

AMENDMENTS TO LB1081

Introduced by Linehan, 39.

1 1. Strike the Linehan amendment, AM2593, and all amendments thereto,
2 and insert the following new sections:

3 Sec. 20. Sections 20 to 26 of this act shall be known and may be
4 cited as the Nebraska Reading Improvement Act.

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

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

9 (2) All teachers for kindergarten through grade three should be
10 effective reading teachers as evidenced by (a) evaluations based on
11 classroom observations and student improvement on reading assessments or
12 (b) specialized 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 school year 2019-20 and each school year
18 thereafter, each school district shall administer an approved reading
19 assessment three times during the school year to all students in
20 kindergarten through grade three, except for 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 State Board of Education pursuant to section 79-760.01 or
14 the school district administering such assessment pursuant to section
15 79-760.02;

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

18 (e) Is commercially available and complies with requirements
19 established by the department.

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

26 (4) Diagnostic assessments used within a supplemental reading
27 intervention program do not require department approval.

28 Sec. 23. (1) Any student in kindergarten, grade one, grade two, or
29 grade three shall be identified as having a reading deficiency if such
30 student performs below the threshold level determined pursuant to section
31 22 of this act on an approved reading assessment. A student who is

1 identified as having a reading deficiency pursuant to this subsection
2 shall remain identified as having a reading deficiency until the student
3 performs at or above the threshold level on an approved reading
4 assessment.

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

8 Sec. 24. (1) Each school district shall provide a supplemental
9 reading intervention program for the purpose of ensuring that students
10 can read at or above grade level at the end of third grade. School
11 districts may work collaboratively with a reading specialist at the State
12 Department of Education, with educational service units, with learning
13 communities, or through interlocal agreements to develop and provide such
14 supplemental reading intervention programs. Each supplemental reading
15 intervention program shall:

16 (a) Be provided to any student identified as having a reading
17 deficiency;

18 (b) Be implemented during regular school hours in addition to
19 regularly scheduled reading instruction unless otherwise agreed to by a
20 parent or guardian; and

21 (c) Make available a summer reading program each summer for any
22 student who has been enrolled in grade one or higher and is identified as
23 continuing to have a reading deficiency at the conclusion of the school
24 year preceding such summer reading program. Such summer reading program
25 may be held in conjunction with existing summer programs in the school
26 district or in a community reading program not affiliated with the school
27 district or may be offered online.

28 (2) The supplemental reading intervention program may also include:

29 (a) Reading intervention techniques that are based on scientific
30 research and best practices;

31 (b) Diagnostic assessments to frequently monitor student progress

1 throughout the school year and adjust instruction accordingly;

2 (c) Intensive intervention using strategies selected from the
3 following list to match the weaknesses identified in the diagnostic
4 assessment:

5 (i) Development in phonemic awareness, phonics, fluency, vocabulary,
6 and reading comprehension;

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

10 (iii) Daily targeted individual or small-group reading intervention
11 based on student needs as determined by diagnostic assessment data
12 subject to planned extracurricular school activities;

13 (d) Strategies and resources to assist with reading skills at home,
14 including parent-training workshops and suggestions for parent-guided
15 home reading; or

16 (e) Access to before-school or after-school supplemental reading
17 intervention with a teacher or tutor who has specialized training in
18 reading intervention.

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

26 (2) Any student who is identified as having a reading deficiency
27 shall receive an individual reading improvement plan no later than thirty
28 days after the identification of such reading deficiency. The reading
29 improvement plan may be created by the teacher, the principal, other
30 pertinent school personnel, and the parents or guardians of the student
31 and shall describe the reading intervention services the student will

1 receive through the supplemental reading intervention program pursuant to
2 section 24 of this act to remedy such reading deficiency. Each such
3 student shall receive reading intervention services through the
4 supplemental reading intervention program pursuant to section 24 of this
5 act until the student is no longer identified as having a reading
6 deficiency.

7 Sec. 26. (1) The State Department of Education may provide
8 technical assistance as needed to assist school boards in carrying out
9 the Nebraska Reading Improvement Act.

10 (2) The department may adopt and promulgate rules and regulations to
11 carry out the act.

12 2. Renumber the remaining sections accordingly.