

SESSION OF 2013

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2140**

As Amended by Senate Committee of the Whole

Brief*

Senate Sub. for HB 2140 would establish the Kansas Reads to Succeed Act. The bill would provide for mandatory retention of some first-grade pupils, establish a grant program and task force designed to develop best practices in reading instruction and assist pupils in acquiring reading skills, and establish an incentive program to reward the top 100 schools that demonstrate improvement in second-grade reading proficiency. Details of the bill follow.

***Mandatory Retention in Low-Performing School
Districts; Exceptions***

Beginning in school year 2016-2017 and each school year thereafter, the bill would require certain school district boards of education to adopt a policy prohibiting promotion from first to second grade of pupils who score at the lowest achievement standard on the state reading assessment or an alternative assessment with some exceptions, as follows:

- The requirement would be applicable only to school districts that have a higher-than-statewide average percentage of pupils in all districts scoring at the lowest achievement standard on the most recent reading state assessment. (This exception is detailed in the definition of “school district.”)

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- The policy would be required to prohibit the promotion of a pupil from grade one to grade two if the pupil scores at the lowest achievement standard on the most recent reading state assessment or an alternative standardized reading assessment.
- A procedure would be required in the policy to administer a second alternative standardized reading assessment approved by the school district board of education prior to retaining the pupil.
- The school district board of education would be permitted to provide in the policy for exceptions to mandatory retention if the school district provides the pupil with additional instruction until the pupil has achieved the appropriate grade-level reading skills, but the exceptions would be limited to:
 - A pupil enrolled in a bilingual education program and who has obtained less than two years' instruction in the district;
 - A pupil receiving special education services and whose individualized education plan (IEP) indicates participation in the statewide assessment program is not appropriate;
 - A pupil previously retained in first grade for at least one year and who has received intervention services for at least two years;
 - A pupil whose parent has requested a meeting to review the decision to retain the pupil and, after the review, the parent determines the pupil should be promoted to second grade;
 - A pupil who has demonstrated appropriate reading skills through a portfolio developed by a teacher[; or]
 - A pupil recommended for promotion by a teacher and approved for promotion by both

the principal and the superintendent if the parent of the student fails to request a meeting within 15 days of receiving written notice the student is to be retained.

- The district board would be permitted to include in its policy the opportunity for a pupil to be promoted if, having been retained for one semester, the pupil is identified as “meets standards” or higher based on the most recent reading state assessment or alternative standardized reading assessment.
- Mandatory in the policy would be the following:
 - Early screening or testing of pupils in pre-kindergarten, kindergarten, and grades one and two to identify pupils with reading deficiencies; provision of intervention services based on best practices; and notification of such to the parent with a list published by the Kansas Children’s Cabinet of qualifying organizations receiving Reads to Succeed grant funding (see below).
 - More intensive intervention services for pupils who have been retained in grade one.
- Each school district would be required to file an annual report with the State Board of Education (State Board) containing the number of pupils retained in first grade and the number of pupils granted exemptions from mandatory retention in the most recent school year.
- The State Board would be authorized to adopt rules and regulations regarding acceptable alternative standardized reading assessments and the type of scores required in order to be identified as “meets standards” on the alternative assessment.

Kansas Reads to Succeed Grant Program

The bill would require the Kansas Children's Cabinet to establish the Reads to Succeed grant program. Under the bill, a "qualifying organization" (defined as a nonprofit organization or a school district working alone or the two working in collaboration with each other) would be able to apply for a grant to develop research-based interventions and strategies to assist with acquiring reading skills at the named grade levels and to prevent first-grade retention; provide training and education on the interventions and strategies to teachers in rural communities; and provide after-school, summer school, and parent education programs using these interventions and strategies.

Under the bill, the grant application process is to be developed by the Kansas Children's Cabinet. The Children's Cabinet would have authority to adopt rules and regulations as necessary.

The Children's Cabinet would be required to give preference in awarding grants, subject to appropriation, to those qualifying organizations who provide at least a 30 percent match consisting of non-state or non-federal moneys. If the qualifying organization includes a school district, grant moneys could be deposited in the district's general fund, and these moneys would be considered reimbursements under the School District Finance and Quality Performance Act (*i.e.*, the formula for funding the majority of a school district's general fund).

