

1 ENGROSSED HOUSE  
2 BILL NO. 1550

By: Kern, Nelson and Cockroft  
of the House

3 and

4 Jolley of the Senate  
5  
6  
7

8 An Act relating to schools; amending 70 O.S. 2001,  
9 Sections 1210.508C, as last amended by Section 3,  
10 Chapter 431, O.S.L. 2005, 1210.508D, as last amended  
11 by Section 1, Chapter 387, O.S.L. 2008 and 1210.508E,  
12 as last amended by Section 2, Chapter 387, O.S.L.  
13 2008 (70 O.S. Supp. 2010, Sections 1210.508C,  
14 1210.508D and 1210.508E), which relate to the Reading  
15 Sufficiency Act; providing for retention of third-  
16 grade students not participating in a certain  
17 program; providing for retention of third-grade  
18 students not completing certain competencies;  
19 providing for the retention of third-grade students  
20 who score at a certain level on a certain test;  
21 requiring certain notification of parents; specifying  
22 notification; allowing exemption from mandatory  
23 retention for good cause; listing good cause  
24 criteria; adding category of students eligible for  
reimbursement; modifying authority of a teacher to  
recommend participation in a certain summer academy  
or other program; and requiring retention of a  
student who fails to complete certain competencies.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 1210.508C,  
as last amended by Section 3, Chapter 431, O.S.L. 2005 (70 O.S.  
Supp. 2010, Section 1210.508C), is amended to read as follows:

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

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

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

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

22 2. Any student who is assessed and found not to be reading at  
23 the appropriate grade level shall be provided a program of reading  
24 instruction designed to enable the student to acquire the

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

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

12 C. The State Board of Education shall approve no more than  
13 three screening instruments for use at the beginning of the school  
14 year, for monitoring of progress, and for measurement of reading  
15 skills at the end of the school year as required in subsections A  
16 and B of this section; provided, one of the screening instruments  
17 shall be recommended by the Oklahoma Commission for Teacher  
18 Preparation. The State Board shall also determine other comparable  
19 reading assessments for diagnostic purposes and for periodic and  
20 post assessments to be used for students at risk of reading failure.  
21 The State Board shall ensure that any assessments approved are in  
22 alignment with the PASS.

23

24

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

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

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

11 3. Assessments identified for diagnostic purposes and periodic  
12 monitoring to measure the acquisition of reading skills including,  
13 but not limited to, phonological awareness, phonics, spelling,  
14 reading fluency, vocabulary, and comprehension, as identified in the  
15 student's program of reading instruction.

16 E. The program of reading instruction shall continue until the  
17 student is determined by the results of approved reading assessments  
18 to be reading on grade level.

19 F. 1. Every school district shall adopt, implement, and  
20 annually update a district reading sufficiency plan which has had  
21 input from school administrators, teachers, and parents and if  
22 possible a reading specialist, and which shall be submitted to and  
23 approved by the State Board of Education as a part of each  
24 district's Comprehensive Local Education Plan. The district reading

1 sufficiency plan shall include a plan for each site which includes  
2 an analysis of the data provided by the Oklahoma School Testing  
3 Program and other reading assessments utilized as required in this  
4 section, and which outlines how each school site will comply with  
5 the provisions of the Reading Sufficiency Act.

6 2. Each school site shall establish a committee, composed of  
7 educators, which if possible shall include a certified reading  
8 specialist, to develop the required programs of reading instruction.  
9 A parent or guardian of the student shall be included in the  
10 development of the program of reading instruction for that student.

11 3. The State Board of Education shall adopt rules for the  
12 implementation and evaluation of the provisions of the Reading  
13 Sufficiency Act. The evaluation shall include, but not be limited  
14 to, an analysis of the data required in subsection H of this  
15 section.

