

Introduced by Senator Hueso

(Principal coauthor: Assembly Member Roger Hernández)

February 18, 2016

An act to amend Section 8482.3 of, and to add Chapter 15.5 (commencing with Section 53008) to Part 28 of Division 4 of Title 2 of, the Education Code, relating to language arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1145, as introduced, Hueso. Language arts: reading: assessments and plans.

The Comprehensive Reading Leadership Program Act of 1996 authorizes county offices of education to apply to the State Board of Education to design a reading leadership program and develop materials that focus on reading skills, including phonics.

This bill would require the state board, on or before December 31, 2017, to develop a reading assessment that can be used by the public schools to assess pupils in grades 1 to 3, inclusive, in their ability to read proficiently by the end of grade 3. The bill would require public schools that enroll pupils in these grades, on or before the start of the 2018–19 school year, to ensure that each pupil's reading competency is measured using the reading assessment. The bill would require any pupil who has a significant reading deficiency, as provided, to have a reading plan to be created in collaboration with the pupil's parent and teacher. The bill would require the reading plan to have certain elements to be reviewed at least annually by the school and updated or revised as appropriate. By expanding the duties of a public school, the bill would create a state-mandated local program.

Existing law establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at

participating public elementary, middle, junior high, and charter schools. Existing law requires each component of the program to have specified elements, including that the program have an educational and literacy element in which tutoring or homework assistance is offered in one or more specified areas.

This bill would require, if the program is designed for pupils in elementary school, that tutoring and homework assistance be instead offered in language arts.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 8482.3 of the Education Code is amended
- 2 to read:
- 3 8482.3. (a) The After School Education and Safety Program
- 4 shall be established to serve pupils in kindergarten and grades 1
- 5 to 9, inclusive, at participating public elementary, middle, junior
- 6 high, and charter schools.
- 7 (b) A program may operate a before school component of a
- 8 program, an after school component, or both the before and after
- 9 school components of a program, on one or multiple schoolsites.
- 10 If a program operates at multiple schoolsites, only one application
- 11 shall be required for its establishment.
- 12 (c) (1) Each component of a program established pursuant to
- 13 this article shall consist of the following two elements:
- 14 (A) (i) An educational and literacy element in which tutoring
- 15 or homework assistance is provided in one or more of the following
- 16 areas: language arts, mathematics, history and social science,
- 17 computer training, or science.
- 18 (ii) *Notwithstanding clause (i), if the program is designed for*
- 19 *pupils in elementary school, then tutoring and homework assistance*
- 20 *shall be offered in language arts.*

1 (B) An educational enrichment element that may include, but
2 need not be limited to, fine arts, career technical education,
3 recreation, physical fitness, and prevention activities.

4 (2) Notwithstanding any other provision of this article, the
5 majority of the time spent by a pupil who is in kindergarten or any
6 of grades 1 to 9, inclusive, and who is participating in a career
7 technical education element of a program established pursuant to
8 this article shall be at a site that complies with Section 8484.6.

9 (d) (1) Applicants shall agree that snacks made available
10 through a program shall conform to the nutrition standards in
11 Article 2.5 (commencing with Section 49430) of Chapter 9 of Part
12 27 of Division 4 of Title 2.

13 (2) Applicants shall agree that meals made available through a
14 program shall conform to the nutrition standards of the United
15 States Department of Agriculture’s at-risk afterschool meal
16 component of the *federal* Child and Adult Care Food Program (42
17 U.S.C. Sec. 1766).

18 (e) Applicants for programs established pursuant to this article
19 may include any of the following:

20 (1) A local educational agency, including, but not limited to, a
21 charter school, the California School for the Deaf (northern
22 California), the California School for the Deaf (southern
23 California), and the California School for the Blind.

24 (2) A city, county, or nonprofit organization in partnership with,
25 and with the approval of, a local educational agency or agencies.

