



Councilmember Vincent B. Orange, Sr.

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

The purpose of this legislation is to ensure development of the skills in kindergarten, first, and second grade to ensure that at the end of third grade, students are reading at or above grade level, under District of Columbia Public School and District of Columbia Public Charter School academic standards, and if not, based on an Annual Skills and Reading Diagnostic Assessment students beginning third grade shall receive specifically tailored Reading Ends Academic Decline ("READ") Goals and instruction from a specifically assigned READ Teacher to assist the student in developing third grade reading skills, and if, a student is not reading proficiently by the end of third grade, the parent will receive notice that the student shall be retained in third grade, required to attend summer reading classes with a different READ Teacher, and will not be socially promoted to fourth grade, in accordance with the District Promotion and Retention Policy which shall be annually posted, in written and audio format, on the DCPS and DCPCS websites, and on DC Cable TV as a Public Service Announcement that will also advise the parent of opportunity to voluntarily enroll in a Certified Adult Literacy Program to learn to read along with the student.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Reading Development and Third Grade Retention Act of 2015".

Sec. 2. Definitions.

For purposes of this section, the term:

(1) "Parent" means a student's custodial biological or adoptive parent, foster parent or legal guardian.

(2) “Student” means a child enrolled in kindergarten through third grade in a District of Columbia Public School or a District of Columbia Public Charter School.

(3) “DCPS” means District of Columbia Public School.

(4) “DCPCS” means District of Columbia Public Charter School.

(5) “Reading Proficiency” means a student can read, interpret, and comprehend written materials that are appropriate to the student’s grade level.

(6) “Reading Deficiency” means a student does not demonstrate the minimum skill or reading proficiency established for the student’s grade level.

(7) “Significant Reading Deficiency” means a student cannot demonstrate reading proficiency at the minimum skill or reading proficiency established for the student’s grade level.

(8) “Reading Ends Academic Decline” (“READ”) means a specific reading instruction intervention plan created to remediate a student’s Reading Deficiency.

(9) “READ Teacher” means the educator who provides specific skill development and reading instruction to students which includes targeted intervention to address and remediate the student’s specific, diagnosed Reading Deficiency.

(10) “Certified Adult Literacy Program” (“CALP”) means an adult literacy program certified to (a) conduct a reading diagnostic assessment of parents of students identified with a specific, diagnosed Reading Deficiency or Significant Reading Deficiency, and (b) provide specific literacy instruction to those parents to address and remediate the parent’s specific reading deficiency.

### Sec. 3. Promotion and Retention Policy Annual Notice.

(a) On or before June 30th of each academic year, the DCPS and DCPCS shall:

(1) Post on their web sites the promotion and retention policy, in written and audio format;

(2) Create a Public Service Announcement for DC Cable TV to air the promotion and retention policy in written and audio format; and

(3) Provide annual written notice to parents of students in kindergarten, through third grade of the promotion and retention policy.

#### Sec. 4. Annual Skills and Reading Diagnostic Assessment.

(a) DCPS and DCPCS shall:

(1) Annually assess all students enrolled in kindergarten through third grade by May 15<sup>th</sup> of each academic year to determine the student's level of skill and reading development; and

(2) Within 15 days of the results of the Annual Skills and Reading Diagnostic Assessment, provide written notice of the results to the parent.

(b) If the student's skill development is not at kindergarten, first or second grade, the teacher shall notify the parent as provided in Section 5.

(c) If the student's skill and reading development is not at third grade, a separate Reading Deficiency or a Significant Reading Deficiency Notice as provided in Section 6 must be provided to the parent.

#### Sec. 5. Skill Development Deficiency Notice.

(a) If the results of the Annual Skills and Reading Diagnostic Assessment indicate the student has a Skill Development Deficiency, the DCPS or the DCPCS shall provide the parent written and verbal notice of the following:

(1) A Statement advising that the student has a Skill Development Deficiency;

(2) An explanation of the student's Skill Development Deficiency and the

basis for the conclusion;

(3) A description of currently available supplemental skill development programs designed to remediate the deficiency and place the student on track to read at grade level by the end of third grade;

(4) Strategies for parents to use to help the student improve developmental skills;

(5) A statement advising that a student who reads below the minimum level of reading proficiency at the end of third grade will not be socially promoted to fourth grade;

(6) A statement advising that the teacher, the school principal, and the READ Teacher, shall jointly decide whether the student who reads below the minimum level of reading proficiency at the end of third grade will advance to the next grade level;

(7) A statement advising that the student may be promoted to fourth grade with a reading score below the minimum level of reading proficiency for third grade if (a) the student qualifies for a Good Cause Exemption as provided in Section 13 or (b) the parent's request for an exemption from the grade retention policy is granted pursuant to Section 14.

