

Senate Substitute for HOUSE BILL No. 2140

By Committee on Education

3-25

1 AN ACT concerning schools; relating to pupils and reading proficiency;
2 enacting the Kansas reads to succeed act.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. Sections 1 through 5, and amendments thereto, shall be
6 known and may be cited as the Kansas reads to succeed act.

7 Sec. 2. As used in the Kansas reads to succeed act:

8 (a) "Alternative standardized reading assessment" means an
9 assessment to identify reading comprehension for grade ~~three~~ **{one}**;

10 (b) "qualifying organization" means a nonprofit organization ~~or,~~ a
11 nonprofit organization in collaboration with a school district **{for a school**
12 **district}**;

13 (c) "nonprofit organization" means those nonprofit organizations
14 exempt from federal income tax pursuant to section 501(c) of the internal
15 revenue code of 1986, as in effect on the effective date of this act;

16 (d) "reading state assessment" means the assessment adopted by the
17 state board used to identify the reading comprehension for grade ~~three~~
18 **{one}**;

19 (e) "school district" or "district" means any unified school district
20 organized and operating under the laws of this state whose percentage of
21 pupils scoring at the lowest achievement standard on the most recent
22 reading state assessment is more than the average percentage of pupils
23 scoring at the lowest achievement standard on the most recent reading
24 state assessment for all unified school districts;

25 (f) "school year" shall have the meaning ascribed thereto in K.S.A.
26 72-6408, and amendments thereto; and

27 (g) "state board" means the state board of education.

28 Sec. 3. (a) For school year 2016-2017 and each school year thereafter,
29 the board of education of each school district shall adopt a policy
30 prohibiting the promotion of a pupil from grade ~~three to grade four~~ **{one to**
31 **grade two}** if such pupil scores at the lowest achievement standard on the
32 most recent reading state assessment or an alternative standardized reading
33 assessment. Such policy shall include a procedure to administer a second
34 alternative standardized reading assessment approved by the board of
35 education of the school district to any pupil who scores at the lowest
36 achievement standard on the most recent reading state assessment or

1 alternative standardized reading assessment prior to such pupil being
2 retained in grade ~~three~~ *{one}*. Such policy may include, but is limited to,
3 the following exceptions to mandatory retention if the school district
4 provides such pupil with supplemental instruction until such pupil has
5 achieved the appropriate reading skills for the pupil's grade level:

6 (1) A pupil who is enrolled in a program of bilingual education and
7 who has obtained less than two years of instruction in that school district;

8 (2) a pupil who is an exceptional child receiving special education
9 services and whose individualized education plan indicates participation
10 by the pupil in the statewide assessment program is not appropriate;

11 (3) a pupil who was previously retained in grade ~~three~~ *{one}* for one
12 or more years and who has received intervention services for two or more
13 years; ~~or~~

14 (4) a pupil whose parent has requested a meeting with the appropriate
15 school district personnel to review the decision to retain such pupil and
16 whose parent after such review determines that it is in the best interests of
17 the pupil to be promoted to grade ~~four~~ *{two}*; ~~or~~

18 (5) *a pupil who has demonstrated through a teacher-developed*
19 *portfolio that such pupil has achieved the appropriate reading skills for*
20 *the pupil's grade level.*

21 (6) *a pupil is recommended to be promoted by a teacher and such*
22 *recommendation is approved by both the principal and the*
23 *superintendent in accordance with subsection (f).}*

24 (b) The board of education of each school district may adopt in its
25 policy under subsection (a) the opportunity to promote a pupil to grade
26 ~~four~~ *{two}* if such pupil has been retained in grade ~~three~~ *{one}* and, after
27 being retained for one semester, identified as meets standards or higher, as
28 demonstrated on the most recent reading state assessment or an alternative
29 standardized reading assessment.

30 (c) The board of education shall provide for the following as part of
31 the policy adopted pursuant to this section:

32 (1) Schools shall be required to provide early screening or testing of
33 pupils enrolled in pre-kindergarten, kindergarten and grades one and two
34 to identify those pupils with reading deficiencies.

35 (2) Pupils identified pursuant to paragraph (1) shall be provided
36 intervention services based on the best practices for education of pupils
37 with such deficiencies.

38 (3) Intervention services provided to pupils who have been retained
39 in grade ~~three~~ *{one}* in accordance with the policy adopted pursuant to this
40 section shall be more intensive than those intervention services previously
41 provided to such pupil.

