

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 2511

By: Coody of the House

and

Justice of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to schools; amending 70 O.S. 2011,
11 Section 1210.508C, which relates to the Reading
12 Sufficiency Act; deleting certain limitation on
13 approved screening instruments; providing criteria
14 for certain screening instruments; and declaring an
15 emergency.

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

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

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

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

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

9 B. 1. Each student enrolled in first, second and third grade
10 of the public schools of this state shall be assessed at the
11 beginning of each school year using a screening instrument approved
12 by the State Board of Education for the acquisition of reading
13 skills including, but not limited to, phonological awareness,
14 phonics, spelling, reading fluency, vocabulary, and comprehension.

15 2. Any student who is assessed and found not to be reading at
16 the appropriate grade level shall be provided a program of reading
17 instruction designed to enable the student to acquire the
18 appropriate grade level reading skills. Beginning with students
19 entering the first grade in the 2011-2012 school year, the program
20 of reading instruction shall include provisions of the READ
21 Initiative adopted by the school district as provided for in
22 subsection N of this section. If a student is found not to be
23 reading at the appropriate grade level and teachers, in
24 collaboration with others, are concerned that undiagnosed health

1 problems may affect the ability of the student to read, the school
2 district may make a recommendation to the parents or legal guardians
3 for medical evaluation without being liable for cost of the
4 evaluation or any associated costs.

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

9 C. The State Board of Education shall approve ~~no more than~~
10 ~~three~~ screening instruments for use at the beginning of the school
11 year, for monitoring of progress, and for measurement of reading
12 skills at the end of the school year as required in subsections A
13 and B of this section; provided, at least one of the screening
14 instruments shall ~~be recommended by the Oklahoma Commission for~~
15 ~~Teacher Preparation~~ meet the following criteria:

16 1. Assess for phonological awareness, phonics, reading fluency,
17 and comprehension;

18 2. Document the validity and reliability of each assessment;

19 3. Can be used for diagnosis and progress monitoring;

20 4. Can be used to assess special education and Limited-English
21 Proficient students;

22 5. Accompanied by a data management system that provides
23 profiles for students, class, grade level and school building. The
24 profiles shall identify each student's instructional point of need

1 and reading achievement level. The State Board shall also determine
2 other comparable reading assessments for diagnostic purposes and for
3 periodic and post assessments to be used for students at risk of
4 reading failure. The State Board shall ensure that any assessments
5 approved are in alignment with the PASS.

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

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

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

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

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

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

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

20 3. The State Board of Education shall adopt rules for the
21 implementation and evaluation of the provisions of the Reading
22 Sufficiency Act. The evaluation shall include, but not be limited
23 to, an analysis of the data required in subsection R of this
24 section.

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

10 H. Beginning with students entering the first grade in the
11 2011-2012 school year, if the reading deficiency of a student, as
12 identified based on assessments administered as provided for in
13 subsection B of this section, is not remedied by the end of third
14 grade, as demonstrated by scoring at the unsatisfactory level on the
15 reading portion of the third-grade criterion-referenced test
16 administered pursuant to Section 1210.508 of this title, the student
17 shall be retained in the third grade.

18 I. The parent of any student who is found to have a reading
19 deficiency and is not reading at the appropriate grade level and has
20 been provided a program of reading instruction as provided for in
21 subsection B of this section shall be notified in writing of the
22 following:

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

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

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

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

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

12 6. That while the results of the criterion-referenced test
13 administered pursuant to Section 1210.508 of this title are the
14 initial determinant, it is not the sole determiner of promotion and
15 that portfolio reviews and assessments are available; and

16 7. The specific criteria and policies of the school district
17 for midyear promotion implemented as provided for in paragraph 4 of
18 subsection M of this section.

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

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

- 1 1. Limited-English-proficient students who have had less than
2 two (2) years of instruction in an English language learner program;
- 3 2. Students with disabilities whose individualized education
4 ~~plan~~ program (IEP), consistent with state law, indicates that
5 participation in the statewide criterion-referenced tests
6 administered pursuant to Section 1210.508 of this title is not
7 appropriate;
- 8 3. Students who demonstrate an acceptable level of performance
9 on an alternative standardized reading assessment approved by the
10 State Board of Education;
- 11 4. Students who demonstrate, through a student portfolio, that
12 the student is reading on grade level as evidenced by demonstration
13 of mastery of the state standards beyond the retention level;
- 14 5. Students with disabilities who participate in the statewide
15 criterion-referenced tests and who have an individualized education
16 ~~plan~~ program that reflects that the student has received intensive
17 remediation in reading for more than two (2) years but still
18 demonstrates a deficiency in reading and was previously retained in
19 kindergarten, first grade, second grade, or third grade; and
- 20 6. Students who have received intensive remediation in reading
21 through a program of reading instruction for two (2) or more years
22 but still demonstrate a deficiency in reading and who were
23 previously retained in kindergarten, first grade, second grade, or
24 third grade for a total of two (2) years. A student who is

