

HOUSE BILL 1311

F1

8lr3083

By: **Delegate Krebs**

Introduced and read first time: February 9, 2018

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Individual Reading Improvement Plans – Requirements**

3 FOR the purpose of requiring each county board of education to offer an Individual Reading
4 Improvement Plan to certain students who have a reading deficiency beginning in a
5 certain school year; requiring a certain Plan to meet certain requirements; requiring
6 a Plan to be provided in addition to certain required reading instruction; requiring a
7 school to send a certain written notice to the parent or guardian of a certain student
8 with a certain reading deficiency; providing for the contents of a certain notice;
9 requiring a school to take certain actions if a student is determined to have a reading
10 deficiency at a certain time; authorizing a county board to provide a certain summer
11 reading camp for certain students; requiring a certain summer reading camp to be
12 staffed by certain teachers and provide certain services and supports to certain
13 students; requiring a summer reading camp to provide a minimum number of hours
14 of instructional time in reading; authorizing a county board to offer a summer
15 reading camp to certain students; requiring certain students to demonstrate
16 sufficient reading skills before promotion to a certain grade beginning in a certain
17 school year; prohibiting a certain student from being promoted to the fourth grade
18 under certain circumstances; requiring a county board to assist schools in sending a
19 certain written notice to the parent or guardian of a student not promoted to the
20 fourth grade that includes certain information; authorizing a county board to grant
21 a certain exemption to a certain requirement to a certain student for a good cause;
22 providing that an exemption for a good cause may be granted only to certain
23 categories of students; requiring the teacher of a certain student to submit certain
24 documentation to the school principal for a certain purpose; requiring a certain
25 student to continue to receive certain services that include certain strategies
26 included in the student's Plan; requiring a school to provide intensive reading
27 interventions to certain students beginning in a certain school year; requiring a
28 county board to conduct a review of the Plan of certain students for a certain purpose;
29 requiring a county board to add certain items to a certain student's Plan after
30 conducting a certain review; requiring a county board to establish at each school,
31 where applicable, an Intensive Acceleration Class that includes certain services for

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain students; requiring a county board to submit a certain report to the State
2 Department of Education on or before a certain date each year; requiring the
3 Department, in collaboration with the county boards of education, to develop a
4 certain form; requiring the Department to send the county boards a certain form by
5 a certain date each year and to submit a certain report to the Governor and the
6 General Assembly on or before a certain date each year; defining certain terms; and
7 generally relating to requirements for Individual Reading Improvement Plans for
8 students.

9 BY adding to

10 Article – Education

11 Section 7–202.1

12 Annotated Code of Maryland

13 (2014 Replacement Volume and 2017 Supplement)

14 Preamble

15 WHEREAS, It is the intent of the General Assembly that each student’s progression
16 from one grade to another be determined, in part, on proficiency in reading; and

17 WHEREAS, Each county board of education’s policies facilitate reading instruction
18 and intervention services to address student reading needs; and

19 WHEREAS, It is essential that each student and the student’s parents or guardians
20 be informed of that student’s reading progress; and

21 WHEREAS, It is the ultimate goal of the General Assembly that every student read
22 at or above grade level by third grade; now, therefore,

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

25 Article – Education

26 7–202.1.

27 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

29 (2) “INDIVIDUAL READING IMPROVEMENT PLAN” MEANS A PLAN
30 DEVELOPED BY A STUDENT’S TEACHER, PRINCIPAL, SCHOOL PERSONNEL, AND
31 PARENT OR GUARDIAN THAT DESCRIBES THE SERVICES AND SUPPORTS NEEDED BY
32 THE STUDENT TO REMEDY THE STUDENT’S IDENTIFIED AREAS OF READING
33 DEFICIENCY.

34 (3) “PLAN” MEANS AN INDIVIDUAL READING IMPROVEMENT PLAN.

