

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/15/17

A Bill

SENATE BILL 587

5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT TO AMEND PROVISIONS OF TITLE 6 OF THE ARKANSAS
9 CODE CONCERNING READING PROFICIENCY OF PUBLIC SCHOOL
10 STUDENTS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13
14 TO AMEND PROVISIONS OF TITLE 6 OF THE
15 ARKANSAS CODE CONCERNING READING
16 PROFICIENCY OF PUBLIC SCHOOL STUDENTS.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 *SECTION 1. Arkansas Code Title 6, Chapter 15, is amended to add an*
22 *additional subchapter to read as follows:*

23 *Subchapter 29 – Reading Proficiency*
24

25 *6-15-2901. Intent.*

26 *It is the intent of the General Assembly that:*

27 *(1) Each student's progression from one grade to another be*
28 *determined, in part, upon proficiency in reading;*

29 *(2) Policies of a board of directors of a public school district*
30 *facilitate reading instruction and intervention services to address student*
31 *reading needs;*

32 *(3) Each student and his or her parent be informed of that*
33 *student's reading progress; and*

34 *(4) Each student should read at or above grade level by grade*
35 *three (3).*
36



1 6-15-2902. Reading intervention program.

2 (a) A public school district shall offer a reading intervention
3 program to each student in kindergarten through grade three (K-3) who
4 exhibits a reading deficiency to ensure the student can read at or above
5 grade level by the end of grade three (3).

6 (b) The reading intervention program shall be provided in addition to
7 core reading instruction that is given to all students in the general
8 education classroom.

9 (c) The reading intervention program shall:

10 (1) Be provided to all students in kindergarten through grade
11 three (K-3) identified as having a reading deficiency as determined by local
12 or statewide screening assessments administered within the first thirty (30)
13 days of school;

14 (2) Provide explicit and systematic instruction in phonological
15 awareness, phonics, fluency, vocabulary, and comprehension, as applicable;

16 (3) Monitor the reading progress of each student's reading
17 skills throughout the school year and adjust instruction according to student
18 needs; and

19 (4) Be implemented during regular school hours.

20
21 6-15-2903. Reading improvement plan.

22 (a) A student in kindergarten through grade three (K-3) who exhibits a
23 reading deficiency, based upon local or statewide screening assessments,
24 shall receive an individual reading improvement plan no later than thirty
25 (30) days after the identification of the reading deficiency.

26 (b) The reading improvement plan shall:

27 (1) Be created by the student's teacher, principal, parent, and
28 any other pertinent school personnel; and

29 (2) Describe the research-based reading intervention services
30 the student will receive to remedy the student's reading deficiency.

31 (c) A student under subsection (a) of this section shall receive
32 intensive reading intervention under the reading improvement plan until the
33 student no longer has a reading deficiency.

34
35 6-15-2904. Parent notification.

36 (a) A public school district shall notify in writing the parent of a

1 student in kindergarten through grade three (K-3) who exhibits at any time
2 during the school year a reading deficiency no later than fifteen (15) days
3 after the identification of the reading deficiency.

4 (b) The written notification under subsection (a) of this section
5 shall include:

6 (1) A statement that the student has been identified as having a
7 reading deficiency and that a reading improvement plan will be developed by
8 the student's teacher, principal, parent, and any other pertinent school
9 personnel;

10 (2) A description of the current services that are provided to
11 the student;

12 (3) A description of the proposed research-based reading
13 interventions and supplemental instructional services and supports that will
14 be provided to the student that are designed to remedy the identified areas
15 of reading deficiency;

16 (4) Notification that the parent will be informed in writing of
17 the student's progress in reading at grade level on at least a quarterly
18 basis;

19 (5) Strategies for parents to use at home to help the student
20 succeed in reading;

21 (6) A statement that if the student's reading deficiency is not
22 corrected by the end of grade three (3), the child will not be promoted to
23 grade four (4) unless a good cause exemption under § 6-15-2907 is met;

24 (7) A statement that while the statewide reading assessment is
25 the initial determinate for promotion, it is not the sole determiner at the
26 end of grade three (3); and

27 (8) A statement that students are provided with a test-based
28 student portfolio option and an alternative reading assessment option to
29 demonstrate sufficient reading skills for promotion to grade four (4).

30
31 6-15-2905. Summer reading camp.

32 (a) A public school district shall provide summer reading camps to all
33 students in grade three (3) who scored at the lowest achievement level on the
34 grade three (3) statewide reading assessment.

