

NEBRASKA READING IMPROVEMENT ACT
(PASSED IN 2018 – LB 1081)

79-2601.

Act, how cited.

Sections [79-2601](#) to [79-2607](#) shall be known and may be cited as the Nebraska Reading Improvement Act.

79-2602.

Legislative intent.

It is the intent of the Legislature that:

- (1) School boards develop policies to facilitate reading instruction and intervention services to address student reading needs, including, but not limited to, dyslexia;
- (2) All teachers for kindergarten through grade three should be effective reading teachers as evidenced by (a) evaluations based on classroom observations and student improvement on reading assessments or (b) specialized training in reading improvement;
- (3) Each student and his or her parents or guardians be informed of the student's reading progress; and
- (4) Each student in a public school be able to read at or above grade level by third grade.

79-2603.

Approved reading assessment; school district administer.

- (1) For school year 2019-20 and each school year thereafter, each school district shall administer an approved reading assessment three times during the school year to all students in kindergarten through grade three, except for any student receiving specialized instruction for limited English proficiency who has been receiving such instruction for less than two years, any student receiving special education services for whom such assessment would conflict with the individualized education plan, and any student receiving services under a plan pursuant to the requirements of section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794, or Title II of the federal Americans with Disabilities Act of 1990, 42 U.S.C. 12131 to 12165, as such acts and sections existed on January 1, 2018, for whom such assessment would conflict with such section 504 or Title II plan. The first administration of such assessment for each such school year shall occur within the first thirty days of the school year.
- (2) For purposes of the Nebraska Reading Improvement Act, an approved reading assessment means an assessment of student reading skills approved by the State Department of Education which:

(a) Measures progress toward proficiency in the reading skills assessed pursuant to subsection (5) of section [79-760.03](#) on the statewide assessment of reading for grade three;

(b) Is valid and reliable;

(c) Is aligned with academic content standards for reading adopted by either the State Board of Education pursuant to section [79-760.01](#) or the school district administering such assessment pursuant to section [79-760.02](#);

(d) Allows teachers access to results in a reasonable time period as established by the department, not to exceed fifteen working days; and

(e) Is commercially available and complies with requirements established by the department.

(3) On or before March 1, 2019, and on or before each March 1 thereafter, the department shall make public the list of approved reading assessments for the subsequent school year and the threshold level of performance for each such assessment. A student performing below the threshold level shall be identified as having a reading deficiency for purposes of the Nebraska Reading Improvement Act.

(4) Diagnostic assessments used within a supplemental reading intervention program do not require department approval.

79-2604.

Reading deficiency; identification.

(1) Any student in kindergarten, grade one, grade two, or grade three shall be identified as having a reading deficiency if such student performs below the threshold level determined pursuant to section [79-2603](#) on an approved reading assessment. A student who is identified as having a reading deficiency pursuant to this subsection shall remain identified as having a reading deficiency until the student performs at or above the threshold level on an approved reading assessment.

(2) Nothing in the Nebraska Reading Improvement Act shall prohibit a school district from identifying any other student as having a reading deficiency.

79-2605.

Supplemental reading intervention program; school district; duties.

(1) Each school district shall provide a supplemental reading intervention program for the purpose of ensuring that students can read at or above grade level at the end of third grade. School districts may work collaboratively with a reading specialist at the State Department of Education, with educational service units, with learning communities, or through interlocal agreements to develop and provide such supplemental reading intervention programs. Each supplemental reading intervention program shall:

- (a) Be provided to any student identified as having a reading deficiency;
 - (b) Be implemented during regular school hours in addition to regularly scheduled reading instruction unless otherwise agreed to by a parent or guardian; and
 - (c) Make available a summer reading program each summer for any student who has been enrolled in grade one or higher and is identified as continuing to have a reading deficiency at the conclusion of the school year preceding such summer reading program. Such summer reading program may be held in conjunction with existing summer programs in the school district or in a community reading program not affiliated with the school district or may be offered online.
- (2) The supplemental reading intervention program may also include:
- (a) Reading intervention techniques that are based on scientific research and best practices;
 - (b) Diagnostic assessments to frequently monitor student progress throughout the school year and adjust instruction accordingly;
 - (c) Intensive intervention using strategies selected from the following list to match the weaknesses identified in the diagnostic assessment:
 - (i) Development in phonemic awareness, phonics, fluency, vocabulary, and reading comprehension;
 - (ii) Explicit and systematic instruction with detailed explanations, extensive opportunities for guided practice, and opportunities for error corrections and feedback; or
 - (iii) Daily targeted individual or small-group reading intervention based on student needs as determined by diagnostic assessment data subject to planned extracurricular school activities;
 - (d) Strategies and resources to assist with reading skills at home, including parent-training workshops and suggestions for parent-guided home reading; or
 - (e) Access to before-school or after-school supplemental reading intervention with a teacher or tutor who has specialized training in reading intervention.

79-2606.

Notification to parent or guardian; individualized reading improvement plan.

- (1) The school of any student who is identified as having a reading deficiency shall notify such student's parents or guardians either in writing or by electronic communication no later than fifteen working days after the identification of the reading deficiency that the student has been identified as having a reading deficiency and that an individual reading improvement plan will be established and shared with the parents or guardians.

(2) Any student who is identified as having a reading deficiency shall receive an individual reading improvement plan no later than thirty days after the identification of such reading deficiency. The reading improvement plan may be created by the teacher, the principal, other pertinent school personnel, and the parents or guardians of the student and shall describe the reading intervention services the student will receive through the supplemental reading intervention program pursuant to section [79-2605](#) to remedy such reading deficiency. Each such student shall receive reading intervention services through the supplemental reading intervention program pursuant to section [79-2605](#) until the student is no longer identified as having a reading deficiency.

79-2607.

State Department of Education; powers; rules and regulations.

(1) The State Department of Education may provide technical assistance as needed to assist school boards in carrying out the Nebraska Reading Improvement Act.

(2) The department may adopt and promulgate rules and regulations to carry out the act.