

AMENDMENTS TO LB1081

Introduced by Linehan, 39.

1 1. Insert the following new sections:

2 Sec. 20. Sections 20 to 27 of this act shall be known and may be
3 cited as the Nebraska Reading Improvement Act.

4 Sec. 21. It is the intent of the Legislature that:

5 (1) School boards develop policies to facilitate reading instruction
6 and intervention services to address student reading needs, including,
7 but not limited to, dyslexia;

8 (2) All teachers for kindergarten through grade three should be
9 effective reading teachers as evidenced by (a) evaluations based on
10 classroom observations and student improvement on reading assessments,
11 (b) an endorsement related to reading instruction, or (c) specialized
12 training in reading improvement;

13 (3) Each student and his or her parents or guardians be informed of
14 the student's reading progress; and

15 (4) Each student in a public school be able to read at or above
16 grade level by third grade.

17 Sec. 22. (1) For the 2019-20 school year and each school year
18 thereafter, each school district shall administer an approved reading
19 assessment three times during such school year to all students in
20 kindergarten through grade three, except any student receiving
21 specialized instruction for limited English proficiency who has been
22 receiving such instruction for less than two years, any student receiving
23 special education services for whom such assessment would conflict with
24 the individualized education plan, and any student receiving services
25 under a plan pursuant to the requirements of section 504 of the federal
26 Rehabilitation Act of 1973, 29 U.S.C. 794, or Title II of the federal
27 Americans with Disabilities Act of 1990, 42 U.S.C. 12131 to 12165, as

1 such acts and sections existed on January 1, 2018, for whom such
2 assessment would conflict with such section 504 or Title II plan. The
3 first administration of such assessment for each such school year shall
4 occur within the first thirty days of the school year.

5 (2) For purposes of the Nebraska Reading Improvement Act, an
6 approved reading assessment means an assessment of student reading skills
7 approved by the State Department of Education which:

8 (a) Measures progress toward proficiency in the reading skills
9 assessed pursuant to subsection (5) of section 79-760.03 on the statewide
10 assessment of reading for grade three;

11 (b) Is valid and reliable;

12 (c) Is aligned with academic content standards for reading adopted
13 by either the board pursuant to section 79-760.01 or the school district
14 administering such assessment pursuant to section 79-760.02; and

15 (d) Allows teachers access to results in a reasonable time period as
16 established by the department, not to exceed fifteen working days.

17 (3) An approved reading assessment may be either commercially
18 available or developed by a school district or educational service unit
19 if such reading assessment complies with requirements established by the
20 department.

21 (4) On or before March 1, 2019, and on or before each March 1
22 thereafter, the department shall make public the list of approved reading
23 assessments for the subsequent school year and the threshold level of
24 performance for each such assessment below which a student will be
25 identified as having a reading deficiency for purposes of the Nebraska
26 Reading Improvement Act.

27 (5) On or before March 1, 2019, and as needed thereafter, the
28 department shall make public the threshold level of performance for the
29 statewide assessment of reading administered pursuant to section
30 79-760.03 for grade three below which a student will be identified as
31 having a reading deficiency for purposes of the Nebraska Reading

1 Improvement Act.

2 (6) Diagnostic assessments used within a supplemental reading
3 intervention program do not require department approval.

4 Sec. 23. (1) Any student in kindergarten, grade one, grade two, or
5 grade three shall be identified as having a reading deficiency if such
6 student performs below the threshold level set pursuant to section 22 of
7 this act on an approved reading assessment. A student who is identified
8 as having a reading deficiency pursuant to this subsection shall remain
9 identified as having a reading deficiency until the student performs at
10 or above the threshold level on an approved reading assessment or at or
11 above the threshold level on the statewide assessment of reading
12 administered pursuant to section 79-760.03 for grade three.

13 (2) Nothing in the Nebraska Reading Improvement Act shall prohibit a
14 school district from identifying any other student as having a reading
15 deficiency.

