

Assembly Bill No. 2248

Passed the Assembly August 28, 2006

Chief Clerk of the Assembly

Passed the Senate August 23, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Sections 51703 and 51704 to the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 2248, Coto. Reading First Plan.

Existing law establishes the Reading First Plan to provide reading instruction to pupils in kindergarten and grades 1 to 3, inclusive, and to special education pupils in kindergarten and grades 1 to 12, inclusive. Existing law requires the State Department of Education to administer the plan which is funded from moneys allocated pursuant to the federal No Child Left Behind Act of 2001. Existing law requires the Reading First Plan submitted to the federal Secretary of Education, among other things, to authorize an eligible local educational agency to use specific instructional materials and to receive grants of up to \$6,500 per teacher in kindergarten or in any of grades 1 to 3, inclusive, to enhance reading instruction, as provided.

This bill would make a local educational agency that receives continuous funding for Reading First grants beginning in round 1 of grant funding eligible for Reading First grant funding, to the extent funds are available for this purpose, through the 2007–08 fiscal year if it demonstrates significant progress after five years of program participation. The bill would make a local educational agency that receives continuous funding for Reading First grants beginning in round two, three, or four of grant funding eligible for Reading First grant funding, to the extent funds are available for this purpose, through the 2007–08 fiscal year if it demonstrates significant progress after four years of program participation.

The bill would require the State Department of Education, in consultation with the State Board of Education and the regional technical assistance centers, to develop an accountability process, as provided, to be used in the implementation of the Reading First program. The bill would require the department to gather information on a regular, at least annual, basis from the field, related to the administration of the Reading First program and the

statewide and regional infrastructure. The bill would require the department to determine whether to continue to provide funding to each local educational agency receiving funding pursuant to a Reading First grant and to take certain factors into consideration in making that determination, as specified. The bill would require the department to make a determination, and notify the affected local educational agency of the determination, to deny funding in the next fiscal year for any local educational agency in the first cohort that fails to make significant progress, as provided, after the 5th year of implementation of a Reading First program. The bill would require the department to make a determination, and notify the affected local educational agency of the determination, to deny funding in the next fiscal year for any local educational agency in any cohort after the first that fails to make significant progress after the 4th year of implementation of a Reading First program. The bill would allow a local educational agency to appeal a determination by the department to deny funding, as specified. The bill would require the Reading First English Learner Advisory Committee established by the department to be convened and to provide its recommendations regarding certain specified matters to the department by January 1, 2007, and would require those recommendations to also be presented to the state board for approval and adoption, as provided. The bill would require training provided to teachers, where English learners are part of a Reading First program, to include a comprehensive set of strategies designed for English learners, as provided. The bill would require the department to report certain related information to the Legislature on or before January 1, 2007.

The people of the State of California do enact as follows:

SECTION 1. Section 51703 is added to the Education Code, to read:

51703. (a) To the extent funds are available for this purpose, a local educational agency that receives continuous funding for Reading First grants beginning in round one of grant funding is eligible to receive a grant under the Reading First program through the 2007–08 fiscal year if the agency demonstrates significant progress after five years of program participation.

(b) To the extent funds are available for this purpose, a local educational agency that receives continuous funding for Reading First grants beginning in round two, three, or four of grant funding is eligible to receive a grant under the Reading First program through the 2007–08 fiscal year if the agency demonstrated significant progress after four years of program participation.

SEC. 2. Section 51704 is added to the Education Code, to read:

51704. (a) It is the intent of the Legislature to refine and improve the accountability, monitoring, and inclusion components of California’s Reading First Plan, with the goal of improving the effectiveness of the instruction in reading to pupils in kindergarten and grades 1 to 3, inclusive, including English learners in those grades who receive instruction in a classroom, pursuant to a waiver authorized under Section 310, and pupils in kindergarten to grade 3, inclusive, that have been identified as having reading difficulties or disabilities related to reading under the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

(b) The department, in consultation with the state board and the regional technical assistance centers, shall develop an accountability process to be used in the implementation of the Reading First program. The department shall keep the Reading and Literacy Partnership Team and the Reading First English Learner Advisory Committee, both of which were established by the department, apprised of the development of the accountability process. The Reading and Literacy Partnership Team and the Reading First English Learner Advisory Committee shall both remain in existence and a part of the process for the duration of the Reading First program. The accountability process shall include, but not be limited to, all of the following:

(1) The degree to which the program implemented by the local educational agency adheres to the terms of the Reading First grant.

(2) (A) Whether the local educational agency and its participating schools are making significant progress, as defined and approved by the state board in accordance with California’s Reading First Plan. The definition of significant progress shall

not disadvantage classrooms in which instruction is provided pursuant to a waiver, as authorized under Section 310.

