

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2516

6 By: Kern

7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; amending 70 O.S. 2011,
9 Sections 1210.508C, 1210.508D and 1210.508E, which
10 relate to the Reading Sufficiency Act; adding
11 kindergarten students to assessment requirement;
12 deleting authorization for a medical evaluation
13 referral by school districts; adding school year
14 hours; providing for electronic submission of plan;
15 deleting reference to certain district plan;
16 modifying references to certain statewide criterion-
17 referenced test; changing reference to assessment;
18 modifying requirement to provide intensive reading
19 instruction to certain students; deleting additional
20 promotion exemption provision; establishing process
21 for certain requests to exempt students from
22 retention requirements; modifying specification for
23 certain assessment; adding certain kindergarten
24 student information to certain reading report;
deleting specific reimbursement amounts; allowing
allocation of monies; adding kindergarten students;
allowing allocation for intervention; deleting
provisions and requirements for reimbursement for
remediation; specifying requirements and process for
determining amount of allocations; deleting certain
claims-filing requirement; making stipend for
teachers attending certain professional development
institute optional; making contingency to promote a
student optional; modifying specification for certain
professional development requirements; making
expansion of certain provisions optional; deleting
certain limitation; providing an effective date; and
declaring an emergency.

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

2 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508C,
3 is amended to read as follows:

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

11 2. For those kindergarten children at risk for reading
12 difficulties, teachers shall emphasize reading skills as identified
13 in the PASS, monitor progress throughout the year and measure year-
14 end reading progress.

15 3. Classroom assistants, which may include parents,
16 grandparents, or other volunteers, shall be provided in kindergarten
17 classes to assist with the screening of students if a teacher aide
18 is not already employed to assist in a kindergarten classroom.

19 B. 1. Each student enrolled in kindergarten, first, second and
20 third grade of the public schools of this state shall be assessed at
21 the beginning of each school year using a screening instrument
22 approved by the State Board of Education for the acquisition of
23 reading skills including, but not limited to, phonological
24

1 awareness, phonics, spelling, reading fluency, vocabulary, and
2 comprehension.

3 2. Any student who is assessed and found not to be reading at
4 the appropriate grade level shall be provided a program of reading
5 instruction designed to enable the student to acquire the
6 appropriate grade level reading skills. Beginning with students
7 entering the first grade in the 2011-2012 school year, the program
8 of reading instruction shall include provisions of the READ
9 Initiative adopted by the school district as provided for in
10 subsection ~~N~~ Q of this section. ~~If a student is found not to be~~
11 ~~reading at the appropriate grade level and teachers, in~~
12 ~~collaboration with others, are concerned that undiagnosed health~~
13 ~~problems may affect the ability of the student to read, the school~~
14 ~~district may make a recommendation to the parents or legal guardians~~
15 ~~for medical evaluation without being liable for cost of the~~
16 ~~evaluation or any associated costs.~~

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

21 C. The State Board of Education shall approve no more than
22 three screening instruments for use at the beginning of the school
23 year, for monitoring of progress, and for measurement of reading
24 skills at the end of the school year as required in subsections A

1 and B of this section; provided, one of the screening instruments
2 shall be recommended by the Oklahoma Commission for Teacher
3 Preparation. The State Board shall also determine other comparable
4 reading assessments for diagnostic purposes and for periodic and
5 post assessments to be used for students at risk of reading failure.
6 The State Board shall ensure that any assessments approved are in
7 alignment with the PASS.

8 D. The program of reading instruction required in subsection B
9 of this section shall align with the PASS, shall include provisions
10 of the READ Initiative adopted by the school district as provided
11 for in subsection ~~N~~ Q of this section beginning with students
12 entering the first grade in the 2011-2012 school year and may
13 include, but is not limited to:

14 1. Sufficient additional in-school instructional time for the
15 acquisition of phonological awareness, phonics, spelling, reading
16 fluency, vocabulary, and comprehension;

17 2. If necessary, tutorial instruction after regular school
18 hours, on Saturdays and during summer; however, such instruction may
19 not be counted toward the one-hundred-eighty-day or one-thousand-
20 eighty-hour school year required in Section 1-109 of this title; and

21 3. Assessments identified for diagnostic purposes and periodic
22 monitoring to measure the acquisition of reading skills including,
23 but not limited to, phonological awareness, phonics, spelling,
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1 reading fluency, vocabulary, and comprehension, as identified in the
2 student's program of reading instruction.

