

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 655

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1802, IDAHO CODE, TO DEFINE A
2 TERM; AMENDING SECTION 33-1804, IDAHO CODE, TO PROVIDE FOR DUTIES OF THE
3 STATE DEPARTMENT OF EDUCATION REGARDING A DYSLEXIA HANDBOOK; AMENDING
4 SECTION 33-1805, IDAHO CODE, TO REVISE PROVISIONS REGARDING DYSLEXIA
5 AND DEPARTMENT RESPONSIBILITIES; AMENDING SECTION 33-1806, IDAHO CODE,
6 TO PROVIDE FOR CERTAIN PROGRAMS REGARDING DYSLEXIA; AMENDING SECTION
7 33-1807, IDAHO CODE, TO PROVIDE FOR ANNUAL REPORTING REQUIREMENTS;
8 AMENDING SECTION 33-1808, IDAHO CODE, TO REVISE PROVISIONS REGARDING
9 SCHOOL DISTRICT BOARDS OF TRUSTEES; AND DECLARING AN EMERGENCY AND PRO-
10 VIDING AN EFFECTIVE DATE.
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Section 33-1802, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 33-1802. DEFINITIONS. As used in this chapter:

16 (1) "Dyslexia" means the condition characterized by difficulties with
17 accurate or fluent recognition of words and by poor spelling and decoding
18 abilities. These difficulties typically result from a deficit in the phono-
19 logical component of language that is often unexpected in relation to other
20 cognitive abilities and the provision of effective classroom instruction.
21 Secondary consequences may include problems in reading comprehension and
22 reduced reading experience that can impede the growth of vocabulary and
23 background knowledge.

24 (2) "Idaho comprehensive literacy plan" means the state board of ed-
25 ucation-approved, evidence-based plan outlining the minimum statewide
26 literacy comprehension expectations and framework. This plan shall include
27 details on data literacy, the statewide reading assessment, and best prac-
28 tices.

29 (23) "Local education agency" or "LEA" means a school district, includ-
30 ing charter school districts, or a public charter school identified as an LEA
31 pursuant to chapter 52, title 33, Idaho Code.

32 (34) "Statewide reading assessment" means the state board of educa-
33 tion-approved assessment for facilitating continuous improvement, tailor-
34 ing student-level instruction, and providing summative results.

35 SECTION 2. That Section 33-1804, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 33-1804. IDAHO COMPREHENSIVE LITERACY PLAN. (1) The state board of ed-
38 ucation shall develop an Idaho comprehensive literacy plan designed to cre-
39 ate a framework for all students to be proficient in literacy and prepared
40 to read and learn in the next grade level, as applicable to the student's

1 grade. The comprehensive literacy plan shall be evidence-based and include
 2 the identification of best practices for literacy development and interven-
 3 tions.

4 (2) The state board of education shall convene a group of education
 5 stakeholders consisting of, at a minimum, representation from the Idaho
 6 public school system and postsecondary education system with experience in
 7 literacy development and reading instruction and parents to review and make
 8 recommendations to the state board of education on updates to the Idaho com-
 9 prehensive literacy plan. The comprehensive literacy plan shall be reviewed
 10 and updated at least every five (5) years.

11 (3) The comprehensive literacy plan shall:

12 (a) Identify the state's strategy to ensure students develop strong
 13 literacy skills needed for future learning;

14 (b) Set expectations for LEA-level leadership collaboration, profes-
 15 sional development for staff, effective instruction and interventions,
 16 and the use of assessments and data for setting locally established stu-
 17 dent proficiency and growth targets; and

18 (c) Identify evidence-based practices and tools aligned to the compre-
 19 hensive literacy plan.

20 (4) (a) The state department of education will implement the state board
 21 of education-approved dyslexia handbook. The handbook shall include
 22 the following:

23 (i) A description of educational strategies that have been shown
 24 to improve the academic performance of students with characteris-
 25 tics of dyslexia; and

26 (ii) A description of resources and services that are available
 27 to educators and parents of students with characteristics of
 28 dyslexia.

29 (b) The state board of education shall review the handbook in conjunc-
 30 tion with the Idaho comprehensive literacy plan to update, if neces-
 31 sary, the educational strategies or resources and services contained in
 32 the handbook.