35 (b) A summer reading camp shall:

36 (1) Be staffed with highly effective teachers of reading as

1 demonstrated by student reading performance data and teacher performance
2 evaluations; and

3 (2) Include, at a minimum, seventy (70) hours of instructional
4 time in reading.

5 (c) The highly effective teacher of reading shall provide explicit and
6 systematic reading intervention services and supports to correct the
7 identified areas of reading deficiency of the students in the summer reading
8 camp.

9 (d) If funding is available, a school district shall extend summer
10 reading camp to students in grade one (1) and grade two (2) who are
11 identified as having a reading deficiency.

12
13 6-15-2906. Elimination of social promotion – Parental notification.

14 (a) Beginning with the 2018-2019 school year, a student in grade three
15 (3) shall demonstrate sufficient reading skills for promotion to grade four
16 (4).

17 (b) A student shall be provided the following options to demonstrate
18 sufficient reading skills for promotion to grade four (4):

19 (1) Scoring above the lowest achievement level on the grade
20 three (3) statewide English language arts assessment;

21 (2) Earning an acceptable score on an alternative standardized
22 reading assessment as determined and approved by the State Board of
23 Education; and

24 (3) Demonstrating mastery of all grade three (3) state reading
25 standards as evidenced through a student reading portfolio.

26 (c) The state board shall establish the criteria for the student
27 reading portfolio and to define mastery of all grade three (3) state reading
28 standards.

29 (d)(1) The student shall be retained in grade three (3) if the student
30 does not:

31 (A) Demonstrate sufficient reading skills on one (1) of
32 the options under subsection (b) of this section; and

33 (B) Qualify for a good cause exemption under § 6-15-2907.

34 (2) A student shall be retained two (2) times in grade three (3)
35 under this section.

36 (e) A public school district shall assist schools with providing

1 written notification to the parent of any student who is retained.

2 (f) The notice under subsection (e) of this section shall provide:

3 (1) That the student has not met the reading level required for
4 promotion;

5 (2) The reasons the student is not eligible for a good cause
6 exemption;

7 (3) That the student will be retained in grade three (3); and

8 (4) A description of the proposed interventions and supports
9 that will be provided to the student to remedy the identified areas of
10 reading deficiency in the retained year.

11
12 6-15-2907. Good cause exemptions.

13 (a) A public school district shall only exempt students from mandatory
14 retention under § 6-15-2906 for good cause.

15 (b) A student who is promoted to grade four (4) with a good cause
16 exemption shall continue to receive intensive reading intervention that
17 includes specific reading strategies prescribed in the student's individual
18 reading improvement plan until the reading deficiency is remedied.

19 (c) A public school district shall assist schools and teachers with
20 the implementation of evidence-based reading strategies.

21 (d) A public school district shall only grant a good cause exemption
22 to the following:

23 (1) A student with disabilities who is exempt from the statewide
24 assessment program in accordance with the student's individualized education
25 program;

26 (2) A student with disabilities who participates in the
27 statewide reading assessment and who has an individualized education program
28 or a Section 504 plan that reflects that the student:

29 (A) Has received intensive reading intervention for more
30 than two (2) years but still demonstrates a reading deficiency; and

31 (B) Was previously retained in kindergarten, grade one
32 (1), grade two (2), or grade three (3);

33 (3) A student identified as an English learner who has had less
34 than two (2) years of instruction in an English learner program; and

35 (4) A student who:

36 (A) Has received intensive reading intervention for two

1 (2) or more years but still demonstrates a reading deficiency; and
2 (B) Was previously retained in kindergarten, grade one
3 (1), grade two (2), or grade three (3) for a total of two (2) years.

4 (e) Requests to exempt students from the mandatory retention
5 requirement using a good cause exemption under this section shall be made as
6 follows:

7 (1)(A) Documentation shall be submitted from the student's
8 teacher to the school principal that indicates that the promotion of the
9 student is appropriate.

10 (B) The documentation shall consist only of the good cause
11 exemption being requested and the existing reading improvement plan or
12 individualized education program, as applicable; and

13 (2) The school principal shall review and discuss the
14 recommendation with the teacher and make the determination as to whether the
15 student meets a good cause exemption;

16 (3) If the school principal determines that the student meets a
17 good cause exemption based on the documentation provided, the school
18 principal shall make the recommendation in writing to the public school
19 district superintendent; and

20 (4) The public school district superintendent shall accept or
21 reject the school principal's recommendation in writing.