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

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

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

22 3. The State Board of Education shall adopt rules for the
23 implementation and evaluation of the provisions of the Reading
24 Sufficiency Act. The evaluation shall include, but not be limited

1 to, an analysis of the data required in subsection R S of this
2 section.

3 G. For any third-grade student found not to be reading at grade
4 level as determined by reading assessments administered pursuant to
5 this section, a new program of reading instruction, including
6 provisions of the READ Initiative adopted by the school district as
7 provided for in subsection N O of this section, shall be developed
8 and implemented as specified in this section. If possible, a
9 fourth-grade teacher shall be involved in the development of the
10 program of reading instruction. In addition to other requirements
11 of the Reading Sufficiency Act, the plan may include specialized
12 tutoring.

13 H. Beginning with students entering the first grade in the
14 2011-2012 school year, if the reading deficiency of a student, as
15 identified based on assessments administered as provided for in
16 subsection B of this section, is not remedied by the end of third
17 grade, as demonstrated by scoring at the unsatisfactory level on the
18 reading portion of the statewide third-grade criterion-referenced
19 test ~~administered pursuant to Section 1210.508 of this title~~, the
20 student shall be retained in the third grade.

21 I. The parent of any student who is found to have a reading
22 deficiency and is not reading at the appropriate grade level and has
23 been provided a program of reading instruction as provided for in
24

1 subsection B of this section shall be notified in writing of the
2 following:

3 1. That the student has been identified as having a substantial
4 deficiency in reading;

5 2. A description of the current services that are provided to
6 the student;

7 3. A description of the proposed supplemental instructional
8 services and supports that will be provided to the student that are
9 designed to remediate the identified area of reading deficiency;

10 4. That the student will not be promoted to the fourth grade if
11 the reading deficiency is not remediated by the end of the third
12 grade, unless the student is exempt for good cause as set forth in
13 subsection K of this section;

14 5. Strategies for parents to use in helping their child succeed
15 in reading proficiency;

16 6. That while the results of the statewide criterion-referenced
17 ~~test~~ tests administered pursuant to Section 1210.508 of this title
18 are the initial determinant, it is not the sole determiner of
19 promotion and that portfolio reviews and assessments are available;
20 and

21 7. The specific criteria and policies of the school district
22 for midyear promotion implemented as provided for in paragraph 4 of
23 subsection ~~M~~ N of this section.

24

1 J. No student may be assigned to a grade level based solely on
2 age or other factors that constitute social promotion.

3 K. For those students who do not meet the academic requirements
4 for promotion, a school district may promote the student for good
5 cause only. Good-cause exemptions for promotion shall be limited to
6 the following:

7 1. Limited-English-proficient students who have had less than
8 two (2) years of instruction in an English language learner program;

9 2. Students with disabilities whose individualized education
10 plan (IEP), consistent with state law, indicates that ~~participation~~
11 ~~in the statewide criterion-referenced tests administered pursuant to~~
12 ~~Section 1210.508 of this title is not appropriate~~ the student is to
13 be assessed with alternate achievement standards through the
14 Oklahoma Alternate Assessment Program (OAAP);

15 3. Students who demonstrate an acceptable level of performance
16 on an alternative standardized reading assessment approved by the
17 State Board of Education;

18 4. Students who demonstrate, through a student portfolio, that
19 the student is reading on grade level as evidenced by demonstration
20 of mastery of the state standards beyond the retention level;

21 5. Students with disabilities who participate in the statewide
22 criterion-referenced tests and who have an individualized education
23 plan that reflects that the student has received intensive
24 remediation in reading for more than two (2) years but still

1 demonstrates a deficiency in reading and was previously retained in
2 kindergarten, first grade, second grade, or third grade; and

3 6. Students who have received intensive remediation in reading
4 through a program of reading instruction for two (2) or more years
5 but still demonstrate a deficiency in reading and who were
6 previously retained in kindergarten, first grade, second grade, or
7 third grade for a total of two (2) years.

