

2023 Regular Session

HOUSE BILL NO. 12

BY REPRESENTATIVES NELSON, ADAMS, AMEDEE, DESHOTEL, ECHOLS, EDMONDS, EDMONSTON, FREIBERG, GAROFALO, HARRIS, ILLG, MIKE JOHNSON, MCKNIGHT, MCMAHEN, 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 who has received literacy interventions pursuant to R.S.  
12 17:24.10 is determined still to have a reading deficiency as demonstrated by the  
13 student scoring at the lowest achievement level in reading on the literacy screener  
14 administered pursuant to R.S. 17:24.9 or an assessment provided pursuant to R.S.  
15 17:24.4, he shall be screened for learning impediments in accordance with R.S.  
16 17:392.1.

1           B.(1) During the spring semester, each third grade student shall retake the  
2           literacy screener developed pursuant to R.S. 17:24.9. If the results indicate that a  
3           student has a reading deficiency, he shall be provided:

4           (a) Intensive instructional services, progress monitoring measures, and  
5           supports to remediate the identified areas of reading deficiency, which shall be  
6           outlined in an individual reading plan and include a minimum of ninety minutes  
7           during regular school hours of daily, evidence-based, scientifically researched  
8           reading instruction that includes phonological awareness, phonics, decoding, fluency,  
9           and comprehension and other strategies prescribed by the governing authority, which  
10          may include:

11           (i) Small group instruction.

12           (ii) Reduced teacher-student ratios.

13           (iii) Tutoring in evidence-based, scientifically researched reading services  
14          in addition to the regular school day.

15           (iv) The option of transition classes.

16           (v) Extended school day, week, or year.

17           (vi) Summer reading camps.

18           (b) A highly effective teacher, as determined by student performance data,  
19          particularly related to student growth in reading, performance appraisals, and  
20          specific training relevant to literacy instruction.

21           (2) Prior to the end of the school year, each student who is provided  
22          intensive instructional services as provided in Paragraph (1) of this Subsection shall  
23          take the literacy screener again. If a student is still scoring at the lowest achievement  
24          level in reading, he shall not be promoted to the fourth grade; however, he shall be  
25          provided the opportunity to take the literacy screener at least once more prior to the  
26          start of the next school year, and if he scores above the lowest achievement level in  
27          reading, he shall be promoted to the fourth grade if otherwise appropriate.

28           (3) Each student who is retained in the third grade due to a reading  
29          deficiency shall be provided intensive instructional services throughout the school

1 year and shall routinely retake the literacy screener for the purpose of monitoring his  
2 progress toward reaching reading proficiency.

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

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

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

11 C.(1) Notwithstanding Subsection B of this Section, a third grade student  
12 who does not meet the literacy criteria for promotion may be promoted to the fourth  
13 grade for good cause. A student shall meet at least one of the following criteria to  
14 receive a good-cause promotion:

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

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

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

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

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

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

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

10          (b) The principal shall review and discuss the recommendation with the  
11          teacher and parents and make a determination as to whether or not the student should  
12          be promoted. If the principal determines that the student should be promoted, the  
13          principal shall make the recommendation in writing to the superintendent, who, in  
14          writing, may accept or reject the recommendation.

15          (3) The parent shall have the option to have the child retained in third grade  
16          even if the principal and superintendent determine otherwise.

17          (4) A student who is promoted to fourth grade under the provisions of this  
18          Subsection shall be provided an individual reading plan, which shall outline intensive  
19          reading instruction and intervention informed by specialized diagnostic information  
20          and delivered through specific reading strategies to meet his needs. The school  
21          district shall assist schools and teachers in implementing reading strategies that  
22          research has shown to be successful in improving reading among students with  
23          persistent reading difficulties.

24          D. The State Board of Elementary and Secondary Education shall adopt rules  
25          in accordance with the Administrative Procedure Act to implement the provisions  
26          of this Section.

27          Section 2. The provisions of R.S. 17:24.11 as enacted by this Act shall be  
28          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 Original

2023 Regular Session

Nelson

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

Present law provides for early literacy assessments and interventions for students in grades kindergarten through third grade. Proposed law provides that if a student has been provided literacy interventions pursuant to present law and is determined to still have a reading deficiency, he shall be screened for learning impediments.

Proposed law, relative to third graders, provides the following:

- (1) Requires each student to take the literacy screener developed pursuant to present law during the spring semester. Provides that if results demonstrate a reading deficiency, the student shall be provided certain intensive instructional services.
- (2) Requires each student provided such services to retake the screener prior to the end of the school year and prohibits promotion to the fourth grade if he scores at the lowest achievement level in reading; however, allows the student to take the screener at least once more prior to the beginning of the next school year and provides for promotion if he scores above that level.

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, for students who are not promoted to fourth grade, requires parental notification and certain instructional services.

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)