33 SECTION 3. That Section 33-1805, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 33-1805. STUDENT READING INSTRUCTION AND INTERVENTION. (1) It is the
 36 ultimate goal of the legislature that every student read at or above grade
 37 level by the end of grade 3. School districts shall offer a reading inter-
 38 vention program pursuant to this section to each kindergarten through grade
 39 3 student who exhibits a reading deficiency on the statewide reading assess-
 40 ment pursuant to section 33-1806, Idaho Code, to ensure students can read at
 41 or above grade level at the end of grade 3. The reading intervention program
 42 shall be provided in addition to core reading instruction that is provided
 43 to all students in the general education classroom and must be in alignment
 44 with the Idaho comprehensive literacy plan. The reading intervention pro-
 45 gram shall:

46 (a) Be provided to all kindergarten through grade 3 students identi-
 47 fied with a reading deficiency as determined by the statewide reading
 48 assessments;

1 (b) Provide intensive development in phonemic awareness, phonics,
2 fluency, vocabulary, and text comprehension as applicable to the grade
3 level; and

4 (c) Monitor the reading progress of each student's reading skills
5 throughout the school year and adjust instruction according to student
6 needs. Monitoring may include both local and statewide assessments.

7 (2) Reading improvement plan. Any student in kindergarten through
8 grade 3 who exhibits a deficiency in reading, which may include charac-
9 teristics of dyslexia, at any time based on the statewide assessment shall
10 receive an individual reading improvement plan no later than thirty (30)
11 days after the identification of the reading deficiency. The reading im-
12 provement plan shall be created by the teacher, principal, other pertinent
13 school personnel, including staff-assigned library duties if applicable,
14 and the student's parent or guardian and shall describe the reading inter-
15 vention services the student will receive to remedy the reading deficit.
16 Each student must receive intensive reading intervention until the student
17 is determined to be proficient in reading for the student's grade level.

18 (a) Having made a good faith effort, should the school be unable to en-
19 gage the parent or guardian in the development of the student's reading
20 improvement plan within fifteen (15) days of notifying the parent, the
21 school may move forward with the creation of the student's reading im-
22 provement plan without parental participation.

23 (b) Any student who has been identified as not proficient through a lo-
24 cal literacy assessment may also be put on a reading improvement plan.

25 (c) Students who are on a reading improvement plan and have been identi-
26 fied through the statewide assessment to be at grade level may be tran-
27 sitioned off of the reading improvement plan. Schools must notify the
28 parents or guardians in advance of transitioning students off of their
29 reading improvement plan.

30 (d) Reading improvement plans written for students who exhibit char-
31 acteristics of dyslexia must include strategies aligned to the state
32 board of education-approved dyslexia handbook or other evidence-based
33 strategies.

34 (3) Parent notification. The parent of any student in kindergarten
35 through grade 3 who exhibits a deficiency in reading, which may include
36 characteristics of dyslexia, at any time during the school year must be noti-
37 fied in writing of the reading deficiency. The school district shall assist
38 schools with providing written notification to the parent of any student who
39 has not met grade-level proficiency.

40 (a) The initial notification must include the following:

41 (i) A statement that the student has been identified as having
42 a deficiency in reading and that a reading improvement plan will
43 be established by the teacher, principal, other applicable school
44 personnel, and the parent or guardian;

45 (ii) A description of the current services that are provided to
46 the student; and

47 (iii) A description of the available reading intervention and sup-
48 plemental instructional services and supports that could be pro-
49 vided to the student that are designed to address the identified
50 areas of reading deficiency.

1 (b) Following development of the plan, the parent will be provided
2 with:

3 (i) A description of the reading intervention and supplemental
4 instructional services and support that will be provided to the
5 student that are designed to address the identified areas of read-
6 ing deficiency; and

7 (ii) Strategies for parents to use at home in helping their stu-
8 dent to succeed in reading.

9 (c) At the conclusion of each school year, or earlier if it has been
10 determined that the student is proficient and is no longer in need of
11 intervention, the parent or guardian will be updated on the student's
12 progress, including any recommendation for placement.

13 (4) District annual reporting. Each school district shall report to
14 the state department of education by October 1 of each year the number and
15 percentage of students, by grade level, on an individualized reading im-
16 provement plan.

17 (5) Department responsibilities. The Subject to appropriation, the
18 state department of education shall annually:

19 (a) Annually compile the information required along with state-level
20 summary information and annually report such information to the state
21 board of education, the public, the governor, and the legislature. The
22 department shall provide;

23 (b) Designate a dyslexia specialist for the state department of educa-
24 tion to provide school districts and charter schools with support and
25 resources for instruction and intervention for students with charac-
26 teristics of dyslexia;

27 (c) Support school districts and charter schools in developing reading
28 improvement plans for students with characteristics of dyslexia; and

29 (d) Provide technical assistance as needed to aid school districts in
30 implementing the provisions of this section.

31 (6) The state board of education may promulgate rules for the adminis-
32 tration and implementation of this section.