8 L. A student who is promoted for good cause as provided for in
9 ~~this paragraph subsection K of this section~~ shall be provided
10 intensive reading instruction during an altered instructional day
11 that includes specialized diagnostic information and specific
12 reading strategies for each student. The school district shall
13 assist schools and teachers to implement reading strategies for the
14 promoted students that research has shown to be successful in
15 improving reading among low-performing readers.

16 ~~L. In addition to the good-cause exemptions as set forth in~~
17 ~~subsection K of this section, requests~~ M. Requests to exempt
18 students from the ~~academic~~ mandatory retention requirements ~~for~~
19 ~~promotion to the next grade~~ based on one of the good-cause
20 exemptions as described in subsection K of this section shall ~~only~~
21 be made ~~upon documentation~~ using the following process:

22 1. Documentation submitted from the teacher of the student to
23 the school principal that indicates ~~that~~ the student meets one of
24 the good-cause exemptions and promotion of the student is

1 appropriate and ~~is based upon the record of the student~~. In order
2 to minimize paperwork requirements, the documentation shall consist
3 only of ~~a~~ the alternative assessment results or student portfolio
4 work and the individual education plan (IEP), as applicable;

5 2. The principal of the school shall review and discuss the
6 documentation with the teacher. If the principal determines that
7 the student meets one of the good-cause exemptions and should be
8 promoted based on the documentation provided, the principal shall
9 make a recommendation in writing to the school district
10 superintendent; and

11 3. After review, the school district superintendent shall
12 accept or reject the recommendation of the principal in writing.

13 ~~M.~~ N. Beginning with the 2011-2012 school year, each school
14 district shall:

15 1. Conduct a review of the program of reading instruction for
16 all students who score at the unsatisfactory level on the reading
17 portion of the statewide criterion-referenced test administered
18 pursuant to Section 1210.508 of this title and did not meet the
19 criteria for one of the good-cause exemptions as set forth in
20 subsection K of this section. The review shall address additional
21 supports and services, as described in this subsection, needed to
22 remediate the identified areas of reading deficiency. The school
23 district shall require a student portfolio to be completed for each
24 retained student;

1 2. Provide to students who have been retained as set forth in
2 subsection H of this section with intensive interventions in
3 reading, intensive instructional services and supports to remediate
4 the identified areas of reading deficiency, including a minimum of
5 ninety (90) minutes of daily, uninterrupted, scientific-research-
6 based reading instruction. Retained students shall be provided
7 other strategies prescribed by the school district, which may
8 include, but are not limited to:

- 9 a. small group instruction,
- 10 b. reduced teacher-student ratios,
- 11 c. more frequent progress monitoring,
- 12 d. tutoring or mentoring,
- 13 e. transition classes containing third- and fourth-grade
14 students,
- 15 f. extended school day, week, or year, and
- 16 g. summer reading academies as provided for in Section
17 1210.508E of this title, if available;

18 3. Provide written notification to the parent or guardian of
19 any student who is to be retained as set forth in subsection H of
20 this section that the student has not met the proficiency level
21 required for promotion and the reasons the student is not eligible
22 for a good-cause exemption. The notification shall include a
23 description of proposed interventions and intensive instructional
24

1 supports that will be provided to the student to remediate the
2 identified areas of reading deficiency;

3 4. Implement a policy for the midyear promotion of a retained
4 student who can demonstrate that the student is a successful and
5 independent reader, is reading at or above grade level, and is ready
6 to be promoted to the fourth grade. Tools that school districts may
7 use in reevaluating any retained student may include subsequent
8 assessments, alternative assessments, and portfolio reviews, in
9 accordance with rules of the State Board of Education. Retained
10 students may only be promoted midyear prior to November 1 and only
11 upon demonstrating a level of proficiency required to score above
12 the unsatisfactory level on the statewide third-grade ~~statewide~~
13 criterion-referenced test and upon showing progress sufficient to
14 master appropriate fourth-grade-level skills, as determined by the
15 school. A midyear promotion shall be made only upon agreement of
16 the parent or guardian of the student and the school principal;

17 5. Provide students who are retained with a high-performing
18 teacher who can address the needs of the student, based on student
19 performance data and above-satisfactory performance appraisals; and

20 6. In addition to required reading enhancement and acceleration
21 strategies, provide students who are retained with at least one of
22 the following instructional options:
23
24

- a. supplemental tutoring in scientific-research-based reading services in addition to the regular reading block, including tutoring before or after school,
- b. a parent-guided "Read at Home" assistance plan, as developed by the State Department of Education, the purpose of which is to encourage regular parent-guided home reading, or
- c. a mentor or tutor with specialized reading training.