22
23 6-15-2908. Successful progression of retained students.

24 (a) Beginning with the 2018-2019 school year, a student retained under
25 § 6-15-2906 shall be provided the following:

26 (1) A highly effective teacher of reading as demonstrated by
27 student reading performance data and teacher performance evaluations;

28 (2) Intensive reading intervention services and supports to
29 correct the identified area of reading deficiency, including without
30 limitation:

31 (A) More dedicated time than the previous school year in
32 scientifically research-based reading instruction and intervention;

33 (B) Use of reading strategies and programs that are
34 scientifically research-based and have proven results in accelerating student
35 reading achievement within the same school year;

36 (C) Daily targeted small group reading intervention based

1 on student needs;

2 (D) Explicit and systematic instruction with more:

3 (i) Detailed explanations;

4 (ii) Extensive opportunities for guided practice;

5 and

6 (iii) Opportunities for error correction and

7 feedback;

8 (E) Frequent monitoring of the reading progress of the

9 student's reading skills throughout the school year; and

10 (F) Adjusted instruction according to student needs;

11 (3)(A) The option of a transitional instructional setting.

12 (B) The transitional instructional setting under

13 subdivision (a)(3)(A) of this section shall specifically be designed to

14 produce learning gains sufficient to meet grade four (4) performance

15 standards in all other core academic areas while continuing to correct the
16 areas of reading deficiency;

17 (4) Before and after school supplemental research-based reading
18 intervention delivered by a teacher or tutor with specialized reading
19 training; and

20 (5) A Read at Home plan outlined in a parental contract,
21 including participation in parent training workshops and regular parent-
22 guided home reading activities.

23 (b)(1) A public school district shall conduct a review of student
24 reading improvement plans for all students retained in grade three (3).

25 (2) The review shall address additional supports and services
26 under subsection (a) of this section needed to remedy the identified areas of
27 reading deficiency.

28
29 6-15-2909. Intensive acceleration class.

30 (a) A public school district shall establish at each school, where
31 applicable, an intensive acceleration class for a student retained in grade
32 three (3) who was previously retained in kindergarten, grade one (1), or
33 grade two (2).

34 (b) The intensive acceleration class shall include criteria
35 established under § 6-15-2908 and:

36 (1) Have a reduced teacher-student ratio; and

1 (2) Provide explicit and systematic reading instruction and
2 intervention for the majority of student contact time each day.

3
4 6-15-2910. Annual reporting.

5 A public school district shall annually report in writing to the
6 Department of Education by September 1 of each year the following information
7 on the prior school year:

8 (1) The public school district's policies and procedures on
9 student retention and promotion;

10 (2) By grade, the number and percentage of all students in
11 grades kindergarten through three (K-3) performing below grade level on local
12 or statewide assessments;

13 (3) By grade, the number and percentage of all students retained
14 in kindergarten through grade three (K-3);

15 (4) The total number and percentage of students in grade three
16 (3) who demonstrated sufficient reading skills for promotion on the test-
17 based student portfolio;

18 (5) The total number and percentage of students in grade three
19 (3) who demonstrated sufficient reading skills for promotion on the
20 alternative reading assessment;

21 (6) The total number and percentage of students in grade three
22 (3) who were promoted under a good cause exemption by each category under §
23 6-15-2907; and

24 (7) In succeeding years, the performance of students promoted
25 under a good cause exemption on the statewide reading assessment.

26
27 6-15-2911. Department of Education responsibilities.

28 (a)(1) The Department of Education shall develop a uniform format for
29 public school districts to report the information required under this
30 subchapter.

31 (2) The uniform format shall be:

32 (A) Developed with input from public school districts; and

33 (B) Provided to each public school district no later than
34 June 1 of each year.

35 (b) The department shall annually compile the information required
36 along with state-level summary information and report the information by

1 October 1 of each year to the:

2 (1) State Board of Education;

3 (2) Governor;

4 (3) President Pro Tempore of the Senate;

5 (4) Speaker of the House of Representatives; and

6 (5) Public by publishing the information on the website of the
7 department.

8 (c) The department shall provide technical assistance to aid public
9 school districts in implementing this subchapter.

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11 6-15-2912. Rules.

12 The State Board of Education shall promulgate rules to implement
13 and enforce this subchapter.

14

/s/A. Clark

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