33 SECTION 4. That Section 33-1806, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 33-1806. READING AND LITERACY ASSESSMENT. (1) The state department of
36 education shall be responsible for administration of all assessment efforts
37 and shall train LEA-level assessment personnel and report results.

38 (2) In continuing recognition of the critical importance of reading
39 skills, all public school students in kindergarten through grade 3 shall
40 have their reading skills assessed. For purposes of this assessment, the
41 Idaho comprehensive literacy plan shall be the reference document. The
42 kindergarten assessment shall include reading readiness and phonological
43 awareness. Grades 1, 2, and 3 shall test for fluency, comprehension, and
44 accuracy of the student's reading. The assessment shall be by a single
45 statewide test specified by the state board of education, and the state de-
46 partment of education shall ensure that testing shall take place no fewer
47 than two (2) times per year in the relevant grades. Additional assessments
48 may be administered to students who are identified for reading interventions
49 as set forth in section 33-1805, Idaho Code. The state K-3 assessment test

1 results shall be reviewed by school personnel for the purpose of providing
 2 necessary interventions to sustain or improve the students' reading skills.
 3 Results shall show for each school building with kindergarten through grade
 4 3 in each school district and charter school the percentage of students who
 5 are achieving proficiency on the statewide reading assessment. Such results
 6 shall be maintained and compiled by the state department of education and
 7 shall be reported annually to the public through the state education dash-
 8 board and reported to the state board of education, the legislature, and the
 9 governor in a consistent manner, by school and by district.

10 (3) Each school district or charter school that provides instruction in
 11 kindergarten programs and grade 1 through grade 3 shall administer screen-
 12 ing to plan evidence-based, appropriate, and effective instruction and in-
 13 tervention for students with characteristics of dyslexia. The screening for
 14 indicators of dyslexia may be integrated with the Idaho comprehensive lit-
 15 eracy plan as prescribed pursuant to section 33-1804, Idaho Code. Screening
 16 for dyslexia characteristics may include the following indicators:

- 17 (a) Phonological and phonemic awareness;
- 18 (b) Rapid naming skills;
- 19 (c) Correspondence between sounds and letters;
- 20 (d) Nonsense word repetition fluency;
- 21 (e) Sound-symbol recognition;
- 22 (f) Alphabet knowledge; and
- 23 (g) Decoding skills.

24 (34) The assessment scores and interventions recommended and imple-
 25 mented shall be maintained in the permanent record of each student.

26 (45) The administration of the state K-3 assessments is to be done in
 27 the local school districts by individuals chosen by the district other than
 28 the regular classroom teacher. All those who administer the assessments
 29 shall be trained by the state department of education.

30 (56) It is the legislature's intent that curricular materials utilized
 31 by school districts for kindergarten through grade 3 shall be tied to evi-
 32 dence-based best practices and aligned with the Idaho comprehensive liter-
 33 acy plan.

34 SECTION 5. That Section 33-1807, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 33-1807. LITERACY INTERVENTION PROGRAM. (1) Each school district and
 37 public charter school shall establish an extended time literacy interven-
 38 tion program for students who score basic or below basic on the fall reading
 39 screening assessments or alternate reading screening assessment in kinder-
 40 garden through grade 3 and submit it to the state board of education.

41 (2) (a) The program shall provide:

42 (i) Proven effective evidence-based substantial intervention
 43 and shall include phonemic awareness, decoding intervention, vo-
 44 cabulary, comprehension, and fluency as applicable to the student
 45 based on a formative assessment designed to, at a minimum, iden-
 46 tify such weaknesses;

47 (ii) A minimum of sixty (60) hours of supplemental instruction for
 48 students in kindergarten through grade 3 who score below basic on
 49 the reading screening assessment; and

1 (iii) A minimum of thirty (30) hours of supplemental instruction
2 for students in kindergarten through grade 3 who score basic on the
3 reading screening assessment.

4 (b) The program may include adaptive learning technology literacy
5 intervention tools as part of the literacy intervention program, must
6 include parent input, be in alignment with the Idaho comprehensive lit-
7 eracy plan, and be from the state board of education-approved provider
8 list established pursuant to subsection (3) of this section. Online or
9 digital instructional materials that are not part of a comprehensive
10 program do not have to be from the approved provider list.