(8) A request to schedule an appointment with the parent to discuss the student's Skill Development Deficiency and the parent's participation in creating a plan to help the student correct the deficiency.

(9) If a parent is unable to participate in creating a plan to help the student correct the deficiency, the kindergarten, first grade or second grade teacher, and the principal shall:

(a) Create a written plan to ensure the student corrects the development deficiency; and

(b) Inform the parent of the plan and provide a copy of it to the parent.

Sec. 6. Third grade Reading Deficiency or Significant Reading Deficiency Notice.

(a) If the results of the Annual Skills and Reading Diagnostic Assessment indicate the student has a Reading Deficiency or a Significant Reading Deficiency, the DCPS or the DCPCS shall provide the parent written and verbal notice of the following:

(1) A statement advising that the student has a Reading Deficiency or a Significant Reading Deficiency, whichever is applicable;

(2) An explanation of the student's Reading Deficiency or Significant Reading Deficiency and the basis for the conclusion;

(3) The name of the Reading Ends Academic Decline ("READ") Teacher assigned to the student for third grade;

(4) A description of currently available READ supplemental reading instruction and supporting programs designed to remediate reading deficiencies and place the student on track to read at grade level by the end of third grade;

(5) Strategies for parents to use to help the student develop reading skills to become a proficient reader;

(6) A statement advising that a student who reads below the minimum level of reading proficiency at the end of third grade will not be socially promoted to fourth grade;

(7) A statement advising that the teacher, the school principal, and the READ Teacher, shall jointly decide whether the student who reads below the minimum level of reading proficiency at the end of third grade will advance to the next grade level;

(8) A statement advising that the student may be promoted to fourth grade with a reading score below the minimum level of reading proficiency for third grade if (a) the student qualifies for a good cause exemption as provided in Section 13 or (b) the parent's request for an exemption from the grade retention policy is granted pursuant to Section 14.

(9) A request to schedule a READ appointment with the parent to discuss the student's Reading Deficiency or Significant Reading Deficiency Notice and the parent's participation in creating a READ goal for the student as provided in Section 8.

Sec. 7. Reading Ends Academic Decline ("READ") Teacher.

(a) Within 15 days of the results of the Annual Skills and Reading Assessment, a READ Teacher shall be assigned to each student whose assessment indicates the student has a Reading Deficiency or a Significant Reading Deficiency.

(b) The READ Teacher shall make three documented attempts written and verbal, to schedule an appointment with the parent to discuss the student's reading deficiency.

(c) If the READ Teacher is unable to schedule an appointment with the parent, the READ Teacher, in consultation with the student's teacher and the school principal, shall:

(1) Create a READ goal for the student and provide a copy of it to the parent;

(2) Advise the parent of the opportunity to voluntarily enroll in a Certified Adult Literacy Program ("CALP") to learn to read along with the student; and

(3) Identify Certified Adult Literacy Programs for the parent to contact.

Sec. 8. Reading Ends Academic Decline ("READ") Goal.

(a) The READ Teacher shall:

(1) Create a READ Goal for each student whose Annual Skills and Reading

Diagnostic

- 199 (2) Develop learning to read strategies specifically tailored to assist the student in  
200 becoming grade level proficient in reading.
- 201 (3) If a parent, due to a literacy deficiency or other reason is unable to participate in  
202 creating a READ Goal for the student, the first, second, or third grade teacher, the  
203 principal and the READ Teacher shall:
- 204 (i) Create the student's READ Goal to ensure the student learns grade level  
205 reading skills; and  
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207 (ii) Inform the parent of the READ Goal and provide a copy of it to the parent.  
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210 Sec. 9. Achieving READ Goal.

- 211 (a) To achieve the READ Goal established in Section 8, the student must be:
- 212 (1) Given intensive reading intervention by a READ Teacher;  
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214 (2) Given reading intervention in addition to classroom instruction until the  
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216 student reads at grade level;  
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218 (3) Enrolled in summer classes with a READ Teacher, if necessary;  
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220 (4) Given intensive reading instruction in the next academic year before, during,  
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222 or after the regular school day; and  
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224 (5) Re-assessed in monthly intervals to determine the student's reading  
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226 proficiency.  
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229 Sec. 10. Third Grade Retention.

