MODEL POLICY #38

DETERMINATION OF PROMOTION OR RETENTION OF STUDENTS WITH PERSONAL READING PLANS — WISCONSIN

Why Adopt This Policy?

Wisconsin stands at a pivotal moment in its efforts to ensure every child achieves reading proficiency by the end of third grade — a critical transition from *learning to read to reading to learn*. Since the enactment of the No Child Left Behind Act in 2001, many states have adopted retention policies to reinforce reading proficiency and emphasize standardized assessments. While critics argue these policies may have adverse socioemotional and equity impacts, they remain in effect in 26 states, with 13 — including the District of Columbia — mandating retention.* Wisconsin's current policy under Act 20 delegates promotion decisions to local district teams, rather than mandating universal retention under certain circumstances.

While retention is heavily critiqued by the Wisconsin Department of Public Instruction (DPI), emerging research suggests that retention policies may produce the most significant academic gains when paired with structured support — such as individualized reading plans and summer programs.† In fact, Wisconsin school districts with higher retention rates have reported improved test scores without evidence of long-term socioemotional harm.‡

With only one-third of Wisconsin students reading proficiently at grade level, it is imperative for schools to adopt a promotion and retention policy to ensure each student is receiving the appropriate reading instruction, intervention, and support.§

This policy is not meant to increase retention rates. In fact, the hope is that with personal reading plans, monitoring, communication with parents, and summer reading programs, retention will not be necessary. However, parents and schools need to have access to all the tools in their belt, including retention.

This is a comprehensive policy that includes all the necessary definitions, framework, timelines, parental involvement,

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* Lexia Learning, *Third Grade Retention Laws: How Data Reporting Brings Needed Interventions to Students in Earlier Grades*, September 15, 2022 (available at: **https://www.lexialearning.com/blog/Third-Grade-Retention-Laws-How-Data-Reporting-Brings-Needed-Interventions-to-Students-in-Earlier-Grades**).

† Thomas B. Fordham Institute, *Mississippi Reading Model Continues to Shine*, February 26, 2023 (available at: **https://fordhaminstitute.org/national/commentary/mississippi-reading-model-continues-shine**).

‡ Will Flanders, *Holding Back Kids to Push Them Forward: An Analysis of Retention Policy in Wisconsin*, Wisconsin Institute for Law & Liberty, March 2023 (available at: **https://will-law.org/wp-content/uploads/2023/03/Retention-FINAL.pdf**).

§ National Center for Education Statistics, *NAEP State Profile: Wisconsin*, U.S. Department of Education, 2024 (available at: **https://www.nationsreportcard.gov/profiles/stateprofile/overview/WI?chort=1&sub=MAT&st=MN&year=2024R3&sfj=NP&cti=PgTab_OT&sj=WI**).

objective criteria, dispute resolution processes, and Act 20 statutory requirements that schools need to have successful readers.

Policy

Intent

It is the intent of this District to ensure students who are promoted to fourth grade have the necessary skills to become proficient readers in the fourth grade and beyond. This policy outlines this District's guidelines for promotion to fourth grade using a Multi-Tiered System of Support ("MTSS") framework to provide effective instruction and intervention to at-risk students.

Definitions

Student is "**At Risk**" after a Universal Screening Assessment or Diagnostic Assessment if the student scores below the 25th percentile as indicated by the publisher of the assessment.

A Reading Plan is "**Completed**" when the student's parent(s) and the District agree that the student has met the goals outlined in the personal reading plan and the student scores at grade-level in reading on a summative assessment in accordance with Wis. Stat. § 118.016(5)(d).

"**Diagnostic Assessment**" means an assessment that evaluates a student's skill in all of the following:

1. Rapid naming (how quickly and accurately can a student name a series of familiar items like letters, numbers, or colors);
2. Phonological awareness (demonstrating an understanding that spoken words are made up of smaller sound units, like syllables and individual sounds (phonemes));
3. Word recognition (the ability to quickly and accurately identify and read words by sight, rather than by sounding them out letter by letter);
4. Spelling (the ability to write or name the letters in individual words);
5. Vocabulary (the ability to use a collection of words from the English language);
6. Listening comprehension (the ability to understand spoken language);
7. When developmentally appropriate for the pupil:
    a. Oral reading fluency (the ability to read connected text aloud accurately, quickly, and with expression, without noticeable effort in decoding words); and
    b. Reading comprehension (the ability to process written text, extract meaning, and integrate that meaning into a person's existing knowledge).

"**Family history survey**" means a questionnaire that includes questions about previous recommendations for summer reading support or outside tutoring, general interest in reading and books, family history of characteristics of dyslexia, and any known family struggles in reading or spelling.

"**Fundamental Skills Screening Assessment**" means an assessment that evaluates whether a student possesses phonemic awareness and letter sound knowledge.

