

ENROLLED SENATE
BILL NO. 966

By: Wilcoxson of the Senate

and

Coody, Kern, Dank, and
Wesselhoft of the House

An Act relating to schools; amending 70 O.S. 2001, Section 3-153, which relates to exemptions for reporting district plans to State Board of Education; modifying requirement for certain reporting exemptions; amending 70 O.S. 2001, Sections 1210.508B, as amended by Section 1, Chapter 197, O.S.L. 2004 and 1210.508C, as last amended by Section 124 of Enrolled House Bill No. 2060 of the 1st Session of the 50th Oklahoma Legislature (70 O.S. Supp. 2004, Section 1210.508B), which relate to the Reading Sufficiency Act; delaying deadline for reaching reading goal; changing reading goal; modifying exclusion for certain students from reading goal; modifying baseline determination date; modifying method for determination of certain students reading at grade level; directing State Board of Education to recognize and provide assistance to certain schools and districts; requiring submission of district reading sufficiency plan in certain circumstance; broadening certain term; clarifying reading skills to be screened; requiring use of certain screening instrument; providing for emphasis on certain reading skills and monitoring of kindergarten students; providing for identification and progress monitoring of certain students; providing certain measures for determination of reading success; requiring State Board of Education to approve certain screening instruments; directing State Board of Education to ensure certain assessments meet certain requirements; requiring reading instruction programs to align with certain standards; modifying date by which State Department of Education issues certain report; modifying requirements for certain report; authorizing State Department of Education to contract for certain report; requiring State Board of Education to ensure certain reading competencies are included in competencies for special education teachers; requiring State Board of Education and Oklahoma Commission for Teacher Preparation in collaboration with Oklahoma State Regents for Higher Education ensure certain teachers are provided certain training; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-153, is amended to read as follows:

Section 3-153. Except for school districts with one or more school sites which are identified as ~~low performing or high challenged~~ for school improvement as determined by the State Board of Education pursuant to the requirements of the No Child Left Behind Act of 2001, P.L. No. 107-110, all school districts shall be exempt from reporting to the ~~State Board of Education~~ the following plans:

1. The Comprehensive Local Education Plan as required in Section 3-104.2 of ~~Title 70 of the Oklahoma Statutes~~ this title;

2. The school improvement plan as required in Section 5-117.4 of ~~Title 70 of the Oklahoma Statutes~~ this title;

3. The professional development plan as required in ~~subsection G of Section 6-194 of Title 70 of the Oklahoma Statutes~~ this title;

4. The capital improvement plan as required in Section 18-153 of ~~Title 70 of the Oklahoma Statutes~~ this title; and

5. The reading sufficiency plan as required in ~~paragraph 1 of subsection D of Section 1210.508C of Title 70 of the Oklahoma Statutes~~ this title, subject to the requirements of paragraph 1 of subsection F of Section 1210.508C of this title; provided the last reading sufficiency plan submitted by the school district was approved by the State Department of Education and expenditures for the program include only expenses relating to individual and small group tutoring, purchase of and training in the use of screening and assessment measures, summer school programs, and Saturday school programs. Prior approval from the State Department of Education shall be required for other types of expenditures.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 1210.508B, as amended by Section 1, Chapter 197, O.S.L. 2004 (70 O.S. Supp. 2004, 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 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~~ July 1, 2008, and each year thereafter, ~~ninety percent (90%) or more of all third-grade students will read at or above grade level by the end of their third-grade year, excluding up to fifteen percent (15%) of those students who have an individualized education programs in an area related to reading program (IEP), 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, and excluding those students who are English language learners who have been determined not to be proficient in English as defined by a state-designated English proficiency assessment.~~ To achieve the reading goal, each public elementary school shall:

1. Determine its baseline no later than ~~May 1, 2002~~ September 1, 2005, which shall be the percentage of students reading at or above third-grade level as determined by the percentage of students scoring satisfactory or above on the third-grade criterion-referenced test in reading, administered pursuant to Section 1210.508C ~~1210.508~~ of this title; and

2. Set and achieve annual improvement goals necessary to progress from the baseline established in ~~2002~~ 2005 to the reading goal of ~~ninety percent (90%)~~ by ~~May 1, 2007~~ July 1, 2008. 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~~ State Board of Education shall recognize schools and districts that attain or make progress toward achieving the reading goal and shall provide technical assistance to schools and districts that do not make progress toward the reading goal. The district reading sufficiency plan shall be submitted to the State Board if the district has any schools that are not achieving the required annual improvement goals pursuant to this section.

