

2022 Regular Session

HOUSE BILL NO. 269

BY REPRESENTATIVES NELSON, ADAMS, AMEDEE, BEAULLIEU, CARRIER, CREWS, DAVIS, DESHOTEL, DEVILLIER, DUBUISSON, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FISHER, FONTENOT, FREEMAN, FREIBERG, GAROFALO, HARRIS, HILFERTY, HORTON, HUGHES, ILLG, IVEY, MIKE JOHNSON, TRAVIS JOHNSON, MACK, MCKNIGHT, MCMAHEN, MUSCARELLO, ORGERON, CHARLES OWEN, PIERRE, PRESSLY, ROMERO, SCHAMERHORN, SCHLEGEL, SELDERS, STAGNI, THOMPSON, VILLIO, WHEAT, WHITE, WRIGHT, AND ZERINGUE

STUDENTS: Prohibits promotion to the fourth grade of certain students whose reading deficiencies have not been remedied by the end of the third grade

1 AN ACT

2 To enact R.S. 17:24.11, relative to pupil progression; to prohibit the promotion of certain
3 third graders with reading deficiencies to the fourth grade; to require certain
4 instructional services for retained students; to provide exceptions for students who
5 meet certain criteria; to require certain instructional services for students granted an
6 exception; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:24.11 is hereby enacted to read as follows:

9 §24.11. Early literacy; promotion to fourth grade

10 A.(1) Notwithstanding any provision of law to the contrary, if a student has
11 a reading deficiency that is not remedied by the end of the third grade as
12 demonstrated by the student scoring at the lowest achievement level in reading on
13 the literacy assessment administered pursuant to R.S. 17:24.9 or an assessment
14 provided pursuant to R.S. 17:24.4, the student shall not be promoted to the fourth
15 grade.

1 (2) Each public school governing authority shall provide a student who is
2 retained in the third grade under these circumstances with the following:

3 (a) Intensive instructional services, progress monitoring measures, and
4 supports to remediate the identified areas of reading deficiency as outlined in an
5 individual reading plan, including a minimum of ninety minutes during regular
6 school hours of daily, evidence-based, scientifically researched reading instruction
7 that includes phonological awareness, phonics, decoding, fluency, and
8 comprehension and other strategies prescribed by the governing authority including
9 but not limited to:

10 (i) Small group instruction.

11 (ii) Reduced teacher-student ratios.

12 (iii) Tutoring in evidence-based, scientifically researched reading services
13 in addition to the regular school day.

14 (iv) The option of transition classes.

15 (v) Extended school day, week, or year.

16 (vi) Summer reading camps.

17 (b) A highly effective teacher, as determined by student performance data,
18 particularly related to student growth in reading, performance appraisals, and
19 specific training relevant to literacy instruction.

20 (2) Provide to the parent or legal guardian of any such student:

21 (a) Written notification that the student has not met the reading proficiency
22 level required for promotion. The notification shall include a description of
23 proposed interventions and supports that will be provided to the child to remediate
24 the identified areas of reading deficiency as outlined in the student's individual
25 reading plan.

26 (b) A plan for reading at home outlined in a parental contract, including
27 participation in regular parent-guided home reading.

1 B.(1) Notwithstanding Subsection A of this Section, such a student may be
2 promoted to the fourth grade for good cause. Good cause promotions are limited to
3 students who meet at least one of the following criteria:

4 (a) He is a Limited English Proficient student who has had fewer than two
5 years of instruction in an English Language Learner program.

6 (b) He is a student with a disability whose Individualized Education Program
7 indicates that the assessments provided in Paragraph (A)(1) of this Section are not
8 appropriate for the student.

9 (c) He is a student with a disability who participates in such assessments and
10 his Individualized Education Program or Section 504 Plan of The Rehabilitation Act
11 of 1973, Public Law No. 93-112 reflects that he has received intensive remediation
12 in reading for two years but still demonstrates a deficiency or he was previously
13 retained in kindergarten, first, second, or third grade.

14 (d) He is a student who received intensive intervention in reading for two or
15 more years but still demonstrates a deficiency in reading and who was previously
16 retained in kindergarten, first, second, or third grade for a total of two years and has
17 not met exceptional education criteria.

18 (e) He demonstrates an acceptable level of reading proficiency on an
19 alternative standardized assessment approved by the State Board of Elementary and
20 Secondary Education.

21 (2) A determination relative to promotion to fourth grade under the criteria
22 provided in Paragraph (1) of this Subsection shall be made in the following manner:

23 (a) The student's teacher shall submit documentation to the principal that
24 indicates that the promotion of the student is appropriate. The documentation shall
25 clearly demonstrate that the student meets at least one of the criteria listed in
26 Subparagraphs (1)(a) through (e) of this Subsection.

27 (b) The principal shall review and discuss the recommendation with the
28 teacher and parents and make a determination as to whether or not the student should
29 be promoted. If the principal determines that the student should be promoted, the

1 principal shall make the recommendation in writing to the superintendent, who, in
2 writing, may accept or reject the recommendation.

3 (3) The parent shall have the option to have the child retained in third grade
4 even if the principal and superintendent determine otherwise.

5 (4) A student who is promoted to fourth grade under the provisions of this
6 Subsection shall be provided an individual reading plan, which shall outline intensive
7 reading instruction and intervention informed by specialized diagnostic information
8 and delivered through specific reading strategies to meet his needs. The school
9 district shall assist schools and teachers in implementing reading strategies that
10 research has shown to be successful in improving reading among students with
11 persistent reading difficulties.

12 Section 2. The provisions of R.S. 17:24.11 as enacted by this Act shall be
13 implemented beginning with the 2023-2024 school year.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 269 Reengrossed 2022 Regular Session Nelson

Abstract: Prohibits the promotion of certain students with reading deficiencies not remedied by the end of third grade; provides exceptions.

Proposed law provides that if a student has a reading deficiency that is not remedied by the end of the third grade as demonstrated by the student scoring at the lowest achievement level in reading on certain assessments, he shall not be promoted to the fourth grade. Requires public school governing authorities to notify parents and provide certain instructional services to third graders retained under these circumstances.

Proposed law provides for an exception that allows such students to be promoted to the fourth grade. Limits this exception to students who meet specific criteria and provides a process for determining if they are promoted. Requires public school governing authorities to provide certain instructional services to fourth graders promoted under these circumstances.

Proposed law provides for proposed law implementation beginning with the 2023-2024 school year.

(Adds R.S. 17:24.11)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Provide for implementation of proposed law beginning with the 2023-2024 school year.