(B) It is the intent of the Legislature that parity exist in the duration and level of funding between classrooms in which instruction is provided pursuant to a waiver, as authorized under Section 310, and other classrooms in which that instruction is not provided, except for reasons related to demonstration of significant progress. If required to ensure parity, waived classrooms and nonwaived classrooms within a school shall be measured separately on comparable assessments based on the number of years in the program.

(3) Compliance with assurances by the local educational agency with the requirements for Reading First grant funding.

(4) Whether the local educational agency is working within the parameters of California's Reading First Plan.

(5) Annual program reports required of a local educational agency receiving Reading First funding. The annual program reports submitted by the local educational agency shall include, but not be limited to, results of the English language development test. The department shall, no later than September 1, 2007, work with the program evaluation contractor to explore the capability, cost, and feasibility of reporting disaggregated data on pupil performance, instructional setting, and length of time the school has participated in the Reading First program.

(c) The department shall gather information on a regular, at least annual, basis from the field, including local educational agencies, interested persons, and Reading First English Learner Advisory Committee members, related to the administration of the Reading First program and the statewide and regional infrastructure. The department shall collect and compile information on program support gathered from the field and submit the information to the Reading and Literacy Partnership Team and the Reading First English Learner Advisory Committee for consideration. The partnership team and the advisory committee may then recommend revisions of statewide or regional infrastructure that pertain to ensuring program quality to the department and the state board. The department shall work with the regional technical assistance centers to implement any approved revisions.

(d) The Reading First English Learner Advisory Committee shall be convened by the Superintendent and provide its recommendations regarding assessments and professional development specific to waived classrooms participating in the Reading First program to the department no later than January 1, 2007. The department shall assure that the recommendations of the advisory committee for any revisions be presented to the entities responsible for the development of the assessments and professional development programs for timely consideration. The recommendations of the advisory committee shall also be presented to the state board. The revisions that are approved and adopted by the state board shall be implemented by the contracted technical assistance centers in a timely manner.

(e) (1) The department shall determine annually whether to continue to provide funding to each local educational agency receiving funding pursuant to this article. In making its determination, the department shall consider all of the following factors:

(A) Whether the local educational agency and its participating schools are making significant progress.

(B) The degree to which the local educational agency is implementing Reading First, as determined pursuant to paragraph (1) of subdivision (b).

(C) Whether the local educational agency demonstrates commitment to continued support of the Reading First program elements, such as reading coaches, beyond the duration of the grant.

(2) The department shall make a determination, and notify the affected local educational agency of the determination, to deny funding in the next fiscal year for any local educational agency in the first cohort that fails to make significant progress after the fifth year of implementation of a Reading First program.

(3) The department shall make a determination, and notify the affected local educational agency of the determination, to deny funding in the next fiscal year for any local educational agency in any cohort after the first that fails to make significant progress after the fourth year of implementation of a Reading First program.

(4) If the department makes a determination to deny funding pursuant to any of paragraphs (1) to (3), inclusive, the affected

local educational agency may appeal that determination to the department, subject to final review by the state board. The appeal process shall include all of the following elements:

(A) A notice of appeal that is completed by the local educational agency, signed by the district or county superintendent and one or more members of the governing board of that agency, and includes all applicable information, data, and statutory citations in support of the appeal.

(B) The opportunity for the department to request additional information from the local educational agency.

(C) An opportunity for representatives of the local educational agency to appear in person before representatives of the department to present their appeal.

(D) A recommendation by the department to the state board to affirm or reverse the determination to deny funding, including the reasons for the recommendation.

(E) A final decision by the state board to affirm or deny the determination to deny funding.

(f) If English learners are part of a Reading First program, the training provided to teachers shall include a comprehensive set of strategies designed for English learners. The training providers shall present and provide instructional strategies using English language development, differentiated instruction, and standards-based benchmark assessments to determine progress toward reading and literacy.

(g) On or before January 1, 2007, the department shall report to the Legislature all of the following:

(1) The number of schools in each cohort that have and have not demonstrated significant progress.

(2) The number of classrooms in which instruction is provided pursuant to Section 310 and the number of classrooms in which that instruction is not provided in each cohort that have and have not demonstrated significant progress.

(3) The kindergarten and grades 1 to 3, inclusive, test scores of each school in each cohort in the year prior to entering the program and in the most recently completed school year.

(4) The kindergarten and grades 1 to 3, inclusive, test scores of waived classrooms and nonwaived classrooms in each school in each cohort in the year prior to entering the program and in the most recently completed school year.

Approved _____, 2006

Governor