42 (4) Schools shall be required to notify the parent of any pupil
43 identified pursuant to paragraph (1) that such pupil has reading

1 deficiencies, any intervention services that will be provided by the school
2 and the list of qualifying organizations published by the Kansas children's
3 cabinet pursuant to section 4, and amendments thereto.

4 (d) A school district shall file annually a report with the state board of
5 education containing the following information:

6 (1) The number of pupils who were retained in grade ~~three~~ *{one}* in
7 the most recent school year; and

8 (2) the number of pupils who were granted exemptions from
9 mandatory retention under subsection (a) in the most recent school year.

10 (e) The state board is authorized to adopt rules and regulations as to
11 what is an acceptable alternative standardized reading assessment and the
12 type of scores which a pupil must receive in order to be identified as meets
13 standards on such alternative standardized reading assessment for grade
14 ~~three~~ *{one}*.

15 ~~(f) If the parent of the pupil fails to request a meeting under~~
16 ~~subsection (a)(4) within 15 days of receiving written notification that the~~
17 ~~pupil is being retained in grade three, a teacher may submit documentation~~
18 ~~and recommend to the principal that such pupil be promoted from grade~~
19 ~~three to grade four. Upon receipt of such recommendation, the principal~~
20 ~~shall review such documentation and determine whether the pupil shall be~~
21 ~~promoted and provide such recommendation to the superintendent for~~
22 ~~approval.~~

23 *{(f) If the parent of the pupil fails to request a meeting under*
24 *subsection (a)(4) within 15 days of receiving written notification that the*
25 *pupil is being retained in grade one, a teacher may submit*
26 *documentation and recommend to the principal that such pupil be*
27 *promoted from grade one to grade two. Upon receipt of such*
28 *recommendation, the principal shall review such documentation and*
29 *determine whether the pupil shall be promoted and provide such*
30 *recommendation to the superintendent for approval.}*

31 ~~(f)~~ *{(g)}* This section shall take effect on and after July 1, 2016.

32 Sec. 4. (a) The Kansas children's cabinet shall establish the Kansas
33 reads to succeed program.

34 (b) (1) A qualifying organization may apply to the Kansas children's
35 cabinet for a grant of state moneys from the Kansas reads to succeed
36 program for the purpose of: (A) Developing research-based interventions
37 and strategies designed to assist pupils with acquiring reading skills for
38 kindergarten and ~~grades one through three~~ *{grade one}* and to prevent
39 pupils from being retained in grade ~~three~~ *{one}*; (B) providing training and
40 education on such interventions and strategies to teachers in rural
41 communities; and (C) providing after school programs, summer school
42 programs and parent education programs implementing such interventions
43 and strategies. The Kansas children's cabinet shall award such grants of

1 state moneys in accordance with the provisions of this section.

2 (2) To be eligible to receive a grant of state moneys from the Kansas
3 reads to succeed program, a qualifying organization shall submit to the
4 Kansas children's cabinet an application for a grant. The application shall
5 be prepared in such form and manner as the Kansas children's cabinet shall
6 require and shall be submitted at a time to be determined and specified by
7 the Kansas children's cabinet. All grants shall be awarded by the Kansas
8 children's cabinet in accordance with the standards and criteria established
9 by the Kansas children's cabinet, with preference given to those qualifying
10 organizations who provide at least a 30% match of funds which are not
11 state or federal moneys.

12 (3) Each qualifying organization which is awarded a grant shall
13 submit any periodic and special reports of statistical, financial and such
14 other information as the Kansas children's cabinet may request.

15 (c) Each fiscal year, to the extent there are sufficient moneys
16 appropriated to the Kansas reads to succeed program, the Kansas children's
17 cabinet shall determine the amount of grants to be awarded to each
18 qualifying organization. If such qualifying organization includes a school
19 district, upon receipt of a grant of state moneys from the Kansas reads to
20 succeed program, the amount of such grant may be deposited in the
21 general fund of a school district. Moneys deposited in the general fund of a
22 school district under this subsection shall be considered reimbursements
23 for the purpose of the school district finance and quality performance act.

24 (d) The Kansas children's cabinet, with the assistance of the state
25 board, shall prepare a longitudinal analysis report of pupil assessment data.
26 Such report shall track those pupils who received services from qualifying
27 organizations which have been awarded state moneys from the Kansas
28 reads to succeed program under this section. Prior to the regular session of
29 the legislature of each year, the Kansas children's cabinet shall submit the
30 longitudinal analysis report of pupil assessment data to the committee on
31 education of the house of representatives, the committee on education of
32 the senate, the committee on appropriations of the house of
33 representatives, the committee on ways and means of the senate and the
34 governor.