26 (f) Applicants for grants pursuant to this article shall ensure that
27 each of the following requirements is fulfilled, if applicable:

28 (1) The application documents the commitments of each partner
29 to operate a program on that site or sites.

30 (2) The application has been approved by the school district, or
31 the charter school governing body, and the principal of each
32 participating school for each schoolsite or other site.

33 (3) Each partner in the application agrees to share responsibility
34 for the quality of the program.

35 (4) The application designates the public agency or local
36 educational agency partner to act as the fiscal agent. For purposes
37 of this section, “public agency” means only a county board of
38 supervisors or if the city is incorporated or has a charter, a city
39 council.

- 1 (5) Applicants agree to follow all fiscal reporting and auditing
2 standards required by the department.
- 3 (6) Applicants agree to incorporate into the program both of the
4 elements required pursuant to subdivision (c).
- 5 (7) Applicants agree to provide information to the department
6 for the purpose of program evaluation pursuant to Section 8483.55.
- 7 (8) Applicants shall certify that program evaluations will be
8 based upon Section 8484 and upon any requirements recommended
9 by the Advisory Committee on Before and After School Programs
10 and adopted by the state board, in compliance with subdivision
11 (g) of Section 8482.4.
- 12 (9) The application states the targeted number of pupils to be
13 served by the program.
- 14 (10) Applicants agree to provide the following information on
15 participating pupils to the department:
- 16 (A) Schoolday attendance rates.
- 17 (B) Program attendance.
- 18 (g) (1) Grantees shall review their after school program plans
19 every three years, including, but not limited to, all of the following:
- 20 (A) Program goals. A grantee may specify any new program
21 goals that will apply to the following three years during the grant
22 renewal process.
- 23 (B) Program content, including the elements identified in
24 subdivision (c).
- 25 (C) Outcome measures selected from those identified in
26 subdivision (a) of Section 8484 that the grantee will use for the
27 next three years.
- 28 (D) Any other information requested by the department.
- 29 (E) If the program goals or outcome measures change as a result
30 of this review, the grantee shall notify the department in a manner
31 prescribed by the department.
- 32 (F) The grantee shall maintain documentation of the after school
33 program plan for a minimum of five years.
- 34 (2) The department shall monitor this review as part of its onsite
35 monitoring process.
- 36 SEC. 2. Chapter 15.5 (commencing with Section 53008) is
37 added to Part 28 of Division 4 of Title 2 of the Education Code,
38 to read:

1 CHAPTER 15.5. GOLDEN STATE READING GUARANTEE

2
3 53008. (a) The Legislature finds and declares all of the
4 following:

5 (1) Reading proficiently by the end of third grade can be a
6 make-or-break benchmark in a child’s educational development.
7 Up until the end of third grade, most children are learning to read.
8 Beginning in fourth grade, however, they are reading to learn,
9 using their skills to gain more information in such subjects as
10 mathematics and science.

11 (2) California’s long-term economic strength depends on having
12 an educated workforce and grade-level reading proficiency is the
13 key. By dramatically getting more California children on track as
14 proficient readers, California can also dramatically stop the cycle
15 of intergenerational poverty, and boost the individual earning
16 potential, global competitiveness, and overall quality of life for
17 all Californians.

18 (3) An important partnership between a parent and child begins
19 before the child enters kindergarten, when the parent helps the
20 child develop rich linguistic experiences, including listening
21 comprehension and speaking, that help form the foundation for
22 reading and writing, which are the main vehicles for content
23 acquisition.

24 (b) It is therefore the intent of the Legislature that all California
25 public schools that enroll pupils in first, second, or third grade will
26 work closely with the parents and teachers of these pupils to
27 provide them the instructional programming, intervention
28 instruction, and support necessary to ensure that pupils, by the
29 completion of third grade, can demonstrate a level of competency
30 in reading skills that is necessary to support them in achieving the
31 academic standards and expectations applicable to the fourth grade
32 curriculum.

