
5 in a locally determined or statewide assessment as provided in  
6 section 256.7, subsection 31, is not appropriate, consistent  
7 with the requirements of rules adopted by the state board of  
8 education for the administration of [chapter 256B](#).

9 (3) Students who demonstrate an acceptable level of  
10 performance on an alternative performance measure approved  
11 pursuant to [section 256.7, subsection 31](#).

12 (4) Students who demonstrate mastery through a student  
13 portfolio under alternative performance measures approved  
14 pursuant to [section 256.7, subsection 31](#).

15 (5) Students who have received intensive remediation in  
16 reading for two or more years but who are still demonstrate  
17 a deficiency persistently at risk in reading and who were  
18 previously retained in kindergarten, grade one, grade two,  
19 or grade three. Intensive reading instruction for students  
20 so promoted must include an altered instructional day that  
21 includes specialized diagnostic information and specific  
22 reading strategies for each student. The school district  
23 shall assist attendance centers and teachers to implement  
24 reading strategies that research has shown to be successful in  
25 improving reading among low-performing readers.

26 b. Requests For students described in paragraph "a",  
27 subparagraphs (3) and (4), a request for a good cause  
28 exemptions exemption from the retention requirement of  
29 subsection 1, paragraph "c", ~~for students described in~~  
30 ~~paragraph "a", subparagraphs (3) and (4),~~ shall include  
31 documentation from the student's teacher to the school  
32 principal that indicates that the promotion of the student is  
33 appropriate and is based upon the student's academic record.  
34 Such documentation shall include but not be limited to the  
35 individualized education program, if applicable, report card,

1 or student portfolio.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with  
4 the explanation's substance by the members of the general assembly.

5 This bill provides that a student in kindergarten  
6 through grade three who is not reading proficiently and is  
7 persistently at risk in reading based on locally determined  
8 or statewide assessments, must be provided intensive reading  
9 instruction by the school district and must be reassessed for  
10 reading proficiency using locally determined or statewide  
11 assessments, including periodic universal screening and annual  
12 standard-based assessments before the child is retained in  
13 grade three under the provisions of Code section 279.68.

14 The bill also replaces references relating to a student's  
15 "substantial deficiency in reading" with references to a  
16 student who is "persistently at risk in reading", which  
17 is defined to mean the student has not met the grade-level  
18 benchmark on two consecutive screening assessments administered  
19 in accordance with the Code provision, and makes related  
20 changes as necessary. For consistency, the bill also replaces  
21 one reference to "intensive summer literacy program" with  
22 "intensive summer reading program", and replaces references to  
23 "child" with "student".

24 Currently, the parent or guardian of such a student shall be  
25 notified at least annually that the child has been identified  
26 as having a substantial deficiency in reading, and shall be  
27 given a description of the services currently provided to the  
28 child, a description of the proposed supplemental instructional  
29 services and supports that the school district will provide  
30 to the child to remediate the identified area of reading  
31 deficiency, and strategies for parents and guardians to use  
32 in helping the child succeed in reading proficiency. The  
33 bill strikes the requirement that the information be provided  
34 annually, but adds that the school district must provide the  
35 parent or guardian of a student who is not reading proficiently

1 and who is persistently at risk in reading with regular updates  
2 regarding the student's progress toward reaching or exceeding  
3 the targeted level of reading proficiency.  
4 The bill makes corresponding changes.