

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1550

By: Kern, Nelson and Cockroft
of the House

6 and

7 Jolley of the Senate
8
9

10 COMMITTEE SUBSTITUTE

11 An Act relating to school assessment; stating
12 legislative intent; stating goals; providing for
13 assessment; providing criteria for retention;
14 providing for parental notification; prohibiting
15 social promotion; providing certain exceptions;
16 providing remediation policy for students retained;
17 requiring certain reports; directing promulgation of
18 rules; directing State Department of Education to
19 provide technical assistance; providing for
20 codification; providing an effective date; and
21 declaring an emergency.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 1210.516 of Title 70, unless
there is created a duplication in numbering, reads as follows:

A. It is the intent of the Legislature that each student's
progression be determined, in part, upon proficiency in reading;
that district school board policies facilitate such proficiency; and

1 that each student and his or her parent be informed of that
2 student's academic progress.

3 B. It is the ultimate goal of the Legislature that every
4 student read at or above grade level. Any student who exhibits a
5 substantial deficiency in reading, based upon state-approved
6 assessments conducted in kindergarten, grade 1, grade 2, or grade 3,
7 must be given intensive reading instruction immediately following
8 the identification of the reading deficiency.

9 C. Each student's reading proficiency shall be reassessed by
10 state-approved assessments at the beginning of the grade following
11 the intensive reading instruction. The student shall continue to be
12 provided with intensive reading instruction until the reading
13 deficiency is remedied.

14 D. Beginning with students entering first grade in the 2011-
15 2012 school year, if the student's reading deficiency, as identified
16 in subsection B of this section, is not remedied by the end of grade
17 3, as demonstrated by scoring at the Limited Knowledge level or
18 higher on the state annual accountability assessment in reading for
19 grade 3, the student shall be retained.

20 E. The parent of any student who exhibits a substantial
21 deficiency in reading shall be notified in writing of the following:

22 1. That his or her child has been identified as having a
23 substantial deficiency in reading;

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1 2. A description of the current services that are provided to
2 the child;

3 3. A description of the proposed supplemental instructional
4 services and supports that will be provided to the child that are
5 designed to remediate the identified area of reading deficiency;

6 4. That if the child's reading deficiency is not remediated by
7 the end of grade 3, the child will not be promoted to grade 4 unless
8 he or she meets a good cause exemption;

9 5. Strategies for parents to use in helping their child succeed
10 in reading proficiency;

11 6. That while the state annual accountability assessment is the
12 initial determinate, it is not the sole determiner of promotion and
13 that additional evaluations, portfolio reviews, and assessments are
14 available;

15 7. The district's specific criteria and policies for midyear
16 promotion. Midyear promotion means promotion of a student at any
17 time during the year of retention once the student has demonstrated
18 ability to read at grade level and shall require the agreement of
19 the parent or guardian of the child and the principal;

20 F. No student may be assigned to a grade level based solely on
21 age or other factors that constitute social promotion.

22 G. The district school board may only promote students not
23 meeting the academic requirements for good cause. Good cause
24 exemptions shall be limited to the following:

- 1 1. Limited English proficient students who have had less than 2
2 years of instruction in an English Language Learner program;
- 3 2. Students with disabilities whose individual education plan,
4 consistent with state law, indicates that participation in the
5 statewide assessment program is not appropriate;
- 6 3. Students who demonstrate an acceptable level of performance
7 on an alternative standardized reading assessment approved by the
8 State Board of Education;
- 9 4. Students who demonstrate, through a student portfolio, that
10 the student is reading on grade level as evidenced by demonstration
11 of mastery of the state standards beyond the retention level;
- 12 5. Students with disabilities who participate in the state
13 accountability examination and who have an individual education plan
14 that reflects that the student has received intensive remediation in
15 reading for more than 2 years but still demonstrates a deficiency in
16 reading and was previously retained in kindergarten, grade 1, grade
17 2, or grade 3;
- 18 6. Students who have received intensive remediation in reading
19 for two or more years but still demonstrate a deficiency in reading
20 and who were previously retained in kindergarten, grade 1, grade 2,
21 or grade 3 for a total of 2 years. Intensive reading instruction
22 for students so promoted must include an altered instructional day
23 that includes specialized diagnostic information and specific
24 reading strategies for each student. The district school board

1 shall assist schools and teachers to implement reading strategies
2 that research has shown to be successful in improving reading among
3 low-performing readers.