"**Inadequate rate of progress**" is when it is determined a student is not likely to demonstrate grade-level skills by the end of the school year by assessing one of the following:

1. For a student enrolled in 5–year–old kindergarten: nonword or nonsense word fluency (the ability to decode and blend sounds in non-meaningful words) and phoneme segmentation fluency (the ability to break down a spoken word into its individual phonemes (sounds) efficiently and accurately);
2. For a student enrolled in 1st, 2nd, or 3rd grade: oral reading fluency (the ability to read connected text aloud accurately, quickly, and with expression, without noticeable effort in decoding words).

"**Intervention**" means instruction that is:

1. Explicit (such that concepts are explained step by step through teacher modeling and many examples, and includes a high level of teacher/student interaction);
2. Direct (such that a teacher defines and teaches a concept, models the learning process, guides students through its application, and arranges for extended guided practice until mastery is achieved);
3. Systematic (such that lessons are broken into sequential, manageable steps that progress from more simple to more complex concepts and skills);
4. Sequential (such that lessons are presented in a structured, logical order that build upon prior knowledge);
5. Cumulative (such that the instruction emphasizes building upon what students already know to make learning more effective);
6. Follows a logical plan of presenting the area of deficit that targets the specific needs of the student without presuming prior skills or knowledge of the student;
7. Individualized to meet the specific needs of a student;
8. In a setting that uses intensive, highly concentrated instruction methods and materials that maximize student engagement;
9. Incorporates the simultaneous use of 2 or more sensory pathways during teacher presentations and student practice.

"**Multi-Tiered Systems of Support**" or MTSS is a framework that uses a layered approach to provide students with the support they need to succeed in their reading development.

The term "**Parent(s)**" refers to the student's biological parents, legal guardian, or other person who is legally responsible for the welfare of the child and can make educational decisions on their behalf.

"**Personal Reading Plan**" or PRP means a reading plan provided to each student enrolled in 5–year–old kindergarten through 3rd grade who has been identified as "at risk" under this policy. If the student was identified as "at-risk" during the first universal screening assessment or after the first diagnostic assessment, then the student must be on a personal reading plan by the 3rd Friday in November. If the student was identified as "at-risk" during any other assessments, then the student must be on a personal reading plan within 10 days after the assessment was administered.

This personal reading plan shall do at least all of the following:

1. Identify the student's specific early literacy skill deficiencies based on the applicable assessment;
2. Create goals and benchmarks for the student's progress towards grade-level literacy skills;
3. Determine how the student's progress will be monitored, including:

a. Monitor student progress at least weekly using the method described in the student's personal reading plan;

b. Use weekly progress monitoring to determine whether the student demonstrates an inadequate rate of progress;

4. Provide a description of the interventions and any additional instructional services that will be provided to the student to address the student's early literacy skill deficiencies (phonemic awareness, decoding skills, alphabet knowledge, letter sound knowledge, and oral vocabulary);
5. Determine which program the student's teacher will be using to provide reading instruction to the student;
6. Provide strategies that the student's parents are encouraged to use to help the student achieve grade-level literacy skills;
7. Descriptions of any additional services available and appropriate to accelerate the student's early literacy skills;
8. Provide the interventions described in the Personal Reading Plan as soon as practicable;
9. Provide a copy of the student's personal reading plan to the parents and obtain a signature of the parent;
10. Notify the student's parents of the student's progress after providing the interventions described for ten (10) weeks.

"**Relevant School Staff**" includes, but is not limited to, the current student's teacher, the student's potential teacher(s) for the subsequent grade, the District's reading specialist, or any staff member who has provided interventions or additional instructional services to the student.

"**Universal Screening Assessment**" refers to an assessment selected by the Wisconsin Department of Public Instruction ("DPI") in accordance with Wis. Stat. § 118.016(3)(a). This assessment evaluates a student's skill in all of the following areas:

1. Phonemic awareness (the ability to recognize and manipulate individual sounds (Phonemes) within words);
2. Decoding skills (the ability to break down words into their component sounds and letters to accurately read written words);
3. Alphabet knowledge;
4. Letter sound knowledge;
5. Oral vocabulary.*

Timeline

1. Once the "at risk" student has been given a reading plan, the parent(s) or must receive a copy of the reading plan within three (3) school days of the plan being finalized.
2. Once the reading plan is in place, the parent(s) must be notified of the student's progress after providing the interventions described in the reading plan for ten (10) weeks and a determination shall be made if a student shall remain in Tier 2 or be moved to Tier 3.
3. By April 15, if the student fails to make adequate progress such that it is likely he or she will complete his or her PRP by the end of the school year, the student shall be moved to Tier 3.

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* The DPI requires aimswebPlus to be used in the District as the Universal Screening Assessment.

