

Representative Karen W. Morgan proposes the following substitute bill:

1 **READING REQUIREMENTS FOR STUDENT**

2 **ADVANCEMENT**

3 2006 GENERAL SESSION

4 STATE OF UTAH

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

6 Senate Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill requires that students in third grade read at or above 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 third grade to the
15 next grade level if the child is not reading at or above 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 third grade who is not reading at or above grade level, as
33 determined by multiple assessments administered pursuant to this part, and pursuant to rules
34 enacted under Subsection (7).

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

36 (i) students with disabilities who may be exempt by an individualized education plan
37 covered under the Individuals with Disabilities Education Act or Section 504 of the
38 Rehabilitation Act; and

39 (ii) limited English proficiency students.

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

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

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

48 (b) provide focused reading remediation through interventions that may include
49 tutoring, before and after school programs, or summer school assistance.

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

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

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

56 (7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

57 State Board of Education shall make rules defining:

58 (a) expected reading levels for third grade; and

59 (b) eligibility standards for students described in Subsection (1)(b).

State Impact

Third grade students 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 annual appropriation to 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 total cost may be mitigated by students rejoining their original class through provisions outlined in the bill.

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.