

2023 Regular Session

HOUSE BILL NO. 12

BY REPRESENTATIVES NELSON, ADAMS, AMEDEE, DESHOTEL, ECHOLS, EDMONDS, EDMONSTON, FREIBERG, GAROFALO, HARRIS, ILLG, MIKE JOHNSON, MCKNIGHT, MCMAHEN, ORGERON, CHARLES OWEN, ROMERO, SCHAMERHORN, SCHLEGEL, VILLIO, WHITE, AND ZERINGUE AND SENATORS MCMATH, ROBERT MILLS, AND MIZELL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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; to require the State Board of Elementary and Secondary Education to  
7 adopt rules; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

10 §24.11. Early literacy; promotion to fourth grade

11 A. If a student has a reading deficiency that is not remedied by the end of the  
12 third grade as demonstrated by the student scoring at the lowest achievement level  
13 in reading on the literacy screener administered pursuant to R.S. 17:24.9, the student  
14 shall be given, prior to the beginning of the subsequent school year, two additional  
15 opportunities to score a higher achievement level on the literacy screener. If after  
16 three opportunities, the student has not scored above the lowest achievement level  
17 in reading on the literacy screener, the student shall not be promoted to the fourth  
18 grade.

1           B.(1) 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, which shall be  
5           outlined in an individual reading plan and include a minimum of ninety minutes  
6           during regular school hours of daily, evidence-based, scientifically researched  
7           reading instruction that includes phonological awareness, phonics, decoding, fluency,  
8           and comprehension and other strategies prescribed by the governing authority, which  
9           may include:

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) The parent or legal guardian of each third grade student who has not met  
21           the reading proficiency level required for promotion shall be provided:

22           (a) Written notification that shall include a description of proposed  
23           interventions and supports that will be provided to the child to remediate the  
24           identified areas of reading deficiency, as outlined in the student's individual reading  
25           plan.

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

28           C.(1) Notwithstanding Subsection B of this Section, a third grade student  
29           who does not meet the literacy criteria for promotion may be promoted to the fourth

1 grade for good cause. A student shall meet at least one of the following criteria to  
2 receive a good-cause promotion:

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

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

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

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

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

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

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

26 (b) The principal shall review and discuss the recommendation with the  
27 teacher and parents and make a determination as to whether or not the student should  
28 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               D. The State Board of Elementary and Secondary Education shall adopt rules  
13       in accordance with the Administrative Procedure Act to implement the provisions  
14       of this Section.

15       Section 2. The provisions of R.S. 17:24.11 as enacted by this Act shall be  
16       implemented beginning with the 2024-2025 school year.

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#### 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)]

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HB 12 Engrossed

2023 Regular Session

Nelson

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

Present law provides for an early literacy screener for students in grades kindergarten through third grade. 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 scoring at the lowest achievement level in reading on the screener, the student shall be given, prior to the beginning of the subsequent school year, two additional opportunities to score a higher achievement level on the literacy screener. Provides that if after three opportunities the student has not scored above the lowest achievement level in reading on the screener, the student shall not be promoted to the fourth grade. Requires parental notification and intensive instructional services for retained third graders.

Proposed law, notwithstanding the above proposed law, allows promotion to fourth grade for good cause. Limits good-cause promotions to students who meet specific criteria and provides a process for determining if they are promoted. Requires that certain instructional services be provided to fourth graders promoted under these circumstances.

Proposed law requires BESE to adopt rules for proposed law implementation and provides for proposed law implementation beginning with the 2024-2025 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. Change timeline for provision of intensive instructional services from prior to retention in third grade to the student's repeated third grade school year.