4. In May or as soon as the Universal Screening or Diagnostic Assessment scores are available the District must schedule a meeting between relevant school staff and the student's parent(s) and make an initial recommendation about whether the student shall be retained or promoted to 4th grade.
5. The initial recommendation must be provided to the parent(s) at least one week prior to the last day of school and must include all of the evaluation criteria listed in this policy.
6. If the initial recommendation is to retain a student in the 3rd grade, the student must be put on a District-provided summer reading program with structured intervention to begin after the last day of school, but before the end of June.
7. If the student is placed in a District-provided summer reading program, the student shall be re-evaluated via diagnostic assessment or universal screener by August 1.
8. Within two weeks of the diagnostic assessment or universal screener are received, the parent(s) and relevant school staff shall meet again to make a final determination about whether to promote the student to 4th grade or retain the student in 3rd grade.

The District shall provide at least two scheduled opportunities during the school year for parent(s) to meet with relevant staff to review the student's PRP and discuss intervention progress.

All communications with the student's parent(s) related to the student's reading readiness, interventions, and promotion status shall be documented in the student's official school record.

Promotion Criteria for Students with Personal Reading Plans

If a student has not completed their PRP and is finishing 3rd grade, a decision about promotion to 4th grade must be made. This decision will be made by a team that must include the student's parent(s) and relevant school staff.

The decision by this team will be made based on the following criteria:

A. An evaluation of the student's assessment scores and factors contributing to the scores;
B. Whether the student scored in the lowest level of proficiency on the Forward Exam;
C. Which PRP goals or benchmarks were not met by the student and whether promotion could be beneficial or detrimental to meeting those goals or benchmarks;
D. Any data or other information demonstrating the student has made progress towards meeting the PRP goals or benchmarks and whether promotion could be beneficial or detrimental to meeting those goals or benchmarks;
E. Any data or other information about how long the student has been receiving interventions and any additional instructional services described in the PRP;
F. Any data or other information demonstrating the student's response to the interventions and any additional instructional services described in the PRP and whether those interventions and additional instructional services would be continued if the student was promoted;
G. What, if any, potential alternatives to retention are available to the student;
H. The student's academic performance;
I. The recommendations of the student's teachers based solely on the student's academic performance;
J. The opinion and wishes of the student's parent(s);
K. Whether the student qualifies for a "good cause exception";
L. Any other relevant factors that would aid in the determination of whether to promote or retain the student.

Good Cause Exceptions

Students who have not completed their PRP by the end of their 3rd grade may be promoted to the 4th grade if they fall into one of the following good cause exceptions, in accordance with Wis. Stat. § 118.33(5m)(b):

A. The student has an IEP that indicates that participation in one or more of the required reading assessments is not appropriate;

B. The student has received a score considered "proficient" on an alternative standardized assessment approved by the DPI;

C. The student is a Limited–English Proficient student as defined in Wis. Stat. § 115.955(7);

D. The student has an IEP or 504 Plan, has received intensive reading intervention for more than two (2) years, continues to show a reading deficiency, and has already been retained in kindergarten, 1st, 2nd, or 3rd grade;

E. The student has an IEP or 504 Plan, has received intensive reading intervention for more than two (2) years, continues to show a reading deficiency, and has already been retained in kindergarten, 1st, 2nd, or 3rd grade for a total of two (2) years.

Decision to Promote

If, based on the above criteria or good cause exception, the team determines that promotion is appropriate, one of the relevant school staff must document the decision in writing with a thorough explanation of how each criterion was considered in support of promoting the student.

The District must also do all of the following for a promoted student who has not yet met grade-level reading standards:

1. Continue to provide Tier 2 or Tier 3 reading interventions until the student meets grade-level expectations;
2. Provide the student with intensive instructional service, progress, monitoring, and supports as appropriate to the student's identified needs;
3. Provide the student with an intensive summer reading program each summer until the student scores at grade level on the summative assessment;
4. Regularly monitor the student's progress and adjust instruction accordingly.

Decision to Retain

If, based on the above criteria or good cause exception, the team determines that retention is appropriate, the recommendations must be put in writing with a thorough explanation addressing each of the above listed criteria and individual justification for retention as an instructional intervention.

A retained student must receive:

1. Assignment to a teacher rated effective or highly effective in literacy instruction and trained in evidence-based reading practices aligned to the science of reading;
2. Small-group or individualized reading interventions at least 3 times per week;
3. Weekly progress monitoring;
4. A revised PRP with adjusted goals and strategies;
5. Targeted family engagement and progress updates at least once every 4 weeks;
6. Any other supports listed in the student's PRP.

Transfer Students

If a student enrolls in the District as a 3rd grader and there is no documentation of a PRP from the student's previous school, and the student has not been identified as "at-risk" on any assessment available to the District, the student shall not be subject to retention under this policy and shall be promoted to the 4th grade. In such cases, the District should administer a Universal Screening Assessment as soon as possible to ensure the student receives appropriate instruction and support.