~~N.~~ O. Beginning with the 2011-2012 school year, each school district shall establish a Reading Enhancement and Acceleration Development (READ) Initiative. The focus of the READ Initiative shall be to prevent the retention of third-grade students by offering intensive accelerated reading instruction to third-grade students who failed to meet standards for promotion to fourth grade and to kindergarten through third-grade students who are exhibiting a reading deficiency. The READ Initiative shall:

1. Be provided to all kindergarten through third-grade students at risk of retention as identified by the assessments administered pursuant to the Reading Sufficiency Act. The assessment used shall measure phonemic awareness, phonics, fluency, vocabulary, and comprehension;
2. Be provided during regular school hours in addition to the regular reading instruction; and

1 3. Provide a state-approved reading curriculum that, at a
2 minimum, meets the following specifications:

- 3 a. assists students assessed as exhibiting a reading
4 deficiency in developing the ability to read at grade
5 level,
- 6 b. provides skill development in phonemic awareness,
7 phonics, fluency, vocabulary, and comprehension,
- 8 c. provides ~~scientifically~~ a scientific-research-based
9 and reliable assessment,
- 10 d. provides initial and ongoing analysis of the reading
11 progress of each student,
- 12 e. is implemented during regular school hours,
- 13 f. provides a curriculum in core academic subjects to
14 assist the student in maintaining or meeting
15 proficiency levels for the appropriate grade in all
16 academic subjects,
- 17 g. establishes at each school, where applicable, an
18 Intensive Acceleration Class for retained third-grade
19 students who subsequently score at the unsatisfactory
20 level on the reading portion of the statewide
21 criterion-referenced tests. The focus of the
22 Intensive Acceleration Class shall be to increase the
23 reading level of a child at least two grade levels in
24

1 one (1) school year. The Intensive Acceleration Class
2 shall:

- 3 (1) be provided to any student in the third grade who
4 scores at the unsatisfactory level on the reading
5 portion of the statewide criterion-referenced
6 tests and who was retained in the third grade the
7 prior year because of scoring at the
8 unsatisfactory level on the reading portion of
9 the statewide criterion-referenced tests,
- 10 (2) have a reduced teacher-student ratio,
- 11 (3) provide uninterrupted reading instruction for the
12 majority of student contact time each day and
13 incorporate opportunities to master the fourth-
14 grade state standards in other core subject
15 areas,
- 16 (4) use a reading program that is scientific-
17 research-based and has proven results in
18 accelerating student reading achievement within
19 the same school year,
- 20 (5) provide intensive language and vocabulary
21 instruction using a scientific-research-based
22 program, including use of a speech-language
23 therapist,
- 24

1 (6) include weekly progress monitoring measures to
2 ensure progress is being made, and

3 (7) provide reports to the State Department of
4 Education, in the manner described by the
5 Department, outlining the progress of students in
6 the class at the end of the first semester,

7 h. provide reports to the State Board of Education, upon
8 request, on the specific intensive reading
9 interventions and supports implemented by the school
10 district. The State Superintendent of Public
11 Instruction shall annually prescribe the required
12 components of the reports, and

13 i. provide to a student who has been retained in the
14 third grade and has received intensive instructional
15 services but is still not ready for grade promotion,
16 as determined by the school district, the option of
17 being placed in a transitional instructional setting.
18 A transitional setting shall specifically be designed
19 to produce learning gains sufficient to meet fourth-
20 grade performance standards while continuing to
21 remediate the areas of reading deficiency.

