

1 ENGROSSED HOUSE AMENDMENT
TO

2 ENGROSSED SENATE BILL NO. 1769

By: Paddack of the Senate

3 and

4 Coody of the House

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8 (schools - funds for student remediation -

9 codification - noncodification - effective date -

10 emergency)

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13 AUTHOR: Add the following House Coauthor: Shumate

14 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

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16 "An Act relating to schools; amending 70 O.S. 2001,
17 Sections 1210.508D, as amended by Section 21,
Chapter 242, O.S.L. 2005 and 1210.508E, as last
18 amended by Section 2, Chapter 146, O.S.L. 2006 (70
O.S. Supp. 2007, Sections 1210.508D and 1210.508E),
19 which relate to reading remediation programs;
allocating base amount of money to certain school
20 districts for summer reading remediation programs;
providing that certain students shall be eligible to
participate in summer remediation programs;
21 providing funds for student remediation contingent
on funding; specifying criteria for funding amounts;
22 directing State Department of Education to disburse
certain funds by certain deadline; specifying
23 funding amounts to be based on certain test results;
establishing process for reimbursement for
24 administration of certain alternative assessments;

1 stating purpose for remediation; authorizing certain
2 means of providing remediation; requiring certain
3 report by districts; directing State Board of
4 Education to promulgate rules; directing State
5 Department of Education to conduct survey to
6 determine ability of districts to comply with
7 certain law; requiring report by certain deadline;
8 providing for codification; providing for
9 noncodification; providing an effective date; and
10 declaring an emergency.

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

12 SECTION 1. AMENDATORY 70 O.S. 2001, Section 1210.508D,
13 as amended by Section 21, Chapter 242, O.S.L. 2005 (70 O.S. Supp.
14 2007, Section 1210.508D), is amended to read as follows:

15 Section 1210.508D A. Contingent on the provision of
16 appropriated funds designated for the Reading Sufficiency Act,
17 school districts may be reimbursed in the amount of up to One
18 Hundred Fifty Dollars (\$150.00) for each enrolled first-, second-
19 and third-grade student of the current school year who is found to
20 be in need of remediation in reading. The reimbursement shall be
21 for expenses incurred in reading assessment and remediation at those
22 grade levels pursuant to the provisions of the Reading Sufficiency
23 Act. School districts may be reimbursed up to Four Hundred Dollars
24 (\$400.00) for each student completing the third grade who is found
not to be reading at the third-grade level and who subsequently
participates in a summer reading remediation program. A school
district which has ten or fewer students participating in a summer

1 reading remediation program may be allocated a base amount of One
2 Thousand Five Hundred Dollars (\$1,500.00) for the program which
3 shall be in addition to the per-student reimbursement amount
4 provided for in this subsection. The State Board of Education shall
5 promulgate rules for such a course that specify at least four (4)
6 weeks of tutoring a half (1/2) day each day. The summer reading
7 remediation programs shall be taught by teachers who have
8 successfully completed a professional development institute in
9 reading administered by the Oklahoma Commission for Teacher
10 Preparation or a scientifically-based reading professional
11 development program administered by the State Board of Education.

12 B. In order to be reimbursed, school districts shall file a
13 claim with the State Department of Education at the end of each
14 school semester or prior to the end of the fiscal year in which the
15 remediation is provided. Claims from summer remediation provided in
16 July or August shall be filed with the first semester claim of the
17 subsequent school year. Claims shall be reimbursed in a timely
18 manner. The State Board of Education shall promulgate rules for the
19 administration of reimbursements.

20 C. If a teacher attends and completes a professional
21 development institute in elementary reading approved by the Oklahoma
22 Commission for Teacher Preparation during the summer or when school
23 is not in session, the teacher shall receive a stipend equal to the
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1 amount of the cost for a substitute teacher, based on the amount of
2 funds allocated.

3 SECTION 2. AMENDATORY 70 O.S. 2001, Section 1210.508E,
4 as last amended by Section 2, Chapter 146, O.S.L. 2006 (70 O.S.
5 Supp. 2007, Section 1210.508E), is amended to read as follows:

6 Section 1210.508E A. If a teacher determines that a third-
7 grade student is not reading at grade level by the end of the second
8 quarter of the school year, the parent or guardian of the student
9 shall be notified of:

10 1. The reading level of the student;

11 2. The program of reading instruction for the student as
12 required pursuant to the Reading Sufficiency Act; and

13 3. The potential need for the student to participate in a
14 summer academy or other program designed to assist the student in
15 attaining grade-level reading skills.

16 B. A teacher who determines a third-grade student is unable to
17 meet competencies required for reading for completion of third grade
18 and promotion to fourth grade, may have the authority, after
19 consultation with the parent or guardian of the student, to
20 recommend that the promotion of the student to the fourth grade is
21 contingent upon the participation in and successful completion of
22 the required competencies for reading by the student at a summer
23 academy or other program. If the student does not successfully

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1 complete the competencies in the summer academy or other program,
2 the student may be retained in the third grade.

