

1 **READING REQUIREMENTS FOR STUDENT**

2 **ADVANCEMENT**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Karen W. Morgan**

6 Senate Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This bill requires that students in first through third grades read at grade level prior to
11 advancing to the next grade, with certain exceptions.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ generally prohibits a school district from promoting a student in first through third
- 15 grades to the next grade level if the child is not reading at grade level;
- 16 ▶ provides certain student exemptions;
- 17 ▶ requires school districts or charter schools to provide parental notice and reading
- 18 intervention; and
- 19 ▶ requires the State Board of Education to make rules.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 ENACTS:

26 **53A-1-606.6**, Utah Code Annotated 1953

27



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **53A-1-606.6** is enacted to read:

30 **53A-1-606.6. Standards for grade advancement -- Exceptions -- Rulemaking.**

31 (1) (a) Except as provided in Subsection (1)(b), a school district or charter school may
 32 not promote a student from first, second, or third grade who is not reading at or above grade
 33 level, as determined by multiple assessments administered pursuant to this part, and pursuant to
 34 rules enacted under Subsection (7).

35 (b) Subsection (1)(a) does not apply to:

36 (i) first ~~to~~ , ~~to~~ second ~~to~~ , or third ~~to~~ grade students who demonstrate one
 36a year or more of reading
 37 progress, as measured by their individual reading assessments, but who may still be below the
 38 grade level standard as determined by the board;

39 (ii) students with disabilities who ~~to~~ ~~are excluded~~ may be exempt ~~to~~ by an
 39a individualized education

40 ~~to~~ ~~program~~ plan covered under the Individuals with Disabilities Education Act ~~to~~ ; and

41 (iii) limited English proficiency students.

42 (2) At the beginning of each school year, a school district or charter school shall
 43 provide information to the parents and guardians of its kindergarten, first grade, second grade,
 44 and third grade students regarding the standards for grade advancement in accordance with this
 45 section.

46 (3) Prior to exercising its authority under Subsection (1)(a), a school district or charter
 47 school shall:

48 (a) notify a student and that student's parent or guardian, prior to the midpoint of the
 49 school year, that there is a possibility that the student may not be promoted under Subsection
 50 (1)(a) at the conclusion of the school year; and

51 (b) provide focused reading remediation through interventions that may include
 52 tutoring, after school programs, or summer school assistance.

53 (4) A parent or guardian may appeal the decision to not promote a student directly to
 54 the principal, who shall either support the decision or overturn it and advance the student.

55 (5) A decision to not promote a student under this section shall apply if the student
 56 transfers to another public school.

57 (6) A student who has been retained shall, upon request, but no later than October 1, be
 58 allowed to demonstrate standards proficiency and thereby be advanced to the appropriate grade.

59 (7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
60 State Board of Education shall make rules defining:
61 (a) expected reading levels for first, second, and third grades; and
62 (b) eligibility standards for students described in Subsection (1)(b).

Legislative Review Note
as of 11-10-05 8:42 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

Students in the first through third grades not meeting the reading competency provisions established in this bill may be prohibited from advancing to the next grade level. Each student not permitted to advance to the next grade level adds an additional year of expenditure by the state and local school district to educate that student. It is expected that the students not advancing with their class would be accounted for in the fall enrollments of the school district and therefore, be funded through the Minimum School Program. In the future, as a retained student advances and exits the system, there may be an increase in overall Minimum School Program expenditures because of the repeated year.

The parental notice and student remediation provisions outlined in the bill may be handled within the existing resources available to school districts for these purposes.

Individual and Business Impact

No fiscal impact