

AMENDED IN SENATE APRIL 5, 2016

SENATE BILL

No. 1145

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, of the Education Code, relating to language arts.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1145, as amended, Hueso. Language arts: reading: ~~assessments~~ *diagnostic tools* 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~~ *identify formative reading diagnostic tools* that can be used by the public schools to assess ~~pupils' developmental levels of reading proficiency in grades 1 to 3, inclusive, in their ability to read proficiently by the end of grade 3. 3 and to post a list of those diagnostic tools on the department's Internet Web site.~~ The bill would ~~require~~ *require, on or before the beginning of the 2018–19 school year,* public schools that enroll pupils in ~~these grades, grades 1 to 4, inclusive, and at which less than 50% of 4th grade pupils demonstrate proficiency on English language arts standards on the statewide assessment administered the previous school year, on or before the start of the 2018–19 school year,~~ to ensure that each pupil's reading ~~competency~~ *proficiency* is measured using *at least one of the*

~~reading assessment.~~ *formative reading diagnostic tools identified above.*
 The bill would require any pupil who ~~has a significant reading deficiency,~~ *does not have an appropriate developmental reading level,* 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.~~

1 If a program operates at multiple schoolsites, only one application
2 shall be required for its establishment.

3 (e) (1) Each component of a program established pursuant to
4 this article shall consist of the following two elements:

5 (A) (i) An educational and literacy element in which tutoring
6 or homework assistance is provided in one or more of the following
7 areas: language arts, mathematics, history and social science,
8 computer training, or science.

9 (ii) Notwithstanding clause (i), if the program is designed for
10 pupils in elementary school, then tutoring and homework assistance
11 shall be offered in language arts.

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

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

20 (d) (1) Applicants shall agree that snacks made available
21 through a program shall conform to the nutrition standards in
22 Article 2.5 (commencing with Section 49430) of Chapter 9 of Part
23 27 of Division 4 of Title 2.

24 (2) Applicants shall agree that meals made available through a
25 program shall conform to the nutrition standards of the United
26 States Department of Agriculture's at-risk afterschool meal
27 component of the federal Child and Adult Care Food Program (42
28 U.S.C. Sec. 1766).

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

31 (1) A local educational agency, including, but not limited to, a
32 charter school, the California School for the Deaf (northern
33 California), the California School for the Deaf (southern
34 California), and the California School for the Blind.

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

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

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

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

4 ~~(3) Each partner in the application agrees to share responsibility~~
5 ~~for the quality of the program.~~

6 ~~(4) The application designates the public agency or local~~
7 ~~educational agency partner to act as the fiscal agent. For purposes~~
8 ~~of this section, “public agency” means only a county board of~~
9 ~~supervisors or if the city is incorporated or has a charter, a city~~
10 ~~council.~~

11 ~~(5) Applicants agree to follow all fiscal reporting and auditing~~
12 ~~standards required by the department.~~

13 ~~(6) Applicants agree to incorporate into the program both of the~~
14 ~~elements required pursuant to subdivision (c).~~

15 ~~(7) Applicants agree to provide information to the department~~
16 ~~for the purpose of program evaluation pursuant to Section 8483.55.~~

17 ~~(8) Applicants shall certify that program evaluations will be~~
18 ~~based upon Section 8484 and upon any requirements recommended~~
19 ~~by the Advisory Committee on Before and After School Programs~~
20 ~~and adopted by the state board, in compliance with subdivision~~
21 ~~(g) of Section 8482.4.~~

22 ~~(9) The application states the targeted number of pupils to be~~
23 ~~served by the program.~~

24 ~~(10) Applicants agree to provide the following information on~~
25 ~~participating pupils to the department:~~

26 ~~(A) Schoolday attendance rates.~~

27 ~~(B) Program attendance.~~

28 ~~(g) (1) Grantees shall review their after school program plans~~
29 ~~every three years, including, but not limited to, all of the following:~~

30 ~~(A) Program goals. A grantee may specify any new program~~
31 ~~goals that will apply to the following three years during the grant~~
32 ~~renewal process.~~

33 ~~(B) Program content, including the elements identified in~~
34 ~~subdivision (c).~~

35 ~~(C) Outcome measures selected from those identified in~~
36 ~~subdivision (a) of Section 8484 that the grantee will use for the~~
37 ~~next three years.~~

38 ~~(D) Any other information requested by the department.~~

1 ~~(E) If the program goals or outcome measures change as a result~~
2 ~~of this review, the grantee shall notify the department in a manner~~
3 ~~prescribed by the department.~~

4 ~~(F) The grantee shall maintain documentation of the after school~~
5 ~~program plan for a minimum of five years.~~

6 ~~(2) The department shall monitor this review as part of its onsite~~
7 ~~monitoring process.~~

8 ~~SEC. 2.~~

9 *SECTION 1.* Chapter 15.5 (commencing with Section 53008)
10 is added to Part 28 of Division 4 of Title 2 of the Education Code,
11 to read:

12
13 CHAPTER 15.5. GOLDEN STATE READING GUARANTEE

14
15 53008. (a) The Legislature finds and declares all of the
16 following:

17 (1) Reading proficiently by the end of ~~third~~ grade 3 can be a
18 make-or-break benchmark in a child's educational development.
19 Up until the end of ~~third grade~~, *grade 3*, most children are learning
20 to read. Beginning in ~~fourth grade~~, *grade 4*, however, they are
21 reading to learn, using their skills to gain more information in such
22 subjects as mathematics and science.

23 (2) California's long-term economic strength depends on having
24 an educated workforce and grade-level reading proficiency is the
25 key. By dramatically getting more California children on track as
26 proficient readers, California can also dramatically stop the cycle
27 of intergenerational poverty, and boost the individual earning
28 potential, global competitiveness, and overall quality of life for
29 all Californians.