3 C. Summer academy programs shall be designed to ensure that
4 participating students successfully complete the competencies
5 necessary in reading for promotion to fourth grade and to enhance
6 next-grade readiness. A summer academy reading program shall be a
7 program that incorporates the content of a scientifically research
8 based professional development program administered by the Oklahoma
9 Commission for Teacher Preparation or a scientifically based reading
10 program administered by the State Board of Education and is taught
11 by teachers who have successfully completed professional development
12 in the reading program or who are certified as reading specialists.

13 D. School districts may approve an option for students who are
14 unable to attend a summer academy. The optional program may
15 include, but is not limited to, an approved private provider of
16 instruction, approved computer- or Internet-based instruction, or an
17 approved program of reading instruction monitored by the parent or
18 guardian. School districts shall not be required to pay for the
19 optional program, but shall clearly communicate to the parent or
20 guardian the expectations of the program and any costs that may be
21 involved.

22 E. Subject to the availability of funds, beginning one (1) year
23 after implementation of this section, the requirements of subsection
24 B of this section shall be expanded to apply to fourth-grade student

1 promotion to fifth grade. Each year thereafter, the requirements
2 shall be expanded by one grade level until the requirements apply to
3 third-grade students through eighth-grade students. Summer academy
4 programs shall be designed for each grade level. Nothing in this
5 section shall prevent the State Board of Education or a school
6 district board of education from utilizing private, local, or
7 federal funds to implement this section.

8 F. The provisions of this section shall not apply to:

9 1. Students who have individualized education programs pursuant
10 to the Individuals with Disabilities Education Act (IDEA) and who
11 satisfy the annual goals of the individualized education program for
12 that student; and

13 2. Students who are English language learners who have been
14 determined not to be proficient in English as defined by a state-
15 designated English proficiency assessment. A third-grade student
16 who is an English language learner and is found not to be reading at
17 the third-grade level shall be eligible to participate in a summer
18 reading remediation program.

19 G. The State Board of Education shall adopt rules to implement
20 the provisions of this section which shall include requirements for
21 instructional time for summer school programs, teacher
22 qualifications, and evaluation of student achievement as a result of
23 summer academy programs or other optional programs.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1210.526 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Contingent on the provision of appropriated funds designated
5 for the Achieving Classroom Excellence Act of 2005, school districts
6 shall be eligible for funding as follows:

7 1. A maximum of Two Hundred Forty Dollars (\$240.00) for
8 remediation for each subject-specific test by a student that
9 resulted in a score at the unsatisfactory level and for which the
10 student has been found to be in need of remediation pursuant to
11 Sections 1210.522 and 1210.523 of Title 70 of the Oklahoma Statutes;

12 2. A maximum of One Hundred Eighty Dollars (\$180.00) for
13 remediation for each subject-specific test by a student that
14 resulted in a score at the limited knowledge level and for which the
15 student has been found to be in need of remediation pursuant to
16 Sections 1210.522 and 1210.523 of Title 70 of the Oklahoma Statutes;

17 3. Funds for remediation as provided for in paragraphs 1 and 2
18 of this subsection shall be disbursed by the State Department of
19 Education by September 1 of each year and shall be based on the most
20 recent test results available from the previous school year or
21 summer test administration; and

22 4. Claims for reimbursement for costs associated with
23 administration of alternative assessments as required by Section
24 1210.523 of Title 70 of the Oklahoma Statutes shall be filed with

1 the State Department of Education at the end of each school semester
2 or prior to the end of the fiscal year in which the alternative
3 assessment is provided. Claims from summer alternative assessment
4 administration provided in July or August shall be filed with the
5 first semester claim of the subsequent school year. Claims shall be
6 reimbursed in a timely manner.

7 B. Remediation provided pursuant to this section by school
8 districts shall be for the purpose of assisting students in
9 performing at least at the satisfactory level on the applicable
10 criterion-referenced tests in reading and mathematics at the eighth-
11 grade level, or the applicable end-of-instruction tests as required
12 in Section 1210.523 of Title 70 of the Oklahoma Statutes, or an
13 alternative assessment if eligible. Remediation may be provided by
14 means which may include, but are not limited to, tutoring,
15 additional help during the school day, extended-day programs,
16 Saturday programs, summer programs, online coursework, or other
17 supplementary services.

18 C. School districts shall report on their use of funds for
19 remediation as provided for in this section to the State Board of
20 Education in a manner prescribed by the Board.

21 D. The State Board of Education shall promulgate rules to
22 implement the provisions of this section.

23 SECTION 4. NEW LAW A new section of law not to be
24 codified in the Oklahoma Statutes reads as follows:

1 The State Department of Education shall conduct a survey of the
2 public school districts to determine the ability of districts to
3 comply with the provisions of Section 1210.508 of Title 70 of the
4 Oklahoma Statutes that require districts to administer the
5 criterion-referenced tests at eighth grade and the end-of-
6 instruction tests at the secondary level online and within the
7 limitations of the testing window dates established by the State
8 Board of Education.

9 The State Department of Education shall submit a report to the
10 Legislature and Governor by December 1, 2008, on the results of the
11 survey, identification of the challenges confronting districts, and
12 recommended solutions that will provide districts with the ability
13 to comply with the law.

14 SECTION 5. This act shall become effective July 1, 2008.

15 SECTION 6. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval."

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1 Passed the House of Representatives the 24th day of April, 2008.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2008.

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9 Presiding Officer of the Senate