

ONE HUNDRED NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 440

Introduced by Hughes, 24; Lonowski, 33.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the identification, evaluation, and effectiveness of reading screeners approved by the State Department of Education and utilized by school districts, and to examine whether improvements to screening practices should precede consideration of student retention at the third-grade level.

The Nebraska Reading Improvement Act requires school districts to administer approved reading assessments to students in kindergarten through grade three to identify reading deficiencies. The State Department of Education currently approves multiple reading screeners for use by school districts, with variation in appropriateness, technical adequacy, and usability.

A January 2026 psychometric review of reading screeners found that many approved or considered screeners only partially met expectations or required additional evidence in key areas such as classification accuracy, reliability, validity, and fairness. Concerns were identified regarding outdated norms, inconsistent cut scores, lack of classification consistency evidence, and variability in how screeners measure foundational reading skills across grade levels.

Accurate and reliable identification of students with reading deficiencies is critical to ensuring appropriate intervention and instructional support. Reading intervention teachers rely on screening data to provide targeted instruction, and the effectiveness of such interventions depends on the quality and precision of the screening tools utilized.

Policymakers are considering strategies related to student retention at the third-grade level based on reading proficiency, which underscores the importance of ensuring that identification systems are valid, reliable, and

equitable prior to implementing retention policies. It is in the best interest of the state to ensure that reading screening systems are evidence-based, consistent across districts, and aligned with best practices in literacy assessment and instruction.

The study shall include, but not be limited to, the following:

(1) Identifying the current reading screeners approved by the State Department of Education and utilized by school districts across the state;

(2) Examining the appropriateness, technical adequacy, and usability of such screeners, including but not limited to validity, reliability, classification accuracy, fairness, and alignment with Nebraska academic standards;

(3) Evaluating whether alternative or improved reading screening programs or tools are available that may better identify students with reading deficiencies;

(4) Analyzing the extent to which current screening tools provide actionable data for reading intervention teachers and support effective instructional decisionmaking;

(5) Determining whether improvements to reading screening systems and early intervention practices should be implemented prior to the adoption or expansion of third grade reading retention policies;

(6) Reviewing national best practices and evidence-based approaches to early literacy screening and intervention; and

(7) Identifying both statutory and nonstatutory solutions, including potential legislative changes, administrative actions, professional development needs, and resource allocations necessary to improve reading screening and intervention outcomes.

In conducting this interim study, the Education Committee of the Legislature may confer with stakeholders, including, but not limited to: Elementary and secondary educators and reading intervention teachers; paraeducators; postsecondary educators with expertise in literacy and assessment; staff from the State Department of Education; school

administrators; school board members; members of the State Board of Education; and members of the Legislature to identify challenges, evaluate current practices, and develop recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.