35 (e) The Kansas children's cabinet shall annually publish a list of all
36 qualifying organizations receiving grant funds under this section, including
37 the contact information of such organizations. Such list shall be made
38 available to each school district and to the public.

39 (f) The Kansas children's cabinet may adopt such rules and
40 regulations necessary to implement and carry out the provisions of this
41 section.

42 Sec. 5. (a) There is hereby established the Kansas reads to succeed
43 task force. The task force shall be composed of seven members, as

1 follows:

2 (1) Three members appointed by the governor;

3 (2) one member appointed by the chairperson of the committee on
4 education of the house of representatives;

5 (3) one member appointed by the chairperson of the committee on
6 education of the senate;

7 (4) one member appointed by the ranking minority member of the
8 committee on education of the house of representatives; and

9 (5) one member appointed by the ranking minority member of the
10 committee on education of the senate.

11 (b) Members shall be appointed on or before July 1, 2013. Members
12 appointed shall have experience:

13 (1) Teaching pupils enrolled in pre-kindergarten, kindergarten or
14 ~~grades one, two or three~~ **{grade one}**;

15 (2) working as a reading specialist; or

16 (3) working as a teacher or specialist with pupils who receive at-risk
17 services.

18 (c) Any vacancy in the membership of the task force shall be filled by
19 appointment in the same manner prescribed by this section for original
20 appointment.

21 (d) The first meeting of the task force shall be called by the
22 commissioner of education on or before August 1, 2013. The members of
23 the task force shall select a chairperson and vice-chairperson from the
24 membership of the task force. The task force may meet at any time and at
25 any place within the state on the call of the chairperson. A quorum of the
26 task force shall be four members. All actions of the task force shall be by
27 motion adopted by a majority of those members present when there is a
28 quorum.

29 (e) Upon request of the task force, the state board of education shall
30 provide consultants and assistance, and shall provide any information and
31 supporting documentation requested by the task force.

32 (f) If approved by the legislative coordinating council, members of
33 the task force attending regular or special meetings or subcommittee
34 meetings authorized by the task force, shall be paid amounts for expenses,
35 mileage and subsistence as provided in subsection (e) of K.S.A. 75-3223,
36 and amendments thereto.

37 (g) The Kansas reads to succeed task force shall:

38 (1) Study and make recommendations on the implementation of
39 interventions and strategies designed to assist pupils enrolled in
40 kindergarten and ~~grades one through three~~ **{grade one}** with acquiring
41 reading skills;

42 (2) conduct hearings, receive information and consider
43 recommendations on implementation of such interventions and strategies

1 from teachers, specialists, parents, the department of education, the state
2 board of education and any other interested parties; and

3 (3) prepare and submit a report on the work of the task force to the
4 committee on education of the house of representatives and the committee
5 on education of the senate on or before January 13, 2014.

6 (h) The task force shall cease to exist and the provisions of this
7 section shall expire on June 30, 2014.

8 Sec. 6. (a) The Kansas children's cabinet shall establish the Kansas
9 reads to succeed incentive program.

10 (b) Each school year, to the extent there are sufficient moneys
11 appropriated to the Kansas reads to succeed incentive program, the Kansas
12 children's cabinet shall make a monetary award to those school districts
13 who have at least one elementary school identified by the commissioner of
14 education as a top 100 public elementary school under subsection (c).
15 Such school districts shall receive an award in an amount equal to \$10,000
16 for each such elementary school. Such awards shall be paid at such times
17 as established by the Kansas children's cabinet. Upon receipt of such
18 award, in accordance with this section, the amount of the award shall be
19 deposited in the general fund of a school district. Moneys deposited in the
20 general fund of a school district under this subsection shall be considered
21 reimbursements for the purpose of the school district finance and quality
22 performance act.

23 (c) Commencing in school year 2013-2014 and each school year
24 thereafter, the commissioner of education shall identify the top 100 public
25 elementary schools within the state of Kansas which demonstrate
26 improvement in grade ~~four~~ *{two}* student reading proficiency.

27 (d) The Kansas children's cabinet and the state board *{of education}*,
28 jointly, may adopt such rules and regulations necessary to implement and
29 carry out the provisions of this section.

30 Sec. 7. This act shall take effect and be in force from and after its
31 publication in the statute book.
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