

SENATE BILL NO. 78

INTRODUCED BY D. LEWIS

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE LEGISLATURE'S GOAL THAT EVERY STUDENT READ AT OR ABOVE GRADE LEVEL; REQUIRING REMEDIATION AND PARENTAL NOTIFICATION UPON IDENTIFICATION OF READING DEFICIENCY; REQUIRING THAT GRADE 3 STUDENTS NOT ASSESSED TO BE PROFICIENT ON STATEWIDE ASSESSMENTS BE RETAINED AND RECEIVE FURTHER REMEDIATION; PROVIDING EXEMPTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Reading proficiency -- deficiency and remediation -- parental notification -- grade 3 retention and exemptions.** (1) It is an ultimate goal of the legislature that every student be proficient at reading and read at or above grade level.

(2) A student who exhibits a substantial deficiency in reading, based on locally determined or statewide assessments or through teacher observations, must be provided intensive reading instruction immediately following the identification of the reading deficiency.

(3) The school district shall provide written notice to the parent or guardian of a student who exhibits a substantial deficiency in reading as described in subsection (2), including:

- (a) that the student has been identified as having a substantial deficiency in reading;
- (b) that if the student's reading deficiency is not remediated by the end of grade 3, the student must be retained unless exempted from mandatory retention for good cause pursuant to subsection (4);
- (c) that the statewide assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the student to assist parents or guardians and the school district in knowing when a student is reading at or above grade level and is ready for grade promotion;
- (d) a description of the current services that are provided to the student;
- (e) a description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified area of reading deficiency;
- (f) strategies for the parent or guardian to use in helping the student succeed in reading proficiency; and

1 (g) the district's specific criteria and policies for midyear promotion.

2 (4) Beginning with the 2013-2014 school year, a student in grade 3 who scores below proficient on the  
3 statewide assessment for reading at grade 3 must be retained and receive intensive reading instruction. The  
4 district school board may exempt a student from mandatory retention only for good cause. Good cause  
5 exemptions are limited to:

6 (a) a student with limited English proficiency who has had less than 2 years of instruction in an English  
7 language learner program;

8 (b) a student who demonstrates an acceptable level of performance on a nationally recognized alternative  
9 standardized reading assessment;

10 (c) a student who demonstrates, through a portfolio, that the student is reading at grade level as  
11 evidenced by demonstration of mastery of standards and benchmarks equivalent to those required to achieve  
12 proficiency on the statewide assessment;

13 (d) a student with a disability who participates in the statewide assessment and who has an individualized  
14 education program that reflects that the student has received intensive remediation in reading for more than 2  
15 years but still demonstrates a deficiency in reading and was previously retained in grade 3; or

16 (e) a student with a disability whose individualized education program indicates that participation in the  
17 statewide assessment program is not appropriate, consistent with board of public education rules.

18 (5) For purposes of this section, "midyear promotion" means promotion of a retained student at any time  
19 during the year of retention once the student has demonstrated the ability to read at grade level.

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21 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
22 integral part of Title 20, chapter 7, and the provisions of Title 20, chapter 7, apply to [section 1].

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24 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

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