- 230 (a) Beginning with the 2014-2015 school year, if a student is not reading at grade level  
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232 based on the Annual Skills and Reading Assessment administered in May of third grade, the  
233 school principal shall review and discuss with the student's teacher and READ Teacher the  
234 student's academic reports, READ Goal achievements, school attendance records,  
235 Individualized

Education Plan ("IEP"), if any, and make the determination as to whether the student should be promoted or retained.

(b) If the school principal determines the student is performing at third grade level in all areas except reading, the student shall be:

- (1) Required to complete summer reading classes with a READ Teacher;
- (2) Provided a READ Goal to achieve during the summer reading classes; and
- (3) Evaluated at the end of the summer reading classes to determine the student's reading level.

(c) If the student is reading at third grade level at the end of the summer reading classes, the student shall be promoted to fourth grade.

- (1) The student shall continue to receive Section 8 and 9, READ Teacher instruction and READ Goals as needed, in fourth grade.

(d) If the student is not reading at third grade level at the end of the summer reading classes, the student shall be retained in third grade, unless the student receives a Good Cause Exemption pursuant to Section 13 or a Retention Exemption pursuant to Section 14.

(e) Beginning with the 2014-2015 school year, if a student is not performing at grade level in reading, math and other academic areas by the end of third grade, the school principal shall review and discuss with the student's parents, teacher and READ Teacher the student's academic reports, READ Goal achievements, school attendance records, IEP, if any, and make the determination as to whether the student should be promoted or retained.



(f) If the school principal determines the student should be retained, the school principal shall make such recommendation in writing to the DCPS Chancellor or DCPCS Board on or before May 30th.

(g) The DCPS Chancellor or DCPCS Board shall accept or reject the school principal's recommendation in writing and notify the parent of the decision on or before June 15th.

#### Sec. 11. Third grade Remedial Reading Plan for a Retained Student.

(a) The remedial reading plan for students who are retained in third grade shall:

(1) Require the student be assigned to a different third grade teacher and a different READ Teacher for reading instruction;

(2) Comply with Sections 7 and 8; and

(3) Require summer reading classes, as needed.

#### Sec. 12. Elimination of Social Promotion to Fourth grade.

No student may be assigned to fourth grade based solely on age or other factors that constitute social promotion.

#### Sec. 13. Good Cause Exemptions From Reading Proficiency.

(a) DCPS and DCPCS may exempt students from mandatory third grade retention for good cause.

(b) Good cause exemptions from reading proficiency shall include the following:

(1) Limited English proficient students who have had less than 2 years of instruction in English.

(2) Students with disabilities whose IEP indicates that participation in the Annual Skills and Reading Diagnostic Assessment is not appropriate.

(3) Students with disabilities who have an IEP that reflects the student has received intensive remediation in reading for more than 2 years, and continues to demonstrate a Reading Deficiency.

(4) Students who demonstrate an acceptable level of Reading Proficiency on alternative reading assessment approved by the DCPS or DCPCS.

(5) Students who have received intensive remediation in reading for 2 or more years but (a) continue to demonstrate a Reading Deficiency and (b) were previously retained in kindergarten, first grade, second grade, or third grade for a total of 2 years.

(6) Any other circumstances demonstrating good cause as determined by the DCPS Chancellor or DCPCS Board.

#### Sec. 14. Retention Exemption Request Procedure.

(a) A parent may request a student exemption from the mandatory retention requirement as follows:

(1) Submit a written request for an exemption to the principal within 15 days of receiving notice that the student will be retained;

(2) Include documentation demonstrating the student's promotion is appropriate based on academic reports, attendance records, IEP, if any, and promotion recommendation letters from the student's teacher;

(3) Provide documentation of good cause exemptions from reading proficiency established in Section 13; and

(4) Submit any other information the parent deems appropriate justification for a retention exemption.

(5) The parent shall be notified, in writing of the decision to accept or reject the

exemption request within 30 days of its receipt.

Sec. 15. Three Year Evaluation.

(a) The DCPS and DCPCS shall establish a joint committee to:

(1) Examine the Annual Reading Diagnostic Assessment used to measure the reading abilities of students in kindergarten to third grade;

(2) Examine the experiences and outcomes of the implementation of this act to ensure kindergarten through third grade students are skill and reading proficient at or above grade level;

(3) Develop recommendations on how to improve implementation of this act and how to best use READ Teachers to improve promotion rates;

(4) Examine the correlation between truancy and reading proficiency; and

(5) Submit findings and recommendations in a written report to the Mayor and the Council three years after the implementation of this act.

Sec. 16. Fiscal Impact Statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 17. Effective date.

This act shall take effect upon its approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.