Reporting would be required under the bill. Each qualifying organization would submit any periodic and special statistical, financial, and other reports as requested by the Children's Cabinet. The Children's Cabinet, with assistance from the State Board, would prepare a longitudinal analysis (*i.e.*, tracking through time of individual pupils) report of pupil assessment data. Each year, the report would be submitted to the Legislature and the Governor.

Kansas Reads to Succeed Task Force

The bill would establish the Kansas Reads to Succeed Task Force to study and recommend interventions and strategies to assist pupils in kindergarten and grade one with acquiring reading skills; conduct hearings, receive information, and consider recommendations regarding interventions and strategies; and report its work to the Legislature by January 13, 2014.

The Task Force would consist of seven members – three appointed by the Governor, one each appointed by the chairpersons of the Senate and House education committees, and one each appointed by the ranking minority members of the House and Senate. The members would be required to have experience teaching in pre-kindergarten, kindergarten, or grade one; working as a reading specialist; or working as a teacher or specialist with pupils who receive at-risk services.

The first meeting of the Task Force must be held on or before August 1, 2013. If approved by the Legislative Coordinating Council, members would be paid for expenses, mileage, and subsistence. The Task Force would be terminated on June 30, 2014.

Kansas Reads to Succeed Incentive Program

The bill would require the Kansas Children's Cabinet to establish the Kansas Reads to Succeed Incentive Program. Subject to appropriation, the Children's Cabinet would be required to make a monetary award of \$10,000 each to those districts that have at least one elementary school identified as being among the top 100 public elementary schools, based on the demonstration of improvement in grade two reading proficiency. Identification of the top elementary schools would be done by the Commissioner of Education. The Children's Cabinet and the State Board of Education would have joint authority to adopt necessary rules and regulations.

Background

HB 2140, as passed by the House, would have repealed the obsolete statute regarding the effective date of the Midwestern Higher Education Compact Act. The Senate Committee on Education deleted these contents and replaced them with the modified contents of **SB 169**, which would create the Kansas Reads to Succeed Act requiring school districts to develop policies to provide mandatory retention of some third-grade students.

Testifying in support of SB 169, as introduced, before the Senate Education Committee were representatives of the Governor's Office, Fundamental Learning Center, Huddle Learning, Inc., the Kansas Children's Service League, the Kansas Policy Institute, the Manhattan Institute, and Save the Children. Opponents at the Senate Committee hearing included representatives of the Children's Alliance of Kansas, Kansas Association of School Boards, the Kansas National Education Association Association, Kansas Public Schools, and Topeka Public Schools.

The Senate Committee amended SB 169 to add a second alternative assessment prior to mandatory retention. The Committee later agreed to insert additional amendments that would:

- Limit mandatory retention to only those school districts with a higher-than-average percentage of pupils scoring at the lowest achievement standard;
- Add a parent protest process, which could negate mandatory retention;
- Establish the Kansas Reads to Succeed Task Force; and
- Require the Kansas Reads to Succeed grant program recipients to provide after-school, summer school, and parent education programs.

The Senate Committee of the Whole amended the bill to:

- Change mandatory retention from mandatory at third grade to mandatory at first grade;
- Change the Kansas Reads to Succeed grant program focus to developing interventions at the kindergarten and first grade levels, instead of also including second and third grade interventions;
- Change the Kansas Reads to Succeed Task Force membership teaching expertise requirement to limit it to teaching at pre-kindergarten, kindergarten, and first grade (no longer including second and third grade teaching experience);
- Change the Kansas Reads to Succeed Incentive Program award recipients to the top 100 public elementary schools based on improvement in reading proficiency at the second grade (instead of fourth grade) level.

According to the Division of the Budget fiscal note on the original bill, *The FY 2014 Governor's Budget Report* included \$6.0 million to finance the Kansas Reads to Succeed (grant) Program, all of which would come from the Children's Initiatives Fund. Of this amount, \$5.0 million would support district level literacy prevention and intervention programs for young children, including the longitudinal report required under the bill. The remaining \$1.0 million would be used for the Kansas Reads to Succeed Initiative, consisting of 100 awards of \$10,000 each.