

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1050

Introduced by Murman, 38; at the request of the Governor; Ballard, 21;
Clements, 2; Lonowski, 33; Meyer, G., 17; Sanders, 45.

Read first time January 14, 2026

Committee: Education

1 A BILL FOR AN ACT relating to schools; to amend sections 79-2601,
2 79-2602, 79-2603, 79-2604, 79-2605, 79-2606, and 79-2607, Reissue
3 Revised Statutes of Nebraska; to amend the Nebraska Reading
4 Improvement Act; to limit advancement to grade four as prescribed;
5 to provide duties to school boards; to provide duties to the State
6 Department of Education; to harmonize provisions; and to repeal the
7 original sections.
8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 79-2601, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-2601 Sections 79-2601 to 79-2607 and section 5 of this act shall
4 be known and may be cited as the Nebraska Reading Improvement Act.

5 **Sec. 2.** Section 79-2602, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 79-2602 It is the intent of the Legislature that:

8 (1) School boards develop policies to facilitate reading instruction
9 and intervention services to address student reading needs, including,
10 but not limited to, dyslexia;

11 (2) All teachers for kindergarten through grade three should be
12 effective reading teachers as evidenced by (a) evaluations based on
13 classroom observations and student improvement on reading assessments or
14 (b) specialized training in reading improvement;

15 (3) Each student and his or her parents or guardians be informed of
16 the student's reading progress; and

17 (4) Each student in a public school be able to read at or above
18 grade level by ~~third~~ grade three.

19 **Sec. 3.** Section 79-2603, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 79-2603 (1) Each school district shall administer an approved
22 reading assessment three times during the school year to all students in
23 kindergarten through grade three, except for any student receiving
24 specialized instruction for limited English proficiency who has been
25 receiving such instruction for less than two years, any student receiving
26 special education services for whom such assessment would conflict with
27 the individualized education program plan, and any student receiving
28 services under a plan pursuant to the requirements of section 504 of the
29 federal Rehabilitation Act of 1973, 29 U.S.C. 794, or Title II of the
30 federal Americans with Disabilities Act of 1990, 42 U.S.C. 12131 to
31 12165, as such acts and sections existed on January 1, 2021, for whom

1 such assessment would conflict with such section 504 or Title II plan.
2 The first administration of such assessment for kindergarten students
3 shall occur within the first forty-five calendar days that school is in
4 session of each school year and for all other grades within the first
5 thirty calendar days that school is in session of each school year.

6 (2) For purposes of the Nebraska Reading Improvement Act, an
7 approved reading assessment means an assessment of student reading skills
8 approved by the State Department of Education which:

9 (a) Measures progress toward proficiency in the reading skills
10 assessed pursuant to subsection (5) of section 79-760.03 on the statewide
11 assessment of reading for grade three;

12 (b) Is valid and reliable;

13 (c) Is aligned with academic content standards for reading adopted
14 by either the State Board of Education pursuant to section 79-760.01 or
15 the school district administering such assessment pursuant to section
16 79-760.02;

17 (d) Allows teachers access to results in a reasonable time period as
18 established by the department, not to exceed fifteen contract days; and

19 (e) Is commercially available and complies with requirements
20 established by the department.

21 (3) On or before March 1, 2019, and on or before each March 1
22 thereafter, the department shall make public the list of approved reading
23 assessments for the subsequent school year and the threshold level of
24 performance for each such assessment to identify students who are able to
25 read at or above grade level. ~~A student performing below the threshold~~
26 ~~level shall be identified as having a reading deficiency for purposes of~~
27 ~~the Nebraska Reading Improvement Act.~~

28 (4) On or before October 1, 2026, the department shall establish and
29 make public a threshold level of performance for the statewide assessment
30 of reading for grade three administered pursuant to subsection (5) of
31 section 79-760.03 and for each alternate assessment of reading for grade

1 three administered pursuant to subsection (11) of such section to
2 identify students who are able to read at or above grade level.

3 (5) On or before January 1, 2027, the department shall establish and
4 make public a test-based student portfolio option to demonstrate mastery
5 of grade three reading standard. The department shall set criteria for
6 the test-based student portfolio and a threshold level of performance to
7 identify students who are able to read at or above grade level.

8 (6) ~~(4)~~ Diagnostic assessments used within a supplemental reading
9 intervention program do not require department approval.

10 **Sec. 4.** Section 79-2604, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 79-2604 (1) Any student in kindergarten, grade one, grade two, or
13 grade three shall be identified as having a reading deficiency if such
14 student performs below the threshold level determined pursuant to
15 subsection (3) of section 79-2603 on an approved reading assessment. A
16 student who is identified as having a reading deficiency pursuant to this
17 subsection shall remain identified as having a reading deficiency until
18 the student performs at or above the threshold level on an approved
19 reading assessment.