33 53008.1. On or before December 31, 2017, the state board shall
34 accomplish both of the following:

35 (a) Develop a reading assessment that can be used by the public
36 schools, pursuant to Section 53008.2, to assess pupils in grades 1
37 to 3, inclusive, in their ability to read proficiently by the end of
38 grade 3.

39 (b) Define what it means for a pupil to have a “significant
40 reading deficiency” in grades 1 to 3, inclusive, such that the pupil

1 is not on track to reading proficiency by the end of grade 3, as
2 determined by the reading assessment.

3 53008.2. (a) On or before the start of the 2018–19 school year,
4 a public school that enrolls pupils in grades 1 to 3, inclusive, shall
5 ensure that each pupil’s reading competency is measured
6 throughout the school year using the reading assessment developed
7 by the state board pursuant to Section 53008.1 to determine if a
8 pupil has a significant reading deficiency.

9 (b) A reading plan, described in subdivision (c), shall be created
10 for a pupil in grades 1 to 3, inclusive, who has a significant reading
11 deficiency, as that term is defined by the state board pursuant to
12 Section 53008.1. The plan shall be created in collaboration with
13 the pupil’s parent and teacher, if possible, and as soon as possible
14 after the pupil’s significant reading deficiency is identified. The
15 pupil’s reading plan shall continue to be implemented until the
16 pupil demonstrates reading proficiency. The pupil’s reading plan
17 shall be reviewed at least annually by the school and updated or
18 revised as appropriate to facilitate the pupil’s progress in
19 demonstrating reading proficiency.

20 (c) A reading plan shall include all of the following:

21 (1) The pupil’s specific, diagnosed reading skill deficiencies
22 that need to be remediated in order for the pupil to attain reading
23 proficiency.

24 (2) The goals and benchmarks for the pupil’s growth in attaining
25 reading proficiency by the end of grade 3.

26 (3) The type of additional instructional services and interventions
27 the pupil will receive in reading as determined by the school.

28 (4) The strategies the pupil’s parent is encouraged to use in
29 assisting their child to achieve reading proficiency that are designed
30 to supplement the additional instructional services and interventions
31 described in paragraph (3).

32 (5) Any additional services that are deemed available and
33 appropriate to accelerate the pupils’s reading skill development.

34 (d) The parent of the pupil shall be provided with a copy of their
35 child’s reading plan along with all of the following information:

36 (1) The state’s goal is for all children in California to graduate
37 from high school having attained skill levels that adequately
38 prepare them for postsecondary studies or for the workforce, and
39 research demonstrates that achieving reading competency by grade
40 3 is a critical milestone in achieving this goal.

1 (2) If the pupil enters grade 4 without achieving reading
2 competency, he or she is significantly more likely to fall behind
3 in all subject areas beginning in grade 4 and continuing in later
4 grades. If the pupil's reading skill deficiencies are not remediated,
5 it is likely the pupil will not have the skills necessary to complete
6 the coursework required to graduate from high school.

7 (3) The parent plays a central role in supporting the pupil's
8 efforts to achieve reading competency and is strongly encouraged
9 to work with his or her child's teacher in implementing the reading
10 plan, and, in order to supplement the intervention instruction the
11 pupil receives in school, the reading plan will include strategies
12 the parent is encouraged to use at home to support the pupil's
13 reading success.

14 (e) If a pupil is identified as having a disability that impacts the
15 pupil's progress in developing reading skills, the public school
16 shall, as appropriate, integrate into the pupil's individualized
17 education program intervention instruction and strategies to address
18 the pupil's reading issues in lieu of a reading plan.

19 (f) For purposes of this section, "parent" means parent or legal
20 guardian.

21 53008.3. It is the intent of the Legislature to increase the base
22 rate funding pursuant to Section 42238.02 for kindergarten and
23 grades 1 to 3, inclusive, for purposes of funding this chapter.

24 SEC. 3. If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.