Appeal of Recommendation to Promote or Retain a Student

If the parent(s) of a student disagree with the team's recommendation on promotion or retention, the parent has an opportunity to request the School Board to review.

The Board shall consider the concerns raised by the parent(s), review the written recommendation from the team, and hear from the relevant school staff involved in the student's instruction and intervention. The parent(s) may also submit a portfolio of student work and/or request an alternative assessment to demonstrate the student's reading proficiency.

The Board shall make a final decision about retention within fourteen (14) days of receiving the request to review from the parent(s).

The Board shall defer to the professional judgement of the student's instructional team and shall not override the team's decision unless there is clear evidence that (a) district policy was not followed, or (b) the student has demonstrated grade-level proficiency through a Board-approved alternative assessment or portfolio review.

Reporting Requirements

Beginning on July 15, 2025, and each July 15 thereafter, the Board must submit a report to the DPI for each school and for the school district, all of the following:

1. The number of students who were identified as at-risk as the result of a fundamental skills screening assessment administered during the previous school year;
2. The number of students who were identified as at-risk as the result of a universal screening assessment administered during the previous school year;
3. The number of students who were identified as at-risk as the result of a diagnostic assessment administered during the previous school year;
4. The names of the diagnostic assessments used to assess students in the previous year;
5. The number of students enrolled in 5-year-old kindergarten to 3rd grade who began receiving interventions during the previous school year, by grade;
6. The total number of students enrolled in 5-year-old kindergarten to 3rd grade who received interventions under a PRP during the previous school year;
7. The number of students enrolled in 5-year-old kindergarten to 3rd grade who excited interventions during the previous school year, by grade; and
8. The number of students who were referred for an IEP during the previous school year based on diagnostic assessment results provided to a parent.

Legal Analysis — Wisconsin

Wisconsin statute § 118.015 requires schools to provide science-based early reading instruction for students at all grade levels.

Each school board must adopt a written policy specifying the criteria for promoting a student from the 3rd grade to the 4th grade by July 1, 2025. Wis. Stat. § 118.33(6)(a)3. By September 1, 2027, if a student does not meet the criteria for promotion adopted by the school board, the student may not be promoted. Wis. Stat. § 118.33(6)(a)3.

Universal screenings are required at least three times a school year using a universal screening assessment selected by the department. Wis. Stat. § 118.016(3)(a). Wis. Stat. § 118.016(1)(L) defines what a "universal screening assessment" is. However, a student's parent can opt out his or her student of taking an exam. Wis. Stat. § 118.30(2)(b)3.

"At -risk" means a student who scored below the 25th percentile on a universal screening assessment or diagnostic assessment, as indicated by the publisher of the assessment. Wis. Stat. § 118.016.

Diagnostic assessments are required if a student is "at-risk." Wis. Stat. § 118.016(3)(b). Wis. Stat. § 118.016(1)(b) defines what a "diagnostic assessment" is. The DPI has a list of diagnostic assessments approved by the department to be used for this purpose. Wis. Stat. § 118.016(8)(a)1.

Wis. Stat. 118.018(1)(f) defines what a "fundamental skills assessment" is. The DPI has selected a fundamental skills assessment to be used. Wis. Stat. § 118.016(8)(a)1. Wis. Stat. § 118.016(1)(d) defines what a "family history survey" is.

It is required that parents be notified of the results of these assessments no later than 15 days after the reading readiness assessment is scored. Wis. Stat. § 118.016(4)(a). The information to be included in the notice is listed in Wis. Stats. §§ 118.016(4)(a)1.–5 and 118.016(4)(b–c).

If a student is identified as "at-risk" the District must put them on a "personal reading plan." Wis. Stat. § 118.016(5). The deadlines for when the at-risk student must be put on the personal reading plan is based on Wis. Stat. § 118.016(5)(b). Wis. Stat. § 118.016(5)(c) defines "inadequate rate of progress." Wis. Stat. § 118.016(1)(i) defines "intervention." Wis. Stat. § 118.016(5)(d) defines Personal Reading Plan completion.

If it is determined the student on a personal reading plan will be promoted to the next grade, the school must provide intensive instructional services, progress monitoring, supports to remediate the identified areas of deficiency, and provide the student with an intensive summer reading program each summer until the student scores at grade-level on an assessment. Wis. Stat. § 118.33(5m)(a).

Students who fall into one of the "good cause exceptions" defined in Wis. Stat. § 118.33(5m)(b) may be promoted to 4th grade even if the Personal Reading Plan was not completed.

Starting July 15, 2025 and each July 15 thereafter, the Board is required to report certain statistics to the DPI. Wis. Stat. § 118.016(7) creates this requirement and describes what must be included in the report.

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