20 (2) For purposes of retention pursuant to section 5 of this act, any
21 student identified as having a reading deficiency at the end of grade
22 three shall be identified as having a persistent reading deficiency
23 unless such student performs at or above (a) the threshold level
24 determined pursuant to subsection (4) of section 79-2603 on the statewide
25 assessment of reading for grade three or any alternate assessment of
26 reading for grade three or (b) the threshold level determined pursuant to
27 subsection (5) of section 79-2603 on a test-based student portfolio. Each
28 student identified as having a persistent reading deficiency pursuant to
29 this subsection shall remain identified as having a reading deficiency
30 until the student performs at or above the threshold level on an approved
31 reading assessment for grade three, the statewide assessment of reading

1 for grade three or any alternate assessment of reading for grade three,
2 or a test-based student portfolio.

3 (3) (2) Nothing in the Nebraska Reading Improvement Act shall
4 prohibit a school district from identifying any other student as having a
5 reading deficiency.

6 **Sec. 5.** (1) Beginning with the 2027-28 school year, except as
7 otherwise provided in this section, a school board shall not promote a
8 student identified as having a persistent reading deficiency to grade
9 four and shall retain such student in grade three.

10 (2) The provisions of subsection (1) of this section shall not apply
11 to:

12 (a) Any student who is exempt from the administration of an approved
13 reading assessment pursuant to subsection (1) of section 79-2603;

14 (b) Any student receiving special education services or services
15 under a plan pursuant to the requirements of section 504 of the federal
16 Rehabilitation Act of 1973, 29 U.S.C. 794, or Title II of the federal
17 Americans with Disabilities Act of 1990, 42 U.S.C. 12131 to 12165, as
18 such acts and sections existed on January 1, 2026, who has participated
19 in a supplemental reading intervention program pursuant to section
20 79-2605 for at least two school years and who was previously retained in
21 kindergarten, grade one, grade two, or grade three for at least one
22 school year; or

23 (c) Any student who has participated in a supplemental reading
24 intervention program pursuant to section 79-2605 for at least two school
25 years and who was previously retained in kindergarten, grade one, grade
26 two, or grade three for a cumulative total of two school years.

27 (3) No student shall be retained in grade three pursuant to this
28 section more than once.

29 **Sec. 6.** Section 79-2605, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 79-2605 (1) Each school district shall provide a supplemental

1 reading intervention program for the purpose of ensuring that students
2 can read at or above grade level at the end of third grade. School
3 districts may work collaboratively with a reading specialist at the State
4 Department of Education, with educational service units, with learning
5 communities, or through interlocal agreements to develop and provide such
6 supplemental reading intervention programs. Each supplemental reading
7 intervention program shall be:

8 (a) Provided to any student identified as having a reading
9 deficiency;

10 (b) Implemented during regular school hours in addition to regularly
11 scheduled reading instruction unless otherwise agreed to by a parent or
12 guardian; and

13 (c) Made available as a summer reading program between each school
14 year for any student who has been enrolled in grade one, grade two, or
15 grade three or in a higher grade and is identified as continuing to have
16 a reading deficiency at the conclusion of the school year preceding such
17 summer reading program. Such summer reading program may be (i) held in
18 conjunction with existing summer programs in the school district, (ii)
19 held in a community reading program not affiliated with the school
20 district, or (iii) offered online.

21 (2) The supplemental reading intervention program may also include:

22 (a) Reading intervention practices that are evidence-based;

23 (b) Diagnostic assessments to identify specific skill-based
24 strengths and weaknesses a student may have;

25 (c) Frequent monitoring of student progress throughout the school
26 year with instruction adjusted accordingly;

27 (d) Intensive intervention using strategies selected from the
28 following list to match the weaknesses identified in the diagnostic
29 assessment:

30 (i) Development in phonemic awareness, phonics, fluency, vocabulary,
31 and reading comprehension;

1 (ii) Explicit and systematic instruction with detailed explanations,
2 extensive opportunities for guided practice, and opportunities for error
3 corrections and feedback; or

4 (iii) Daily targeted individual or small-group reading intervention
5 based on student needs as determined by diagnostic assessment data
6 subject to planned extracurricular school activities;

7 (e) Strategies and resources to assist with reading skills at home,
8 including parent-training workshops and suggestions for parent-guided
9 home reading; or

10 (f) Access to before-school or after-school supplemental reading
11 intervention with a teacher or tutor who has specialized training in
12 reading intervention.

13 (3) Beginning with the 2027-28 school year, each school district
14 shall provide an intensive acceleration class for any student identified
15 as having a persistent reading deficiency and retained in grade three.
16 Each intensive acceleration class shall include:

17 (a) A reduced student-teacher ratio;

18 (b) Individualized instruction focused on the specific reading
19 deficiencies of the student;

20 (c) Reading intervention practices that are evidence-based;

21 (d) Diagnostic assessments to identify specific skill-based
22 strengths and weaknesses a student may have;

23 (e) Frequent monitoring of student progress throughout the school
24 year with instruction adjusted accordingly;

25 (f) Intensive intervention using strategies selected from the
26 following list to match the weaknesses identified in the diagnostic
27 assessment:

28 (i) Development in phonemic awareness, phonics, fluency, vocabulary,
29 and reading comprehension;