22 ~~Θ.~~ P. In addition to the requirements set forth in this
23 section, each school district board of education shall annually
24 report to the parent or guardian of each student in the district the

1 progress of the student toward achieving state and district
2 expectations for proficiency in reading, writing, science, and
3 mathematics. The school district board of education shall report to
4 the parent or guardian of each student the results on ~~each~~ statewide
5 criterion-referenced ~~test~~ tests. The evaluation of the progress of
6 each student shall be based upon classroom work, observations,
7 tests, district and state assessments, and other relevant
8 information. Progress reporting shall be provided to the parent or
9 guardian in writing.

10 P. Q. 1. Each school district board of education shall
11 annually publish on the school website, and report in writing to the
12 State Board of Education by September 1 of each year, the following
13 information on the prior school year:

14 a. the provisions of this section relating to public
15 school student progression and the policies and
16 procedures of the school district on student retention
17 and promotion,

18 b. by grade, the number and percentage of all students in
19 grades three through ten performing at the
20 unsatisfactory level on the reading portion of the
21 statewide criterion-referenced tests,

22 c. by grade, the number and percentage of all students
23 retained in grades three through ten,
24

- 1 d. information on the total number and percentage of
2 students who were promoted for good cause, by each
3 category of good cause as specified above, and
4 e. any revisions to the policies of the school district
5 on student retention and promotion from the prior
6 year.

7 2. The State Department of Education shall establish a uniform
8 format for school districts to report the information required in
9 this subsection. The format shall be developed with input from
10 school districts and shall be provided not later than ninety (90)
11 days prior to the annual due date. The Department shall annually
12 compile the information required along with state-level summary
13 information, and report the information to the public, the Governor,
14 the President Pro Tempore of the Senate, and the Speaker of the
15 House of Representatives.

16 ~~Q.~~ R. The State Department of Education shall provide technical
17 assistance as needed to aid school districts in administering the
18 provision of the Reading Sufficiency Act.

19 ~~R.~~ S. On or before December 1 of each year, the State
20 Department of Education shall issue to the Governor and members of
21 the Senate and House of Representatives Education Committees a
22 Reading Report Card for the state and each school district and
23 elementary site which shall include, but is not limited to, trend
24 data detailing three (3) years of data, disaggregated by student

1 subgroups to include economically disadvantaged, major racial or
2 ethnic groups, students with disabilities, and English language
3 learners, as appropriate for the following:

4 1. The number and percentage of students in kindergarten
5 through third grade determined to be at risk for reading
6 difficulties compared to the total number of students enrolled in
7 each grade;

8 2. The number and percentage of students in kindergarten who
9 continue to be at risk for reading difficulties as determined by the
10 year-end measurement of reading progress;

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

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

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

20 6. An evaluation and narrative interpretation of the report
21 data analyzing the impact of the Reading Sufficiency Act on
22 students' ability to read at grade level; and

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

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

4 ~~S. T.~~ Copies of the results of the assessments administered
5 shall be made a part of the permanent record of each student.

6 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.508D,
7 is amended to read as follows:

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

1 ~~participating in a summer reading remediation program may be~~
2 ~~allocated a base amount of One Thousand Five Hundred Dollars~~
3 ~~(\$1,500.00) for the program which shall be in addition to the per-~~
4 ~~student reimbursement amount provided for in this subsection. The~~
5 ~~State Board of Education shall promulgate rules for such a course~~
6 ~~that specify at least four (4) weeks of tutoring a half (1/2) day~~
7 ~~each day. The summer reading remediation programs shall be taught~~
8 ~~by teachers who have successfully completed a professional~~
9 ~~development institute in reading administered by the Oklahoma~~
10 ~~Commission for Teacher Preparation or a scientifically based reading~~
11 ~~professional development program administered by the State Board of~~
12 Education allocation shall be distributed to each school district
13 upon approval of the reading sufficiency plan for the school
14 district by the State Department of Education and the submittal of a
15 child-count report to the Department that details the number of
16 students identified as needing remediation or intervention in
17 reading. To determine a per-student allocation amount, the total
18 amount of funds available for allocation each year shall be divided
19 by the total number of students in the state identified as in need
20 of remediation or intervention in reading as provided for in Section
21 1210.508C of this title. Each school district shall be allocated an
22 amount equal to the per-student allocation amount multiplied by the
23 number of identified students enrolled in the school district.
24