11 (3) (a) The state board of education shall select adaptive learn-
12 ing technology literacy intervention providers through a request for
13 proposals process to provide adaptive learning technology literacy in-
14 tervention tools for school districts and charter schools to use as part
15 of their literacy intervention programs for students in kindergarten
16 through grade 3 that:

17 (i) Include an academic program focused on building age-appro-
18 priate literacy skills that, at a minimum, include phonological
19 awareness, phonics, fluency, comprehension, and vocabulary;

20 (ii) Use an evidence-based early intervention model;

21 (iii) Include a parental engagement and involvement component
22 that allows parents to participate in their student's use of the
23 tool at school or at home; and

24 (iv) Address early reading and literacy intervention through the
25 use of an interactive and adaptive computer software program.

26 (b) To remain on the approved provider list after the first year of
27 identification, programs must be evaluated each year to determine ef-
28 fectiveness by an independent external evaluator. The evaluation will
29 be based on a full academic year of implementation of tools implemented
30 with fidelity and will include, at a minimum, growth toward proficiency
31 measures.

32 (4) The state board of education shall identify national evi-
33 dence-based best practices and proven effective state intervention prac-
34 tices. The state department of education shall share state board of educa-
35 tion-identified intervention practices with school districts and charter
36 schools throughout the state and maintain a resource center of best prac-
37 tices for literacy intervention for students in kindergarten through grade
38 3. The resource center shall include, at a minimum, resources for parents
39 and schools.

40 (5) Of the funds appropriated for the purpose of this section, no more
41 than one hundred dollars (\$100) per student may be used for transportation
42 costs.

43 (6) For the purpose of program reimbursement, the state department of
44 education shall adopt reporting forms, establish reporting dates, and adopt
45 such additional guidelines and standards as necessary to accomplish the pro-
46 gram goals that every child will read fluently and comprehend printed text on
47 grade level by the end of third grade.

48 (7) Intervention program participation and effectiveness by school and
49 by district shall be presented annually to the state board of education, the
50 legislature, and the governor. To ensure students receive high-quality lit-

eracy instruction and intervention, the state department of education shall provide professional development to districts and schools on:

(a) Evidence-based best practices supporting literacy instruction that includes data literacy, ~~the;~~

(b) The statewide reading assessment, ~~;~~ and

(c) Evidence-based best practices as outlined in the Idaho comprehensive literacy plan. Intervention program participation and effectiveness by school and district shall be presented annually to the state board of education, the legislature, and the governor.

(d) Evidence-based best practices supporting students with characteristics of dyslexia, including:

(i) Training in awareness of dyslexia characteristics in students;

(ii) Training in effective instruction to meet the needs of students with dyslexia characteristics; and

(iii) Available dyslexia resources for educators, parents, and students.

(8) The state board of education or its delegate shall annually evaluate the cost and efficacy of literacy interventions used throughout Idaho.

(9) The state board of education may promulgate rules implementing the provisions of this section. At a minimum, such rules shall include student trajectory growth to proficiency benchmarks and a timeline for reaching such benchmarks.

SECTION 6. That Section 33-1808, Idaho Code, be, and the same is hereby amended to read as follows:

33-1808. EDUCATOR PREPARATION. (1) The state board of education shall review teacher preparation programs at the institutions of higher education under its supervision and shall assure that the course offerings and graduation requirements are consistent with the Idaho comprehensive literacy plan. To ensure compliance with this requirement, the board may allocate funds, subject to appropriation, to the higher education institutions that have teacher preparation programs.

(2) The higher education institutions shall be responsible for the pre-service assessment measures for all kindergarten through grade 12 teacher preparation programs. The assessment must include a demonstration of teaching skills and knowledge congruent with current research on best reading practices. The assessment may consist of multiple measures, in alignment with best practices, for the demonstration of these skills. Each institution shall report annually to the state board of education the number of preservice teachers who have passed the assessment. The state board of education shall then compile the statewide results and report to the legislature and the governor.

(3) For all Idaho teachers working on interim certificates, alternate routes, or coming from out of state, completion of a state-approved reading instruction course shall be a onetime requirement for full certification.

~~(4) The board of trustees of every school district shall include, in its plan for in-service training, coursework covering reading skills development, including diagnostic tools to review and adjust instruction continuously, and the ability to identify students who need special help in reading.~~

1 The district plan for in-service training in reading skills shall be submit-
2 ted to the state department of education for review and approval, in a format
3 specified by the department. The board of trustees of every school district
4 shall include in its plan for in-service training:
5 (a) Coursework covering reading skills development and characteris-
6 tics of dyslexia;
7 (b) A method for monitoring progress to review and to aid in future in-
8 struction; and
9 (c) The ability to identify students who need special help in reading.

10 SECTION 7. An emergency existing therefor, which emergency is hereby
11 declared to exist, this act shall be in full force and effect on and after
12 July 1, 2022.