1 **(4) “PROFICIENT READING SKILLS” MEANS:**

2 **(I) SCORING ABOVE THE LOWEST ACHIEVEMENT LEVEL ON**
3 **THE THIRD GRADE STATEWIDE READING ASSESSMENT;**

4 **(II) EARNING AN ACCEPTABLE SCORE ON AN ALTERNATIVE**
5 **STANDARDIZED READING ASSESSMENT AS DETERMINED AND APPROVED BY THE**
6 **DEPARTMENT; OR**

7 **(III) DEMONSTRATING MASTERY OF ALL THIRD GRADE STATE**
8 **READING STANDARDS AS EVIDENCED THROUGH A STUDENT READING PORTFOLIO.**

9 **(5) “READING DEFICIENCY” MEANS AREAS OF READING DEFICIENCY**
10 **AS IDENTIFIED BY A LOCAL OR STATEWIDE SCREENING ASSESSMENT DETERMINED**
11 **BY THE DEPARTMENT.**

12 **(6) “STUDENT” MEANS A STUDENT ENROLLED IN KINDERGARTEN,**
13 **FIRST GRADE, SECOND GRADE, OR THIRD GRADE IN A PUBLIC SCHOOL.**

14 **(B) (1) BEGINNING IN THE 2019–2020 SCHOOL YEAR, EACH COUNTY**
15 **BOARD SHALL DEVELOP AN INDIVIDUAL READING IMPROVEMENT PLAN FOR EACH**
16 **STUDENT WHO HAS A READING DEFICIENCY TO ENSURE THAT THE STUDENT CAN**
17 **READ AT OR ABOVE GRADE LEVEL BY THE END OF THE THIRD GRADE.**

18 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE PLAN**
19 **SHALL:**

20 **(I) BE PROVIDED TO EACH STUDENT WITH A READING**
21 **DEFICIENCY AS DETERMINED BY A LOCAL OR STATEWIDE SCREENING ASSESSMENT**
22 **ADMINISTERED WITHIN THE FIRST 30 DAYS OF THE START OF THE SCHOOL YEAR;**

23 **(II) PROVIDE EXPLICIT, SYSTEMATIC INSTRUCTION IN**
24 **PHONOLOGICAL AWARENESS, PHONICS, FLUENCY, VOCABULARY, AND**
25 **COMPREHENSION;**

26 **(III) MONITOR THE READING PROGRESS OF EACH STUDENT’S**
27 **READING SKILLS THROUGHOUT THE SCHOOL YEAR AND ADJUST INSTRUCTION**
28 **ACCORDING TO THE STUDENT’S NEEDS; AND**

29 **(IV) BE IMPLEMENTED DURING REGULAR SCHOOL HOURS.**

30 **(3) A PLAN SHALL BE IMPLEMENTED IN ADDITION TO THE REQUIRED**

1 READING INSTRUCTION PROVIDED TO ALL STUDENTS.

2 (c) (1) THE SCHOOL SHALL SEND A WRITTEN NOTICE TO THE PARENT OR
3 GUARDIAN OF A STUDENT WHO IS DETERMINED TO HAVE A READING DEFICIENCY AT
4 ANY TIME DURING THE SCHOOL YEAR WITHIN 15 DAYS OF MAKING THE
5 DETERMINATION OF THE READING DEFICIENCY.

6 (2) THE WRITTEN NOTICE SHALL:

7 (i) STATE THAT THE STUDENT HAS A READING DEFICIENCY AS
8 DETERMINED BY A LOCAL OR STATEWIDE SCREENING ASSESSMENT;

9 (ii) EXPLAIN THAT A PLAN WILL BE DEVELOPED BY THE
10 STUDENT'S TEACHER, PRINCIPAL, SCHOOL PERSONNEL, AND PARENT OR GUARDIAN
11 TO REMEDY THE STUDENT'S READING DEFICIENCY;

12 (iii) INCLUDE A DESCRIPTION OF:

13 1. THE CURRENT READING SERVICES PROVIDED TO THE
14 STUDENT; AND

15 2. THE PROPOSED RESEARCH-BASED READING
16 INTERVENTIONS AND SUPPLEMENTAL INSTRUCTIONAL SERVICES AND SUPPORTS
17 THAT WILL BE PROVIDED TO THE STUDENT;

18 (iv) STATE THAT THE PARENT OR GUARDIAN WILL RECEIVE A
19 WRITTEN UPDATE OF THE STUDENT'S PROGRESS TOWARD GRADE LEVEL READING
20 AT LEAST EVERY 2 WEEKS;

21 (v) INCLUDE STRATEGIES FOR PARENTS TO USE AT HOME TO
22 HELP THE STUDENT IMPROVE THEIR READING SKILLS;

23 (vi) EXPLAIN THAT IF THE STUDENT'S READING DEFICIENCY IS
24 NOT CORRECTED BY THE END OF THIRD GRADE, THE STUDENT WILL NOT BE
25 PROMOTED TO THE FOURTH GRADE UNLESS THE COUNTY BOARD GRANTS AN
26 EXEMPTION TO THE STUDENT FOR GOOD CAUSE;