1 B. ~~In order to be reimbursed, school districts shall file a~~
2 ~~claim with the State Department of Education at the end of each~~
3 ~~school semester or prior to the end of the fiscal year in which the~~
4 ~~remediation is provided. Claims from summer remediation provided in~~
5 ~~July or August shall be filed with the first semester claim of the~~
6 ~~subsequent school year. Claims shall be reimbursed in a timely~~
7 ~~manner.~~ The State Board of Education shall promulgate rules for the
8 administration of reimbursements.

9 C. If a teacher attends and completes a professional
10 development institute in elementary reading approved by the Oklahoma
11 Commission for Teacher Preparation during the summer or when school
12 is not in session, the teacher ~~shall~~ may receive a stipend equal to
13 the amount of the cost for a substitute teacher, based on the amount
14 of funds allocated.

15 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.508E,
16 is amended to read as follows:

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

- 21 1. The reading level of the student;
- 22 2. The program of reading instruction for the student as
23 required pursuant to the Reading Sufficiency Act; and

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

4 B. A teacher who determines a third-grade student is unable to
5 meet competencies required for reading for completion of third grade
6 and promotion to fourth grade ~~shall~~ may, after consultation with the
7 parent or guardian of the student, recommend that the promotion of
8 the student to the fourth grade is contingent upon the participation
9 in and successful completion of the required competencies for
10 reading by the student at a summer academy or other program. If the
11 student does not participate in the summer academy or other program
12 or does not successfully complete the competencies in the summer
13 academy or other program, the student shall be retained in the third
14 grade as set forth in Section 1210.508C of this title.

15 C. Summer academy programs shall be designed to ensure that
16 participating students successfully complete the competencies
17 necessary in reading for promotion to fourth grade and to enhance
18 next-grade readiness. A summer academy reading program shall be a
19 program that incorporates the content of a scientifically research-
20 based professional development program administered by the Oklahoma
21 Commission for Teacher Preparation or a scientifically research-
22 based reading program administered by the State Board of Education
23 and is taught by teachers who have successfully completed
24

1 professional development in the reading program or who are certified
2 as reading specialists.

3 D. School districts may approve an option for students who are
4 unable to attend a summer academy. The optional program may
5 include, but is not limited to, an approved private provider of
6 instruction, approved computer- or Internet-based instruction, or an
7 approved program of reading instruction monitored by the parent or
8 guardian. School districts shall not be required to pay for the
9 optional program, but shall clearly communicate to the parent or
10 guardian the expectations of the program and any costs that may be
11 involved.

12 E. Subject to the availability of funds, beginning one (1) year
13 after implementation of this section, the requirements of subsection
14 B of this section ~~shall~~ may be expanded to apply to fourth-grade
15 student promotion to fifth grade. Each year thereafter, the
16 requirements ~~shall~~ may be expanded by one grade level until the
17 requirements apply to third-grade students through eighth-grade
18 students. Summer academy programs shall be designed for each grade
19 level. Nothing in this section shall prevent the State Board of
20 Education or a school district board of education from utilizing
21 private, local, or federal funds to implement this section.

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

23 1. ~~Students who have individualized education programs pursuant~~
24 ~~to the Individuals with Disabilities Education Act (IDEA) and who~~

1 ~~satisfy the annual goals of the individualized education program for~~
2 ~~that student; and~~

3 ~~2. Students who are English language learners who have been~~
4 ~~determined not to be proficient in English as defined by a state-~~
5 ~~designated English proficiency assessment. A third-grade student~~
6 ~~who is an English language learner and is found not to be reading at~~
7 ~~the third-grade level shall be eligible to participate in a summer~~
8 ~~reading remediation program.~~

9 ~~G.~~ The State Board of Education shall adopt rules to implement
10 the provisions of this section which shall include requirements for
11 instructional time for summer school programs, teacher
12 qualifications, and evaluation of student achievement as a result of
13 summer academy programs or other optional programs.

14 SECTION 4. This act shall become effective July 1, 2012.

15 SECTION 5. 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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