4 H. Requests to exempt students from academic requirements for
5 promotion to the next grade shall be made consistent with the
6 following:

7 a. documentation shall be submitted from the student's
8 teacher to the school principal that indicates that
9 the promotion of the student is appropriate and is
10 based upon the student's record. In order to minimize
11 paperwork requirements, such documentation shall
12 consist only of the existing progress monitoring plan,
13 individual educational plan, if applicable, report
14 card, or student portfolio,

15 b. the school principal shall review and discuss such
16 recommendation with the teacher and make the
17 determination as to whether the student should be
18 promoted. If the school principal determines that the
19 student should be promoted, the school principal shall
20 make such recommendation in writing to the district
21 school superintendent. The district school
22 superintendent shall accept or reject the school
23 principal's recommendation in writing.

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1 I. Students retained shall be provided intensive interventions
2 in reading to ameliorate the student's specific reading deficiency,
3 as identified by a valid and reliable diagnostic assessment. This
4 intensive intervention shall include effective instructional
5 strategies, participation in the school district's summer reading
6 camp, if available, and appropriate teaching methodologies necessary
7 to assist those students in becoming successful readers, able to
8 read at or above grade level, and ready for promotion to the next
9 grade.

10 1. Beginning with the 2011-2012 school year, each school
11 district shall:

12 a. conduct a review of student progress monitoring plans
13 for all students who did not score above the
14 Unsatisfactory level on the reading portion of the
15 state exam and did not meet the criteria for one of
16 the good cause exemptions. The review shall address
17 additional supports and services, as described in this
18 subsection, needed to remediate the identified areas
19 of reading deficiency. The school district shall
20 require a student portfolio to be completed for each
21 such student,

22 b. provide students who are not promoted with intensive
23 instructional services and supports to remediate the
24 identified areas of reading deficiency, including a

1 minimum of 90 minutes of daily, uninterrupted,
2 scientifically research-based reading instruction and
3 other strategies prescribed by the school district,
4 which may include, but are not limited to:

- 5 (1) small group instruction,
- 6 (2) reduced teacher-student ratios,
- 7 (3) more frequent progress monitoring,
- 8 (4) tutoring or mentoring,
- 9 (5) transition classes containing 3rd and 4th grade
10 students,
- 11 (6) extended school day, week, or year,
- 12 (7) summer reading camps.

13 c. provide written notification to the parent of any
14 student who is retained that his or her child has not
15 met the proficiency level required for promotion and
16 the reasons the child is not eligible for a good cause
17 exemption. The notification must include a
18 description of proposed interventions and supports
19 that will be provided to the child to remediate the
20 identified areas of reading deficiency,

21 d. implement a policy for the midyear promotion of any
22 student retained who can demonstrate that he or she is
23 a successful and independent reader, reading at or
24 above grade level, and ready to be promoted to grade

1 4. Tools that school districts may use in
2 reevaluating any student retained may include
3 subsequent assessments, alternative assessments, and
4 portfolio reviews, in accordance with rules of the
5 State Board of Education. Students promoted during
6 the school year after November 1 must demonstrate
7 proficiency above that required to score at the
8 Unsatisfactory level on the grade 3 state
9 accountability exam, as determined by the State Board
10 of Education. The State Board of Education shall
11 adopt standards that provide a reasonable expectation
12 that the student's progress is sufficient to master
13 appropriate 4th grade level reading skills.

14 2. Provide students who are retained with a high-performing
15 teacher as determined by student performance data and above-
16 satisfactory performance appraisals;

17 3. In addition to required reading enhancement and acceleration
18 strategies, provide parents of students to be retained with at least
19 one of the following instructional options:

- 20 a. supplemental tutoring in scientifically research-based
21 reading services in addition to the regular reading
22 block, including tutoring before and/or after school,
- 23 b. a "Read at Home" parent guided assistance plan
24 outlined in a parental contract, as developed by the

1 State Department of Education to encourage regular
2 parent-guided home reading,

3 c. a mentor or tutor with specialized reading training.