27 (vii) EXPLAIN THAT THE SCORE ON THE STATEWIDE READING
28 ASSESSMENT IN THIRD GRADE WILL NOT BE THE ONLY FACTOR IN DETERMINING
29 WHETHER THE STUDENT WILL BE PROMOTED TO FOURTH GRADE; AND

30 (viii) DISCUSS THE OPTIONS FOR A STUDENT TO DEMONSTRATE
31 PROFICIENT READING SKILLS, INCLUDING A TEST-BASED STUDENT PORTFOLIO

1 OPTION AND AN ALTERNATIVE READING ASSESSMENT OPTION.

2 (D) IF A STUDENT IS DETERMINED TO HAVE A READING DEFICIENCY AT ANY
3 TIME DURING THE SCHOOL YEAR:

4 (1) A PLAN SHALL BE DEVELOPED FOR THE STUDENT WITHIN 30
5 DAYS OF IDENTIFYING THE STUDENT'S READING DEFICIENCY;

6 (2) THE STUDENT SHALL FOLLOW THE PLAN UNTIL THE STUDENT IS
7 DETERMINED TO HAVE PROFICIENT READING SKILLS; AND

8 (3) THE SCHOOL SHALL SEND WRITTEN NOTICE TO THE STUDENT'S
9 PARENT OR GUARDIAN REGARDING THE STUDENT'S PROGRESS TOWARD GRADE
10 LEVEL READING EVERY 2 WEEKS.

11 (E) (1) A COUNTY BOARD MAY PROVIDE A SUMMER READING CAMP TO
12 ALL THIRD GRADE STUDENTS SCORING AT OR BELOW THE LOWEST ACHIEVEMENT
13 LEVEL ON THE THIRD GRADE STATEWIDE READING ASSESSMENT.

14 (2) A SUMMER READING CAMP SHALL BE STAFFED WITH READING
15 TEACHERS RATED HIGHLY EFFECTIVE AS DETERMINED BY STUDENT READING
16 PERFORMANCE DATA AND TEACHER PERFORMANCE EVALUATIONS.

17 (3) A READING TEACHER AT A SUMMER READING CAMP SHALL
18 PROVIDE EXPLICIT SYSTEMATIC READING INTERVENTION SERVICES AND SUPPORTS
19 TO STUDENTS WITH A READING DEFICIENCY TO CORRECT THE STUDENTS'
20 IDENTIFIED AREAS OF READING DEFICIENCY.

21 (4) A SUMMER READING CAMP SHALL INCLUDE AT LEAST 70 HOURS
22 OF INSTRUCTIONAL TIME IN READING.

23 (5) A COUNTY BOARD MAY OFFER A SUMMER READING CAMP TO
24 STUDENTS WITH A READING DEFICIENCY IN FIRST GRADE AND SECOND GRADE.

25 (F) (1) BEGINNING IN THE 2019–2020 SCHOOL YEAR, ALL THIRD GRADE
26 STUDENTS SHALL DEMONSTRATE PROFICIENT READING SKILLS FOR PROMOTION TO
27 THE FOURTH GRADE.

28 (2) EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, IF A
29 STUDENT IN THE THIRD GRADE DOES NOT DEMONSTRATE PROFICIENT READING
30 SKILLS, THE STUDENT MAY NOT BE PROMOTED TO THE FOURTH GRADE.

31 (G) (1) THE COUNTY BOARD SHALL ASSIST SCHOOLS WITH SENDING THE

1 WRITTEN NOTICE TO THE PARENT OR GUARDIAN OF A STUDENT NOT PROMOTED TO
2 THE FOURTH GRADE UNDER SUBSECTION (F) OF THIS SECTION.

3 (2) THE WRITTEN NOTICE SHALL STATE:

4 (I) THAT THE STUDENT DOES NOT HAVE PROFICIENT READING
5 SKILLS REQUIRED FOR PROMOTION;

6 (II) THE REASONS THE STUDENT IS NOT ELIGIBLE FOR AN
7 EXEMPTION TO THE GRADE RETENTION POLICY UNDER SUBSECTION (H) OF THIS
8 SECTION;

9 (III) THAT THE STUDENT WILL NOT BE PROMOTED TO THE
10 FOURTH GRADE; AND

11 (IV) THE PROPOSED INTERVENTIONS AND SUPPORTS THAT
12 WILL BE PROVIDED TO THE STUDENT DURING THE NEXT SCHOOL YEAR TO REMEDY
13 THE STUDENT'S IDENTIFIED AREAS OF READING DEFICIENCY.