1 promoted as provided for in this paragraph shall be provided
2 intensive reading instruction during an altered instructional day
3 that includes specialized diagnostic information and specific
4 reading strategies for each student. The school district shall
5 assist schools and teachers to implement reading strategies for the
6 promoted students that research has shown to be successful in
7 improving reading among low-performing readers.

8 L. In addition to the good-cause exemptions as set forth in
9 subsection K of this section, requests to exempt students from the
10 academic requirements for promotion to the next grade shall only be
11 made upon documentation submitted from the teacher of the student to
12 the school principal that indicates that the promotion of the
13 student is appropriate and is based upon the record of the student.
14 In order to minimize paperwork requirements, documentation shall
15 consist only of a student portfolio.

16 M. Beginning with the 2011-2012 school year, each school
17 district shall:

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

1 areas of reading deficiency. The school district shall require a
2 student portfolio to be completed for each retained student;

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

- 11 a. small group instruction,
- 12 b. reduced teacher-student ratios,
- 13 c. more frequent progress monitoring,
- 14 d. tutoring or mentoring,
- 15 e. transition classes containing third- and fourth-grade
16 students,
- 17 f. extended school day, week, or year, and
- 18 g. summer reading academies as provided for in Section
19 1210.508E of this title, if available;

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

1 description of proposed interventions and intensive instructional
2 supports that will be provided to the student to remediate the
3 identified areas of reading deficiency;

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

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

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

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- 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. 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 based and reliable assessment,
- 9 d. provides initial and ongoing analysis of the reading
10 progress of each student,
- 11 e. is implemented during regular school hours,
- 12 f. provides a curriculum in core academic subjects to
13 assist the student in maintaining or meeting
14 proficiency levels for the appropriate grade in all
15 academic subjects,
- 16 g. establishes at each school, where applicable, an
17 Intensive Acceleration Class for retained third-grade
18 students who subsequently score at the unsatisfactory
19 level on the reading portion of the statewide
20 criterion-referenced tests. The focus of the
21 Intensive Acceleration Class shall be to increase the
22 reading level of a child at least two grade levels in
23 one (1) school year. The Intensive Acceleration Class
24 shall:

- (1) be provided to any student in the third grade who scores at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests and who was retained in the third grade the prior year because of scoring at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests,
- (2) have a reduced teacher-student ratio,
- (3) provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the fourth-grade state standards in other core subject areas,
- (4) use a reading program that is scientific-research-based and has proven results in accelerating student reading achievement within the same school year,
- (5) provide intensive language and vocabulary instruction using a scientific-research-based program, including use of a speech-language therapist,
- (6) include weekly progress monitoring measures to ensure progress is being made, and

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

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

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

20 o. In addition to the requirements set forth in this section,
21 each school district board of education shall annually report to the
22 parent or guardian of each student in the district the progress of
23 the student toward achieving state and district expectations for
24 proficiency in reading, writing, science, and mathematics. The

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

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

- 11 a. the provisions of this section relating to public
12 school student progression and the policies and
13 procedures of the school district on student retention
14 and promotion,
- 15 b. by grade, the number and percentage of all students in
16 grades three through ten performing at the
17 unsatisfactory level on the reading portion of the
18 statewide criterion-referenced tests,
- 19 c. by grade, the number and percentage of all students
20 retained in grades three through ten,
- 21 d. information on the total number and percentage of
22 students who were promoted for good cause, by each
23 category of good cause as specified above, and
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1 e. any revisions to the policies of the school district
2 on student retention and promotion from the prior
3 year.

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

13 Q. The State Department of Education shall provide technical
14 assistance as needed to aid school districts in administering the
15 provision of the Reading Sufficiency Act.

16 R. On or before December 1 of each year, the State Department
17 of Education shall issue to the Governor and members of the Senate
18 and House of Representatives Education Committees a Reading Report
19 Card for the state and each school district and elementary site
20 which shall include, but is not limited to, trend data detailing
21 three (3) years of data, disaggregated by student subgroups to
22 include economically disadvantaged, major racial or ethnic groups,
23 students with disabilities, and English language learners, as
24 appropriate for the following:

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

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

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

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

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

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

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

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

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

3 SECTION 2. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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