30 (ii) Explicit and systematic instruction with detailed explanations,
31 extensive opportunities for guided practice, and opportunities for error

1 corrections and feedback; or

2 (iii) Daily targeted individual or small-group reading intervention
3 based on student needs as determined by diagnostic assessment data
4 subject to planned extracurricular school activities;

5 (g) Strategies and resources to assist with reading skills at home,
6 including parent-training workshops and suggestions for parent-guided
7 home reading;

8 (h) The option of a transitional instructional setting designed to
9 produce learning gains sufficient to meet grade four performance
10 standards in all other core academic areas while continuing to correct
11 areas of reading deficiency; and

12 (i) Access to before-school or after-school supplemental reading
13 intervention with a teacher or tutor who has specialized training in
14 reading intervention.

15 **Sec. 7.** Section 79-2606, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 79-2606 (1) The school of any student who is identified as having a
18 reading deficiency shall notify such student's parents or guardians
19 either in writing or by electronic communication no later than fifteen
20 working days after the identification of the reading deficiency that the
21 student has been identified as having a reading deficiency and that an
22 individualized reading improvement plan will be established and shared
23 with the parents or guardians.

24 (2) Any student who is identified as having a reading deficiency
25 shall receive an individualized reading improvement plan, which shall
26 include a supplemental reading intervention program, no later than thirty
27 days after the identification of such reading deficiency. The reading
28 improvement plan may be created by the teacher, the principal, other
29 pertinent school personnel, and the parents or guardians of the student
30 and shall describe the reading intervention services the student will
31 receive through the supplemental reading intervention program pursuant to

1 section 79-2605 to remedy such reading deficiency. Each such student
2 shall receive reading intervention services through the supplemental
3 reading intervention program pursuant to section 79-2605 until the
4 student is no longer identified as having a reading deficiency.

5 (3) Beginning with the 2027-28 school year, the school of any
6 student in grade three who remains identified as having a reading
7 deficiency as of January 1 of the current school year shall notify such
8 student's parents or guardians either in writing or by electronic
9 communication on or before February 1 of such school year that if the
10 student continues to be identified as having a reading deficiency at the
11 end of grade three and does not meet any of the threshold levels
12 established pursuant to section 79-2603, the student will be identified
13 as having a persistent reading deficiency and will be retained for the
14 following school year in grade three. The notice shall offer an
15 opportunity for the parents or guardians to meet and discuss possible
16 changes to the student's individualized reading improvement plan with the
17 teacher, the principal, or other pertinent school personnel.

18 **Sec. 8.** Section 79-2607, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 79-2607 (1) For purposes of this section:

21 (a) Evidence-based reading instruction means instruction in reading
22 that is in alignment with scientifically based reading research and does
23 not include the three-cueing system model of reading instruction; and

24 (b) Three-cueing system model of reading instruction is an approach
25 to foundational skills instruction that involves the use of three
26 different types of instructional cues which include semantic, syntactic,
27 and graphophonic.

28 (2)(a) The State Department of Education shall develop and implement
29 a professional learning system to help provide sustained professional
30 learning and training regarding evidence-based reading instruction for
31 teachers who teach children from four years of age through third grade at

1 an approved or accredited school and teachers employed by an early
2 childhood education program approved by the State Board of Education. The
3 professional learning system shall include information and tips for
4 teachers related to helping children and families work with local family
5 literacy centers to strengthen home and family literacy programs and
6 better instruct children in reading.

7 (b) Approved or accredited elementary schools and early childhood
8 education programs approved by the State Board of Education shall ensure
9 that teachers who teach children from four years of age through third
10 grade are aware of the professional learning system and are adequately
11 trained regarding evidence-based reading instruction to effectively
12 instruct students in reading.

13 (3) The State Department of Education shall work with educational
14 service units to provide regional coaches to approved or accredited
15 elementary schools to provide assistance and job-embedded training
16 relating to evidence-based reading instruction to teachers who teach
17 students in kindergarten through third grade.

18 (4) On or before September 30 of each year, the Commissioner of
19 Education shall file a report electronically with the Clerk of the
20 Legislature relating to the status and use of the professional learning
21 system implemented pursuant to this section.

22 (5) It is the intent of the Legislature to appropriate two million
23 dollars from the Education Future Fund for each fiscal year beginning
24 with fiscal year 2024-25 through fiscal year 2026-27 to the State
25 Department of Education to provide regional coaches and job-embedded
26 training relating to evidence-based reading instruction pursuant to
27 subsection (2) or (3) of this section.

28 (6) The State Department of Education shall ~~may~~ provide technical
29 assistance as needed to assist school boards in carrying out the Nebraska
30 Reading Improvement Act.

31 (7) The department may adopt and promulgate rules and regulations to

1 carry out the act.

2 **Sec. 9.** Original sections 79-2601, 79-2602, 79-2603, 79-2604,
3 79-2605, 79-2606, and 79-2607, Reissue Revised Statutes of Nebraska, are
4 repealed.