14 (H) (1) ON THE RECOMMENDATION OF THE TEACHER AND SCHOOL
15 PRINCIPAL OF A STUDENT WITH A READING DEFICIENCY, A COUNTY BOARD MAY
16 GRANT AN EXEMPTION TO A STUDENT FROM MANDATORY GRADE RETENTION UNDER
17 SUBSECTION (F)(2) OF THIS SECTION FOR GOOD CAUSE.

18 (2) AN EXEMPTION FOR GOOD CAUSE MAY BE GRANTED ONLY TO:

19 (I) A STUDENT WITH AN INDIVIDUALIZED EDUCATION
20 PROGRAM THAT INDICATES:

21 1. PARTICIPATION IN THE STATEWIDE READING
22 ASSESSMENT IS NOT APPROPRIATE; OR

23 2. THE STUDENT HAS RECEIVED INTENSIVE READING
24 INTERVENTION FOR MORE THAN 2 YEARS BUT STILL DEMONSTRATES A READING
25 DEFICIENCY AND WAS NOT PROMOTED IN A PREVIOUS SCHOOL YEAR; OR

26 (II) AN ENGLISH LANGUAGE LEARNER WHO HAS RECEIVED
27 LESS THAN 2 YEARS OF INSTRUCTION IN THE ENGLISH LANGUAGE LEARNERS
28 PROGRAM.

29 (3) IF A COUNTY BOARD GRANTS AN EXEMPTION TO A STUDENT FOR
30 GOOD CAUSE, THE STUDENT'S TEACHER SHALL SUBMIT DOCUMENTATION THAT
31 SUPPORTS THE DECISION, INCLUDING A COPY OF THE STUDENT'S PLAN OR

1 INDIVIDUALIZED EDUCATION PROGRAM, TO THE SCHOOL PRINCIPAL.

2 (4) A STUDENT WHO IS PROMOTED TO FOURTH GRADE AFTER BEING
3 GRANTED AN EXEMPTION FOR GOOD CAUSE SHALL CONTINUE TO RECEIVE
4 INTENSIVE READING INTERVENTION SERVICES THAT INCLUDE SPECIFIC READING
5 STRATEGIES DESCRIBED IN THE STUDENT'S PLAN.

6 (I) (1) BEGINNING IN THE 2019-2020 SCHOOL YEAR, A SCHOOL SHALL
7 PROVIDE A STUDENT WITH A READING DEFICIENCY RETAINED IN THE THIRD GRADE
8 UNDER SUBSECTION (F)(2) OF THIS SECTION WITH INTENSIVE READING
9 INTERVENTIONS TO REMEDY THE STUDENT'S SPECIFIC READING DEFICIENCY.

10 (2) THE READING INTERVENTION SERVICES SHALL INCLUDE
11 EFFECTIVE INSTRUCTIONAL STRATEGIES DETERMINED TO ACCELERATE STUDENT
12 PROGRESS.

13 (J) (1) THE COUNTY BOARD SHALL CONDUCT A REVIEW OF EACH PLAN
14 DEVELOPED FOR A STUDENT WITH A READING DEFICIENCY RETAINED IN THIRD
15 GRADE TO DETERMINE WHETHER ADDITIONAL SUPPORTS AND SERVICES ARE
16 NEEDED FOR THE STUDENT.

17 (2) IF A REVIEW CONDUCTED UNDER PARAGRAPH (1) OF THIS
18 SUBSECTION SHOWS THAT ADDITIONAL SUPPORTS AND SERVICES ARE NECESSARY
19 TO ADDRESS A STUDENT'S IDENTIFIED AREAS OF READING DEFICIENCY, THE
20 COUNTY BOARD SHALL ADD TO THE STUDENT'S PLAN, AS NEEDED:

21 (I) MORE DEDICATED TIME IN SCIENTIFICALLY
22 RESEARCH-BASED READING INSTRUCTION AND INTERVENTIONS THAN THE
23 PREVIOUS SCHOOL YEAR;

24 (II) READING STRATEGIES AND PROGRAMS THAT ARE
25 SCIENTIFICALLY RESEARCH-BASED AND HAVE PROVEN RESULTS IN ACCELERATING
26 STUDENT READING ACHIEVEMENT WITHIN THE SAME SCHOOL YEAR;

