

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1550

By: Kern and Nelson of the
House

and

Jolley of the Senate

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11 COMMITTEE SUBSTITUTE

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

1 competencies; providing an effective date; and
2 declaring an emergency.

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

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

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

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

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

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

7 2. Any student who is assessed and found not to be reading at
8 the appropriate grade level shall be provided a program of reading
9 instruction designed to enable the student to acquire the
10 appropriate grade level reading skills. If a student is found not
11 to be 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
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1 skills at the end of the school year as required in subsections A
2 and B of this section; provided, one of the screening instruments
3 shall be recommended by the Oklahoma Commission for Teacher
4 Preparation. The State Board shall also determine other comparable
5 reading assessments for diagnostic purposes and for periodic and
6 post assessments to be used for students at risk of reading failure.
7 The State Board shall ensure that any assessments approved are in
8 alignment with the PASS.

9 D. The program of reading instruction required in subsection B
10 of this section shall align with the PASS 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
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1 to, an analysis of the data required in subsection H 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 shall be
6 developed and implemented as specified in this section. If
7 possible, a fourth-grade teacher shall be involved in the
8 development of the program of reading instruction. In addition to
9 other requirements of the Reading Sufficiency Act, the plan may
10 include specialized tutoring ~~and may include a recommendation as to~~
11 ~~whether be retained in the third grade at the close of that year.~~
12 ~~The parent or guardian of the student shall be included in the~~
13 ~~retention consideration.~~

14 H. 1. If a third-grade student is not reading at grade level
15 by the end of the school year, the student shall be asked to
16 participate in a summer academy or other program designed to assist
17 the student in attaining grade-level reading skills as provided for
18 in Section 1210.508E of this title. If after consultation with the
19 parent or guardian the student does not participate in a summer
20 academy or other program, the student shall be retained in the third
21 grade and a new program of reading instruction shall be developed
22 and implemented for the student as set forth in this section. If
23 after consultation with the parent or guardian the student does

1 participate in a summer academy or other program but does not
2 successfully complete the competencies in the summer academy or
3 other program as set forth in Section 1210.508E of this title, the
4 student shall be retained in the third grade and a new program of
5 reading instruction shall be developed and implemented for the
6 student as set forth in this section.

7 2. In addition to the conditions for retention as set forth in
8 paragraph 1 of this subsection, any third-grade student who scores
9 at the unsatisfactory level on the reading portion of the third-
10 grade criterion-referenced test administered pursuant to Section
11 1210.508 of this title shall be retained in the third grade and a
12 program of reading instruction shall be developed and implemented
13 for the student as set forth in this section.

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

- 18 a. that the student will be retained if the reading
19 deficiencies of the student are not remediated,
20 b. the reasons the student is not eligible for a good
21 cause exemption as provided for in paragraph 4 of this
22 subsection,

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- 1 c. a description of the program of reading instruction
2 that will be provided to the student, and
3 d. strategies for parents to use in helping their child
4 succeed in reading proficiency.

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

- 8 a. limited English-proficient students who have had less
9 than two (2) years of instruction in English,
10 b. students with disabilities whose Individualized
11 Education Plan (IEP) indicates that participation in
12 the statewide criterion-referenced test is not
13 appropriate,
14 c. students who demonstrate an acceptable level of
15 performance on an alternative reading assessment or
16 through a student portfolio as approved by the State
17 Board of Education,
18 d. students with disabilities who participate in the
19 statewide criterion-referenced tests and who have an
20 IEP that reflects that the student has received a
21 program of reading instruction but still demonstrates
22 a deficiency in reading and was previously retained in

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

8 5. Each school district shall implement a policy for midyear
9 promotion of any student retained pursuant to this subsection who
10 can demonstrate that the student is a successful and independent
11 reader, reading at or above grade level and ready to be promoted to
12 fourth grade. The tools used to reevaluate a retained student shall
13 include any assessments or portfolio reviews approved by the State
14 Board of Education.

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

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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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

5 SECTION 3. AMENDATORY 70 O.S. 2001, Section 1210.508E,
6 as last amended by Section 2, Chapter 387, O.S.L. 2008 (70 O.S.
7 Supp. 2010, Section 1210.508E), is amended to read as follows:

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

12 1. The reading level of the student;

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

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

18 B. A teacher who determines a third-grade student is unable to
19 meet competencies required for reading for completion of third grade
20 and promotion to fourth grade, ~~may have the authority~~ shall, after
21 consultation with the parent or guardian of the student, ~~to~~
22 recommend that the promotion of the student to the fourth grade is
23 contingent upon the participation in and successful completion of

1 the required competencies for reading by the student at a summer
2 academy or other program. If the student does not participate in
3 the summer academy or other program or does not successfully
4 complete the competencies in the summer academy or other program,
5 the student ~~may~~ shall be retained in the third grade as set forth in
6 subsection H of Section 1210.508C of this title.

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

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

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

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

14 1. Students who have individualized education programs pursuant
15 to the Individuals with Disabilities Education Act (IDEA) and who
16 satisfy the annual goals of the individualized education program for
17 that student; and

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

1 G. The State Board of Education shall adopt rules to implement
2 the provisions of this section which shall include requirements for
3 instructional time for summer school programs, teacher
4 qualifications, and evaluation of student achievement as a result of
5 summer academy programs or other optional programs.

6 SECTION 4. This act shall become effective July 1, 2011.

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

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12 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02-23-2011
13 - DO PASS, As Amended and Coauthored.

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