SECTION 3. AMENDATORY 70 O.S. 2001, Section 1210.508C, as last amended by Section 124 of Enrolled House Bill No. 2060 of the 1st Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 1210.508C A. 1. Each student enrolled in kindergarten in a public school in this state shall be screened for reading skills including, but not limited to, ~~phoneme~~ phonological awareness, letter recognition, and oral language skills as identified in the Priority Academic Student Skills (PASS) adopted by the State Board of Education. A screening instrument approved by the State Board shall be utilized for the purposes of this section.

2. For those kindergarten children at risk for reading difficulties, teachers shall emphasize reading skills as identified

in the PASS, monitor progress throughout the year and measure year-end reading progress.

3. 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~~ 1. Each student 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~~ using a screening instrument approved by the State Board of Education for the acquisition of reading skills including, but not limited to, phonemic phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension. Except for students who are on an individualized education program in an area related to reading, have limited English proficiency or for whom English is a second language, any

2. 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. If a student is found not to be reading at the appropriate grade level and teachers, in collaboration with others, are concerned that undiagnosed health problems may affect the ability of the student to read, the school district may make a recommendation to the parents or legal guardians for medical evaluation without being liable for cost of the evaluation or any associated costs.

3. Throughout the year progress monitoring shall continue, and diagnostic assessment, if determined appropriate, shall be provided. Year-end reading skills shall be measured to determine reading success.

C. ~~The State Department~~ Board of Education shall ~~provide to each school district a list of approved comparable reading assessments, which also shall include any such assessments~~ approve no more than three screening instruments for use at the beginning of the school year, for monitoring of progress, and for measurement of reading skills at the end of the school year as required in subsections A and B of this section; provided, one of the screening instruments shall be recommended by the Oklahoma Commission for Teacher Preparation and may include any assessments developed and approved by the State Department of Education, The State Board shall also determine other comparable reading assessments for diagnostic purposes and for periodic and post assessments 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, 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 State Board shall ensure that any assessments approved are in alignment with the PASS.

D. The program of reading instruction required in subsection A B of this section shall align with the PASS and may include, but is not ~~be~~ limited to:

1. Sufficient additional in-school instructional time for the acquisition of ~~phonemic~~ phonological 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~~ Assessments identified for diagnostic purposes and periodic monitoring to measure the acquisition of reading skills including, but not limited to, ~~phonemic~~ phonological 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, implement, and annually update a district reading sufficiency 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~~ adopt 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 Reading Sufficiency Act, the plan ~~shall~~ may 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~~ December 1 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~~ the state and each school district and elementary site which shall include, but is not limited to, trend data detailing three (3) years of data, disaggregated by student subgroups to include economically disadvantaged, major racial or ethnic groups, students with disabilities, and English language learners, as appropriate for the following:

1. The number and percentage of students in need of remediation in kindergarten through third grade determined to be at risk for reading difficulties compared to the total number of students enrolled in first, second and third grades each grade;

2. The number of students provided with a program of reading instruction pursuant to this section and percentage of students in kindergarten who continue to be at risk for reading difficulties as determined by the year-end measurement of reading progress;

3. The number and percentage of students in first through third grade who have successfully completed their program of reading instruction and are reading on grade level as determined by the results of approved reading assessments; and

4. The number and percentage of students scoring at each performance level on the third-grade criterion-referenced test in reading;

5. The amount of funds for reading remediation received by each district;

6. An evaluation and narrative interpretation of the report data prepared by the State Department of Education analyzing the impact of the Reading Sufficiency Act on students' ability to read at grade level; and

7. Any recommendations for improvements or amendments to the Reading Sufficiency Act.

The State Department of Education may contract with an independent entity for the reporting and analysis requirements of this subsection.

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.508F of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Education shall ensure that the reading competencies for elementary teachers are included in the competencies for special education teachers.

B. The State Board of Education and the Oklahoma Commission for Teacher Preparation in collaboration with the Oklahoma State Regents for Higher Education shall ensure that all teachers of early childhood education, elementary education, and special education are provided quality training in intervention, instruction, and remediation strategies in order to meet the needs of students in kindergarten through third grade who are determined to be at risk of reading difficulties.

SECTION 5. This act shall become effective September 1, 2005.

Passed the Senate the 26th day of May, 2005.

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of May, 2005.

Presiding Officer of the House
of Representatives