27 (III) DAILY TARGETED SMALL GROUP READING INTERVENTION
28 BASED ON THE STUDENT'S NEEDS;

29 (IV) EXPLICIT AND SYSTEMATIC INSTRUCTION WITH MORE
30 DETAILED EXPLANATIONS, MORE EXTENSIVE OPPORTUNITIES FOR ERROR
31 CORRECTION, AND FEEDBACK; AND

32 (V) FREQUENT MONITORING OF THE READING PROGRESS OF
33 THE STUDENT'S READING SKILLS THROUGHOUT THE SCHOOL YEAR AND

1 ADJUSTMENTS TO INSTRUCTION ACCORDING TO THE STUDENT'S NEEDS.

2 (K) (1) A COUNTY BOARD SHALL ESTABLISH AT EACH SCHOOL, WHERE
3 APPLICABLE, AN INTENSIVE ACCELERATION CLASS FOR ANY STUDENT WITH A
4 READING DEFICIENCY RETAINED IN THIRD GRADE WHO WAS ALSO PREVIOUSLY
5 RETAINED IN KINDERGARTEN, FIRST GRADE, OR SECOND GRADE.

6 (2) THE INTENSIVE ACCELERATION CLASS SHALL INCLUDE:

7 (I) THE SUPPORTS AND SERVICES DESCRIBED IN SUBSECTION
8 (J)(2) OF THIS SECTION;

9 (II) A REDUCED TEACHER-STUDENT RATIO; AND

10 (III) EXPLICIT AND SYSTEMATIC READING INSTRUCTION AND
11 INTERVENTION FOR THE MAJORITY OF STUDENT CONTACT TIME EACH DAY.

12 (L) (1) ON OR BEFORE SEPTEMBER 1, 2019, AND EACH YEAR
13 THEREAFTER, EACH COUNTY BOARD SHALL SUBMIT TO THE DEPARTMENT A
14 PROGRAM REPORT ON THE READING INTERVENTION PROGRAM ESTABLISHED
15 UNDER THIS SECTION, INCLUDING:

16 (I) THE COUNTY BOARD'S POLICIES AND PROCEDURES ON
17 STUDENT RETENTION AND PROMOTION;

18 (II) THE NUMBER AND PERCENTAGE OF ALL STUDENTS IN
19 KINDERGARTEN THROUGH THIRD GRADE, BY GRADE, PERFORMING BELOW GRADE
20 LEVEL ON LOCAL OR STATEWIDE READING ASSESSMENTS;

21 (III) THE TOTAL NUMBER AND PERCENTAGE OF STUDENTS IN
22 THIRD GRADE WHO DEMONSTRATED PROFICIENT READING SKILLS FOR
23 PROMOTION;

24 (IV) THE TOTAL NUMBER AND PERCENTAGE OF STUDENTS IN
25 THIRD GRADE WHO WERE GRANTED AN EXEMPTION FOR GOOD CAUSE UNDER
26 SUBSECTION (H) OF THIS SECTION, BY EACH CATEGORY; AND

27 (V) THE PERFORMANCE ON THE STATEWIDE READING
28 ASSESSMENT IN FOURTH GRADE OF STUDENTS WITH A READING DEFICIENCY
29 PROMOTED TO FOURTH GRADE WHO WERE GRANTED AN EXEMPTION FOR GOOD
30 CAUSE UNDER SUBSECTION (H) OF THIS SECTION.

31 (2) (I) THE DEPARTMENT, IN COLLABORATION WITH THE COUNTY

1 **BOARDS, SHALL DEVELOP A PROGRAM REPORT FORM.**

2 **(II) THE DEPARTMENT SHALL SEND A PROGRAM REPORT FORM**
3 **TO EACH COUNTY BOARD NOT LATER THAN 90 DAYS BEFORE THE DATE THE**
4 **PROGRAM REPORT IS DUE TO THE DEPARTMENT EACH YEAR.**

5 **(M) ON OR BEFORE OCTOBER 1, 2019, AND EACH YEAR THEREAFTER, THE**
6 **DEPARTMENT SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH §**
7 **2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A REPORT**
8 **ON THE READING INTERVENTION PROGRAM ESTABLISHED UNDER THIS SECTION.**

9 **(N) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
10 **SECTION.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2018.