

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2477

By: Harrison

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2001, Sections 1210.508B and 1210.508C, which relate to the Reading Sufficiency Act; limiting certain students who are excluded from the reading goals and program of reading instruction; modifying reading skills; amending 70 O.S. 2001, Section 1210.515, which relates to demonstration of reading proficiency for driver license; deleting option to retake certain reading test; limiting alternative documentation option to certain students; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2001, Section 1210.508B, is amended to read as follows:

Section 1210.508B A. The Legislature finds that it is essential for children in the public schools to read early and well in elementary school. The Legislature further finds that clear and visible goals, assessments to determine the reading level at each elementary school, annual measurements of elementary school reading improvement, and accountability in each level of the educational system will result in a significant increase in the number of children reading at or above grade level.

B. The purpose of the Reading ~~Sufficiency~~ Proficiency Act is to ensure that each child attains the necessary reading skills by completion of the third grade which will enable that student to

continue development of reading skills and to succeed throughout school and life.

C. The reading goal for Oklahoma public schools is as follows: By May 1, 2007, and each year thereafter, ninety percent (90%) or more of all third-grade students, excluding those students who have individualized education programs in an area related to reading, pursuant to the Individuals with Disabilities Education Act (IDEA), limited English proficiency, or for whom English is a second language, will read at or above grade level by the end of their third-grade year. To achieve the reading goal, each public elementary school shall:

1. Determine its baseline no later than May 1, 2002, which shall be the percentage of students reading at or above third-grade level as determined by Section 1210.508C of this title; and

2. Set and achieve annual improvement goals necessary to progress from the baseline established in 2002 to the reading goal of ninety percent (90%) by May 1, 2007. The annual improvement goals shall be included in the district's reading sufficiency plan required in Section 1210.508C of this title.

D. The primary standard for evaluating an elementary school on a district's reading instruction will be whether it results in improvement toward meeting the reading goal.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 1210.508C, is amended to read as follows:

Section 1210.508C A. Beginning with the 2001-2002 school year, each student enrolled in kindergarten in a public school in this state shall be screened for reading skills including, but not limited to, phoneme awareness, letter recognition, and oral language skills. Classroom assistants, which may include parents, grandparents, or other volunteers, shall be provided in kindergarten classes to assist with the screening of students if a teacher aide is not already employed to assist in a kindergarten classroom.

B. Students enrolled in first, second and third grade of the public schools of this state shall be assessed at the beginning of each school year and throughout the school year by multiple ongoing assessments for the acquisition of reading skills including, but not limited to, ~~phoneme~~ phonemic awareness, phonics, spelling, reading fluency, vocabulary, and comprehension. Except for students who are on an individualized education program ~~or~~ in an area related to reading, have limited English proficiency or for whom English is a second language, any student who is assessed and found not to be reading at the appropriate grade level shall be provided a program of reading instruction designed to enable the student to acquire the appropriate grade level reading skills.

C. The State Department of Education shall provide to each school district a list of approved comparable reading assessments, which also shall include any such assessments recommended by the Oklahoma Commission for Teacher Preparation and may include any assessments developed and approved by the State Department of Education, to be used for initial identification of students at risk of reading failure and for periodic and post assessments. The sum of the assessments shall measure student acquisition of reading skills including, but not limited to, ~~phoneme~~ phonemic awareness, phonics, spelling, reading fluency, vocabulary, and comprehension and shall reflect the required reading competencies adopted by the Board pursuant to subsection A of Section 11-103.6 of this title.

D. The program of reading instruction required in subsection A of this section shall include, but not be limited to:

1. Sufficient additional in-school instructional time for the acquisition of ~~phoneme~~ phonemic awareness, phonics, spelling, reading fluency, vocabulary, and comprehension;

2. If necessary, tutorial instruction after regular school hours, on Saturdays and during summer; however, such instruction may

not be counted toward the one-hundred-eighty-day school year required in Section 1-109 of this title; and

3. Periodic reassessments to measure the acquisition of reading skills including, but not limited to, ~~phoneme~~ phonemic awareness, phonics, spelling, reading fluency, vocabulary, and comprehension, as identified in the student's program of reading instruction.

E. The program of reading instruction shall continue until the student is determined by the results of approved reading assessments to be reading on grade level.

F. 1. Every school district shall adopt and annually update a district reading ~~sufficiency~~ proficiency plan which has had input from school administrators, teachers, and parents and if possible a reading specialist, and which shall be submitted to and approved by the State Board of Education as a part of each district's Comprehensive Local Education Plan. The district reading sufficiency plan shall include a plan for each site which includes an analysis of the data provided by the Oklahoma School Testing Program and other reading assessments utilized as required in this section, and which outlines how each school site will comply with the provisions of the Reading Sufficiency Act.