4 4. Establish a Reading Enhancement and Acceleration Development
5 (READ) Initiative. The focus of the READ Initiative shall be to
6 prevent the retention of grade 3 students and to offer intensive
7 accelerated reading instruction to grade 3 students who failed to
8 meet standards for promotion to grade 4 and to each K-3 student who
9 is assessed as exhibiting a reading deficiency. The READ Initiative
10 shall:

11 a. be provided to all K-3 students at risk of retention
12 as identified by the statewide assessment system used
13 in Reading First schools. The assessment must measure
14 phonemic awareness, phonics, fluency, vocabulary, and
15 comprehension,

16 b. be provided during regular school hours in addition to
17 the regular reading instruction,

18 c. provide a state-approved reading curriculum that, at a
19 minimum, meets the following specifications:

20 (1) assists students assessed as exhibiting a reading
21 deficiency in developing the ability to read at
22 grade level,

23 (2) provides skill development in phonemic awareness,
24 phonics, fluency, vocabulary, and comprehension,

- 1 (3) provides scientifically based and reliable
2 assessment,
- 3 (4) provides initial and ongoing analysis of each
4 student's reading progress,
- 5 (5) is implemented during regular school hours.
- 6 (6) provides a curriculum in core academic subjects
7 to assist the student in maintaining or meeting
8 proficiency levels for the appropriate grade in
9 all academic subjects,
- 10 (7) establishes at each school, where applicable, an
11 Intensive Acceleration Class for retained grade 3
12 students who subsequently score at the
13 Unsatisfactory level on the reading portion of
14 the state accountability exam. The focus of the
15 Intensive Acceleration Class shall be to increase
16 a child's reading level at least two grade levels
17 in one school year. The Intensive Acceleration
18 Class shall:
- 19 (a) be provided to any student in grade 3 who
20 scores at the Unsatisfactory level on the
21 reading portion of the state accountability
22 exam and who was retained in grade 3 the
23 prior year because of scoring at the
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1 Unsatisfactory level on the reading portion
2 of the state accountability exam,

3 (b) have a reduced teacher-student ratio,

4 (c) provide uninterrupted reading instruction
5 for the majority of student contact time
6 each day and incorporate opportunities to
7 master the grade 4 state standards in other
8 core subject areas,

9 (d) use a reading program that is scientifically
10 research-based and has proven results in
11 accelerating student reading achievement
12 within the same school year,

13 (e) provide intensive language and vocabulary
14 instruction using a scientifically research-
15 based program, including use of a speech-
16 language therapist,

17 (f) include weekly progress monitoring measures
18 to ensure progress is being made,

19 (g) report to the State Department of Education,
20 in the manner described by the Department,
21 the progress of students in the class at the
22 end of the first semester;

23 (8) report to the State Board of Education, upon
24 request, on the specific intensive reading

1 interventions and supports implemented at the
2 school district level. The State Superintendent
3 of Public Instruction shall annually prescribe
4 the required components of requested reports,

- 5 (9) provide a student who has been retained in grade
6 3 and has received intensive instructional
7 services but is still not ready for grade
8 promotion, as determined by the school district,
9 the option of being placed in a transitional
10 instructional setting. Such setting shall
11 specifically be designed to produce learning
12 gains sufficient to meet grade 4 performance
13 standards while continuing to remediate the areas
14 of reading deficiency;

15 J. In addition to the above requirements, each district school
16 board must annually report to the parent of each student the
17 progress of the student toward achieving state and district
18 expectations for proficiency in reading, writing, science, and
19 mathematics. The district school board must report to the parent
20 the student's results on each annual state accountability
21 assessment. The evaluation of each student's progress must be based
22 upon the student's classroom work, observations, tests, district and
23 state assessments, and other relevant information. Progress
24 reporting must be provided to the parent in writing.

1 1. Each district school board must annually publish on the
2 school website, and report in writing to the State Board of
3 Education by September 1 of each year, the following information on
4 the prior school year:

5 a. the provisions of this section relating to public
6 school student progression and the district school
7 board's policies and procedures on student retention
8 and promotion,

9 b. by grade, the number and percentage of all students in
10 grades 3 through 10 performing at the Unsatisfactory
11 level on the reading portion of the annual state
12 accountability assessment,

13 c. by grade, the number and percentage of all students
14 retained in grades 3 through 10,

15 d. information on the total number and percentage of
16 students who were promoted for good cause, by each
17 category of good cause as specified above,

18 e. any revisions to the district school board's policy on
19 student retention and promotion from the prior year.

20 2. The State Department of Education shall establish a uniform
21 format for school districts to report the information required. The
22 format shall be developed with input from district school boards and
23 shall be provided not later than ninety (90) days prior to the
24 annual due date. The Department shall annually compile the

1 information required along with state-level summary information, and
2 report such information to the public, the Governor, the President
3 Pro Tempore of the Senate, and the Speaker of the House of
4 Representatives.

5 K. 1. The State Board of Education shall promulgate rules to
6 implement the provisions of this section.

7 2. The State Department of Education shall provide technical
8 assistance as needed to aid district school boards in administering
9 this section.

10 SECTION 2. This act shall become effective July 1, 2011.

11 SECTION 3. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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