30 (3) An important partnership between a parent and child begins
31 before the child enters kindergarten, when the parent helps the
32 child develop rich linguistic experiences, including listening
33 comprehension and speaking, that help form the foundation for
34 reading and writing, which are the main vehicles for content
35 acquisition.

36 (b) It is therefore the intent of the Legislature that all California
37 public schools that enroll pupils in ~~first, second, or third grade~~
38 *grades 1 to 3, inclusive*, will work closely with the parents and
39 teachers of these pupils to provide them the instructional
40 programming, intervention instruction, and support necessary to

1 ensure that pupils, by the completion of ~~third grade~~, grade 3, can
2 demonstrate a level of ~~competency~~ proficiency in reading skills
3 that is necessary to support them in achieving the academic
4 standards and expectations applicable to the ~~fourth~~ grade 4
5 curriculum.

6 *(c) It is further the intent of the Legislature to increase the local*
7 *control funding formula base rate for pupils in kindergarten and*
8 *grades 1 to 3, inclusive, only at those schools at which 50 percent*
9 *or more of pupils in grade 4 score below reading proficiency on*
10 *a statewide assessment.*

11 53008.1. On or before December 31, 2017, the state board shall
12 accomplish both of the following:

13 ~~(a) Develop a reading assessment~~ *Identify a list of formative*
14 *reading diagnostic tools* that can be used by the public schools,
15 pursuant to Section 53008.2, to assess ~~pupils~~ *pupils' developmental*
16 *levels of reading proficiency* in grades 1 to 3, inclusive, in their
17 ability to read proficiently by the end of grade ~~3~~. *3 and to post a*
18 *list of those diagnostic tools on the department's Internet Web site.*

19 (b) Define what it means for a pupil to have a ~~“significant an~~
20 ~~appropriate “developmental reading deficiency” level”~~ in grades
21 1 to 3, inclusive, such that the pupil is ~~not~~ on track to reading
22 proficiency by the end of grade 3, as determined by the ~~reading~~
23 ~~assessment~~. *formative reading diagnostic tools.*

24 53008.2. (a) On or before the ~~start~~ *beginning* of the 2018–19
25 school year, a public school that enrolls pupils in grades 1 to ~~3~~, 4,
26 inclusive, *at which less than 50 percent of 4th grade pupils*
27 *demonstrate proficiency on English language arts standards on*
28 *the statewide assessment administered the previous school year,*
29 shall ensure that each pupil's reading ~~competency~~ proficiency is
30 measured throughout the school year using *at least one of the*
31 ~~reading assessment developed~~ *formative reading diagnostic tools*
32 *identified by the state board pursuant to Section 53008.1 to*
33 *determine if a pupil has a significant an appropriate developmental*
34 ~~reading deficiency. level for the pupil's grade level.~~

35 (b) A reading ~~plan~~, *plan*, as described in subdivision (c), shall
36 be created for a pupil in grades 1 to 3, inclusive, who ~~has a~~
37 ~~significant reading deficiency~~, *is not at the appropriate*
38 *developmental reading level for the pupil's grade level* as that term
39 is defined by the state board pursuant to Section 53008.1. The plan
40 shall be created in collaboration with the pupil's parent and teacher,

1 if possible, and as soon as possible after the pupil's ~~significant~~
2 *developmental* reading ~~deficiency~~ level is identified. The pupil's
3 reading plan shall continue to be implemented until the pupil
4 demonstrates reading proficiency. The pupil's reading plan shall
5 be reviewed at least annually by the school and updated or revised
6 as appropriate to facilitate the pupil's progress in demonstrating
7 reading proficiency.

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

9 (1) The pupil's ~~specific, diagnosed reading skill deficiencies~~
10 *specific developmental reading level* that ~~need~~ *needs* to be
11 ~~remediated~~ *addressed* in order for the pupil to attain reading
12 proficiency.

13 (2) The goals and benchmarks for the pupil's growth in attaining
14 reading proficiency by the end of grade 3.

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

17 (4) The strategies the pupil's parent is encouraged to use in
18 assisting their child to achieve reading proficiency that are designed
19 to supplement the additional instructional services and interventions
20 described in paragraph (3).

21 (5) Any additional services that are deemed available and
22 appropriate to accelerate the ~~pupils's~~ *pupil's* reading skill
23 development.

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

26 (1) The state's goal is for all children in California to graduate
27 from high school having attained skill levels that adequately
28 prepare them for postsecondary studies or for the workforce, and
29 research demonstrates that achieving reading competency by grade
30 3 is a critical milestone in achieving this goal.

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

37 (3) The parent plays a central role in supporting the pupil's
38 efforts to achieve reading competency and is strongly encouraged
39 to work with his or her child's teacher in implementing the reading
40 plan, and, in order to supplement the intervention instruction the

1 pupil receives in school, the reading plan will include strategies
2 the parent is encouraged to use at home to support the pupil's
3 reading success.

4 ~~(e) If a pupil is identified as having a disability that impacts the~~
5 ~~pupil's progress in developing reading skills, the public school~~
6 ~~shall, as appropriate, integrate into the pupil's individualized~~
7 ~~education program intervention instruction and strategies to address~~
8 ~~the pupil's reading issues in lieu of a reading plan.~~

9 ~~(f)~~

10 (e) For purposes of this section, "parent" means parent or legal
11 guardian.

12 53008.3. It is the intent of the Legislature to increase the base
13 rate funding pursuant to Section 42238.02 for kindergarten and
14 grades 1 to 3, inclusive, for purposes of funding this chapter.

15 ~~SEC. 3.~~

16 SEC. 2. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.