2. Each school site shall establish a committee, composed of educators, which if possible shall include a certified reading specialist, to develop the required programs of reading instruction. A parent or guardian of the student shall be included in the development of the program of reading instruction for that student.

3. The State Board of Education shall promulgate rules for the implementation and evaluation of the provisions of the Reading Sufficiency Act. The evaluation shall include, but not be limited to, an analysis of the data required in subsection H of this section.

G. For any third-grade student found not to be reading at grade level as determined by reading assessments administered pursuant to

this section, a new program of reading instruction shall be developed and implemented as specified in this section. If possible, a fourth-grade teacher shall be involved in the development of the program of reading instruction. In addition to other requirements of this act, the plan shall include specialized tutoring and may include a recommendation as to whether the student should be retained in the third grade at the close of that year. The parent or guardian of the student shall be included in the retention consideration.

H. On or before October ~~±~~ 15 of each year, the State Department of Education shall issue to the Governor and members of the Senate and House of Representatives Education Committees a Reading Report Card for each elementary site which shall include, but is not limited to:

1. The number of students in need of remediation in reading in first, second and third grades;

2. The number of students provided with a program of reading instruction pursuant to this section;

3. The number of students who have successfully completed their program of reading instruction; and

4. An evaluation and narrative interpretation of the report data prepared by the State Department of Education.

I. Copies of the results of the assessments administered shall be made a part of the permanent record of each student.

SECTION 3. AMENDATORY 70 O.S. 2001, Section 1210.515, is amended to read as follows:

Section 1210.515 A. Pursuant to the provisions of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes, any person under the age of eighteen (18) years wishing to apply for a driver license or permit shall successfully demonstrate a satisfactory reading ability at the eighth-grade reading level by meeting the following criteria:

1. A student enrolled in a public school shall successfully complete the reading portion of the state criterion-referenced test offered in the eighth grade. Following the administration of this test in the eighth grade, any student not successfully completing the reading portion shall be assigned a plan of remedial reading. ~~The~~ Any student ~~may either retake~~ not successful in completing the reading portion of the state criterion-referenced test ~~upon its administration the following year, or~~ may take ~~an~~ a comparable alternative reading proficiency test in order to satisfy the criteria for a driver license or permit. Alternative reading proficiency tests shall be approved by the State Department of Education. Subsequent successful completion of an alternative reading proficiency test shall serve to satisfy any test retaking requirement which may be required for the reading portion of the state criterion-referenced test in the eighth grade in the Oklahoma School Testing Program. School districts shall notify, in writing, each student who takes the reading portion of the state criterion-referenced test for the eighth grade or who takes an alternative reading proficiency test and the student's parent or legal guardian of the test results. If the student fails to perform satisfactorily on the test, the notice shall inform the student of the reading proficiency driver license requirement and the school's remediation plan for the student. Upon the student's successful completion of the test, the school shall furnish the student with the documentation needed for the driver license application in Oklahoma;

2. Unless alternatively documented according to the provisions of subsection C of this section, students under the age of eighteen (18) years shall successfully complete a reading proficiency test approved by the State Department of Education; and

3. Any student who wishes to apply for a restricted license to operate a motorcycle may take an alternative reading proficiency test, subject to the provisions of this section.

B. Alternative reading proficiency tests shall be offered by testing sites, which shall include the public schools at least four (4) times per calendar year, and may include any of the following which chose to participate, the technology center school districts, Regional Education Service Centers, colleges, accredited private schools, and other sites approved by the State Department of Education. A student may take the test as often as wished, subject to the provisions of this section. Testing sites shall provide the first alternative reading proficiency test for each student at no cost to the student. Students may be assessed a fee not to exceed Twenty-five Dollars (\$25.00) by the testing site for each subsequent alternative reading proficiency test taken.

C. A school district shall provide for alternative documentation of reading proficiency for the purposes of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes for any student with an individualized education ~~plan~~ program that, at a minimum, is in an area related to reading. The alternative documentation shall be furnished to such student who is performing satisfactorily in reading pursuant to the student's individualized education ~~plan~~ program. Parents of disabled students educated pursuant to the provisions of Section 4 of Article XIII of the Oklahoma Constitution may satisfy the requirement of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes by signing an affidavit that, based upon their best information and belief, their child would qualify for an individualized education ~~plan~~ program that, at a minimum, is in an area related to reading if enrolled in public school, and that in their judgment their child is performing satisfactorily in reading and is therefore academically qualified to satisfy the requirement of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes.

SECTION 4. This act shall become effective July 1, 2004.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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