16 Sec. 24. Each school district shall provide a supplemental reading
17 intervention program for the purpose of ensuring that students can read
18 at or above grade level at the end of third grade. School districts may
19 work collaboratively with educational service units, with learning
20 communities, or through interlocal agreements to develop and provide such
21 supplemental reading intervention programs. Each supplemental reading
22 intervention program shall:

23 (1) Be provided to any student identified as having a reading
24 deficiency;

25 (2) Be implemented during regular school hours in addition to
26 regular reading instruction unless otherwise agreed to by a parent or
27 guardian;

28 (3) Utilize reading intervention techniques that are based on
29 scientific research and best practices;

30 (4) Administer diagnostic assessments to frequently monitor student
31 progress throughout the school year and adjust instruction accordingly;

1 (5) Provide intensive intervention using strategies selected from
2 the following list to match the weaknesses identified in the diagnostic
3 assessment:

4 (a) Development in phonemic awareness, phonics, fluency, vocabulary,
5 and reading comprehension;

6 (b) Explicit and systematic instruction with detailed explanations,
7 extensive opportunities for guided practice, and opportunities for error
8 corrections and feedback; and

9 (c) Daily targeted small-group reading intervention based on student
10 needs as determined by diagnostic assessment data;

11 (6) Provide parents and guardians with strategies and resources to
12 assist with reading skills at home, including parent training workshops
13 and suggestions for parent-guided home reading;

14 (7) Encourage access to before-school or after-school supplemental
15 reading intervention with a teacher or tutor who has specialized training
16 in reading intervention; and

17 (8) Make available a summer reading program each summer for any
18 student who has been enrolled in grade one or higher and is identified as
19 continuing to have a reading deficiency at the conclusion of the school
20 year preceding such summer reading program. Such summer reading program
21 may be held in conjunction with existing summer programs in the school
22 district or in the community or may be offered online.

23 Sec. 25. (1) The school of any student who is identified as having
24 a reading deficiency shall notify such student's parents or guardians
25 either in writing or by electronic communication no later than fifteen
26 working days after the identification of the reading deficiency that the
27 student has been identified as having a reading deficiency and that an
28 individual reading improvement plan will be established and shared with
29 parents or guardians.

30 (2) Any student who is identified as having a reading deficiency
31 shall receive an individual reading improvement plan no later than thirty

1 days after the identification of such reading deficiency. The reading
2 improvement plan may be created by the teacher, the principal, other
3 pertinent school personnel, and the parents or guardians of the student
4 and shall describe the reading intervention services the student will
5 receive through the supplemental reading intervention program pursuant to
6 section 24 of this act to remedy such reading deficiency. Each such
7 student shall receive reading intervention services through the
8 supplemental reading intervention program pursuant to section 24 of this
9 act until the student is no longer identified as having a reading
10 deficiency.

11 Sec. 26. By September 1 of each year, each school board shall
12 annually report to the State Department of Education the number and
13 percentage of students by grade in kindergarten, first grade, second
14 grade, and third grade who received reading intervention services
15 pursuant to an individual reading improvement plan during the prior
16 school year. Such report shall comply with any standards used by the
17 department to protect the individual identity of a student.

18 Sec. 27. (1) The State Department of Education shall establish a
19 uniform format for school districts to report the information required
20 pursuant to section 26 of this act. The format shall be developed with
21 input from school boards and shall be provided to each school district no
22 later than ninety days prior to the annual due date.

23 (2) The department shall annually compile the information submitted
24 under section 26 of this act along with state-level summary information
25 and report such information to the public, the Governor, and
26 electronically to the Legislature on or before October 1 of each year.

27 (3) The department shall provide technical assistance as needed to
28 assist school boards in carrying out the Nebraska Reading Improvement
29 Act.

30 (4) The department may adopt and promulgate rules and regulations to
31 carry out the act.

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2. Renumber the remaining sections accordingly.