16 G. For any third-grade student found not to be reading at grade  
17 level as determined by reading assessments administered pursuant to  
18 this section, a new program of reading instruction shall be  
19 developed and implemented as specified in this section. If  
20 possible, a fourth-grade teacher shall be involved in the  
21 development of the program of reading instruction. In addition to  
22 other requirements of the Reading Sufficiency Act, the plan may  
23 include specialized tutoring ~~and may include a recommendation as to~~  
24 ~~whether the student should be retained in the third grade at the~~

1 ~~close of that year. The parent or guardian of the student shall be~~  
2 ~~included in the retention consideration.~~

3 H. 1. If a third-grade student is not reading at grade level  
4 by the end of the school year, the student shall be asked to  
5 participate in a summer academy or other program designed to assist  
6 the student in attaining grade-level reading skills as provided for  
7 in Section 1210.508E of this title. If after consultation with the  
8 parent or guardian the student does not participate in a summer  
9 academy or other program, the student shall be retained in the third  
10 grade and a new program of reading instruction shall be developed  
11 and implemented for the student as set forth in this section. If  
12 after consultation with the parent or guardian the student does  
13 participate in a summer academy or other program but does not  
14 successfully complete the competencies in the summer academy or  
15 other program as set forth in Section 1210.508E of this title, the  
16 student shall be retained in the third grade and a new program of  
17 reading instruction shall be developed and implemented for the  
18 student as set forth in this section.

19 2. In addition to the conditions for retention as set forth in  
20 paragraph 1 of this subsection, any third-grade student who scores  
21 at the unsatisfactory level on the reading portion of the third-  
22 grade criterion-referenced test administered pursuant to Section  
23 1210.508 of this title shall be retained in the third grade and a  
24

1 program of reading instruction shall be developed and implemented  
2 for the student as set forth in this section.

3 3. The parent or guardian of a student who is not reading at  
4 grade level or who scored at the unsatisfactory level on the reading  
5 portion of the third-grade criterion-referenced test shall be  
6 notified of the following:

7 a. that the student will be retained if the reading  
8 deficiencies of the student are not remediated,

9 b. the reasons the student is not eligible for a good  
10 cause exemption as provided for in paragraph 4 of this  
11 subsection,

12 c. a description of the program of reading instruction  
13 that will be provided to the student, and

14 d. strategies for parents to use in helping their child  
15 succeed in reading proficiency.

16 4. A school district may only exempt students from mandatory  
17 retention as provided for in this subsection for good cause. Good  
18 cause exemptions shall be limited to the following:

19 a. limited English-proficient students who have had less  
20 than two (2) years of instruction in English,

21 b. students with disabilities whose Individualized  
22 Education Plan (IEP) indicates that participation in  
23 the statewide criterion-referenced test is not  
24 appropriate,

1        c. students who demonstrate an acceptable level of  
2        performance on an alternative reading assessment or  
3        through a student portfolio as approved by the State  
4        Board of Education,

5        d. students with disabilities who participate in the  
6        statewide criterion-referenced tests and who have an  
7        IEP that reflects that the student has received a  
8        program of reading instruction but still demonstrates  
9        a deficiency in reading and was previously retained in  
10       kindergarten, first grade, second grade or third grade  
11       for two (2) years, and

12       e. students who have received a program of reading  
13       instruction but still demonstrate a deficiency in  
14       reading and who were previously retained in  
15       kindergarten, first grade, second grade or third grade  
16       for two (2) years.

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

1 students with disabilities, and English language learners, as  
2 appropriate for the following:

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

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

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

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

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

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

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

24

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

4 ~~F.~~ J. 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. 2001, Section 1210.508D,  
7 as last amended by Section 1, Chapter 387, O.S.L. 2008 (70 O.S.  
8 Supp. 2010, Section 1210.508D), is amended to read as follows:

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

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

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

21 C. If a teacher attends and completes a professional  
22 development institute in elementary reading approved by the Oklahoma  
23 Commission for Teacher Preparation during the summer or when school  
24 is not in session, the teacher shall receive a stipend equal to the

1 amount of the cost for a substitute teacher, based on the amount of  
2 funds allocated.

3 SECTION 3. AMENDATORY 70 O.S. 2001, Section 1210.508E,  
4 as last amended by Section 2, Chapter 387, O.S.L. 2008 (70 O.S.  
5 Supp. 2010, 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~~ shall, 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 participate in  
24 the summer academy or other program or does not successfully

1 complete the competencies in the summer academy or other program,  
2 the student ~~may~~ shall be retained in the third grade as set forth in  
3 subsection H of Section 1210.508C of this title.

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

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

23 E. Subject to the availability of funds, beginning one (1) year  
24 after implementation of this section, the requirements of subsection

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

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

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

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

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

1 Passed the House of Representatives the 14th day of March, 2011.

2  
3  
4 Presiding Officer of the House of  
Representatives

5  
6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2011.

7  
8  
9 Presiding Officer of the Senate