

Clarification regarding the **Nebraska Reading Improvement Act (LB1081)**

The Nebraska Reading Improvement Act is effective beginning with the 2019-2020 school year. To recognize the needs of some students, the legislative bill sites who is exempt from taking the approved reading assessments.

Sec. 22. (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.

The Office of Special Education, Nebraska Department of Education, provides the following clarification regarding who is exempt.

- **Any student receiving special education services whose individual education plan includes a statement addressing reading or a significant reading impairment**

When determining whether a student is given an approved reading assessment, it may be necessary to review the current IEP. Measurable annual goals are related to the student's needs that result from the disability.

Examples in which the student would be administered an approved reading assessment and intervention if necessary and would not conflict with the IEP:

- Student is verified with a SLD in Math. There are no related services. The IEP goals address math calculation only.
- Student is verified with SLI in the area of articulation. There are no related services. The IEP goals address targeted speech sounds.
- Student is verified with Autism. The IEP goals address social-emotional skills, and work completion.
- Student is verified in the area of Emotional Disturbance. Goals address behavior, social skills, and written language.
- Student is verified as Other Health Impaired. Related services include OT and PT. Goals address math, handwriting, and gross motor skills.

Examples are those in which the IEP contains statements/goals related to reading for whom such assessment would be in conflict with the IEP:

- Student is verified SLD in the area of reading. Goals address reading fluency and comprehension.
- Student is verified with Other Health Impaired. Goals include task completion, reading decoding and fluency, and written language.
- Students is verified with a Visual Impairment. Goals address the student's Braille reading and writing needs.
- Student is verified SLD in the area of Reading/Dyslexia. Goals include phonics, decoding, and reading fluency.
- Student is verified Traumatic Brain Injury. Goals address reading decoding and comprehension.