ENROLLED

ACT No. 422

2023 Regular Session

HOUSE BILL NO. 12

BY REPRESENTATIVES NELSON, ADAMS, AMEDEE, BACALA, BEAULLIEU, BUTLER, CARRIER, COUSSAN, DESHOTEL, DEVILLIER, DUBUISSON, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FIRMENT, FREEMAN, FREIBERG, FRIEMAN, GADBERRY, GLOVER, HARRIS, HILFERTY, HUGHES, ILLG, MIKE JOHNSON, MCKNIGHT, MCMAHEN, MIGUEZ, ORGERON, CHARLES OWEN, ROBERT OWEN, ROMERO, SCHAMERHORN, SCHLEGEL, SEDERS, STAGNI, THOMAS, THOMPSON, VILLIO, WHITE, WRIGHT, AND ZERINGUE AND SENATORS MCMATH, ROBERT MILLS, AND MIZELL

AN ACT

To enact R.S. 17:24.11, relative to pupil progression; to prohibit the promotion of certain third graders with reading deficiencies to the fourth grade; to require certain instructional services for retained students; to provide exceptions for students who meet certain criteria; to require certain instructional services for students granted an exception; to require the State Board of Elementary and Secondary Education to adopt rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§24.11. Early literacy; promotion to fourth grade

A. If a student has a reading deficiency that is not remedied by the end of the third grade as demonstrated by the student scoring at the lowest achievement level in reading on the literacy screener administered pursuant to R.S. 17:24.9, 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. If after three opportunities, the student has not scored above the lowest achievement level in reading on the literacy screener, the student shall not be promoted to the fourth grade; however, prior to retention in the third grade, the student shall be screened for

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
dyslexia as defined in R.S. 17:7(11) and if determined to have dyslexia may be
promoted as provided in Subsection C of this Section.

B.(1) Each public school governing authority shall provide a student who is
retained in the third grade under these circumstances with the following:

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

(i) Small group instruction.

(ii) Reduced teacher-student ratios.

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

(iv) The option of transition classes.

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

(vi) Summer reading camps.

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

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

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

(b) A plan for reading at home outlined in a parental contract, including
participation in regular parent-guided home reading.
C.(1) Notwithstanding Subsection B of this Section, a third grade student who does not meet the literacy criteria for promotion may be promoted to the fourth grade for good cause. A student shall meet at least one of the following criteria to receive a good-cause promotion:

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

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

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

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

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

(f) He has been diagnosed with dyslexia.

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

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

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

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

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

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

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