

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2516

By: Kern of the House

and

Ford of the Senate

7
8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to schools; amending 70 O.S. 2011,
12 Sections 1210.508C, 1210.508D and 1210.508E, which
13 relate to the Reading Sufficiency Act; adding
14 kindergarten students to assessment requirement;
15 deleting authorization for a medical evaluation
16 referral by school districts; adding school year
17 hours; providing for electronic submission of plan;
18 deleting reference to certain district plan;
19 modifying references to certain statewide criterion-
20 referenced test; changing reference to assessment;
21 modifying requirement to provide intensive reading
22 instruction to certain students; deleting additional
23 promotion exemption provision; establishing process
24 for certain requests to exempt students from
 retention requirements; modifying specification for
 certain assessment; adding certain kindergarten
 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

1 student optional; modifying specification for certain
2 professional development requirements; making
3 expansion of certain provisions optional; deleting
4 certain limitation; providing an effective date; and
5 declaring an emergency.

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

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

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

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

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

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

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

22 3. Throughout the year progress monitoring shall continue, and
23 diagnostic assessment, if determined appropriate, shall be provided.

24

1 Year-end reading skills shall be measured to determine reading
2 success.

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

14 D. The program of reading instruction required in subsection B
15 of this section shall align with the PASS, shall include provisions
16 of the READ Initiative adopted by the school district as provided
17 for in subsection ~~N~~ O of this section beginning with students
18 entering the first grade in the 2011-2012 school year and may
19 include, but is not limited to:

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

23

24

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

5 3. Assessments identified for diagnostic purposes and periodic
6 monitoring to measure the acquisition of reading skills including,
7 but not limited to, phonological awareness, phonics, spelling,
8 reading fluency, vocabulary, and comprehension, as identified in the
9 student's program of reading instruction.

10 E. The program of reading instruction shall continue until the
11 student is determined by the results of approved reading assessments
12 to be reading on grade level.

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

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

6 3. The State Board of Education shall adopt rules for the
7 implementation and evaluation of the provisions of the Reading
8 Sufficiency Act. The evaluation shall include, but not be limited
9 to, an analysis of the data required in subsection ~~R~~ S of this
10 section.

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

21 H. Beginning with students entering the first grade in the
22 2011-2012 school year, if the reading deficiency of a student, as
23 identified based on assessments administered as provided for in
24

1 subsection B of this section, is not remedied by the end of third
2 grade, as demonstrated by scoring at the unsatisfactory level on the
3 reading portion of the statewide third-grade criterion-referenced
4 test ~~administered pursuant to Section 1210.508 of this title~~, the
5 student shall be retained in the third grade.

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

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

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

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

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

22 5. Strategies for parents to use in helping their child succeed
23 in reading proficiency;

24

1 6. That while the results of the statewide criterion-referenced
2 ~~test tests~~ administered pursuant to Section 1210.508 of this title
3 are the initial determinant, it is not the sole determiner of
4 promotion and that portfolio reviews and assessments are available;
5 and

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

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

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

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

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

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

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

7 5. Students with disabilities who participate in the statewide
8 criterion-referenced tests and who have an individualized education
9 plan that reflects that the student has received intensive
10 remediation in reading for more than two (2) years but still
11 demonstrates a deficiency in reading and was previously retained in
12 kindergarten, first grade, second grade, or third grade; and

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

18 L. A student who is promoted for good cause as provided for in
19 ~~this paragraph~~ subsection K of this section shall be provided
20 intensive reading instruction during an altered instructional day
21 that includes specialized diagnostic information and specific
22 reading strategies for each student. The school district shall
23 assist schools and teachers to implement reading strategies for the

1 promoted students that research has shown to be successful in
2 improving reading among low-performing readers.

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

9 1. Documentation submitted from the teacher of the student to
10 the school principal that indicates ~~that~~ the student meets one of
11 the good-cause exemptions and promotion of the student is
12 appropriate and is based upon the record of the student. In order
13 to minimize paperwork requirements, the documentation shall consist
14 only of ~~a~~ the alternative assessment results or student portfolio
15 work and the individual education plan (IEP), as applicable;

16 2. The principal of the school shall review and discuss the
17 documentation with the teacher. If the principal determines that
18 the student meets one of the good-cause exemptions and should be
19 promoted based on the documentation provided, the principal shall
20 make a recommendation in writing to the school district
21 superintendent; and

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

24

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

3 1. Conduct a review of the program of reading instruction for
4 all students who score at the unsatisfactory level on the reading
5 portion of the statewide criterion-referenced test administered
6 pursuant to Section 1210.508 of this title and did not meet the
7 criteria for one of the good-cause exemptions as set forth in
8 subsection K of this section. The review shall address additional
9 supports and services, as described in this subsection, needed to
10 remediate the identified areas of reading deficiency. The school
11 district shall require a student portfolio to be completed for each
12 retained student;

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

- 21 a. small group instruction,
- 22 b. reduced teacher-student ratios,
- 23 c. more frequent progress monitoring,

24

- 1 d. tutoring or mentoring,
2 e. transition classes containing third- and fourth-grade
3 students,
4 f. extended school day, week, or year, and
5 g. summer reading academies as provided for in Section
6 1210.508E of this title, if available;

7 3. Provide written notification to the parent or guardian of
8 any student who is to be retained as set forth in subsection H of
9 this section that the student has not met the proficiency level
10 required for promotion and the reasons the student is not eligible
11 for a good-cause exemption. The notification shall include a
12 description of proposed interventions and intensive instructional
13 supports that will be provided to the student to remediate the
14 identified areas of reading deficiency;

15 4. Implement a policy for the midyear promotion of a retained
16 student who can demonstrate that the student is a successful and
17 independent reader, is reading at or above grade level, and is ready
18 to be promoted to the fourth grade. Tools that school districts may
19 use in reevaluating any retained student may include subsequent
20 assessments, alternative assessments, and portfolio reviews, in
21 accordance with rules of the State Board of Education. Retained
22 students may only be promoted midyear prior to November 1 and only
23 upon demonstrating a level of proficiency required to score above
24

1 the unsatisfactory level on the statewide third-grade ~~statewide~~
2 criterion-referenced test and upon showing progress sufficient to
3 master appropriate fourth-grade-level skills, as determined by the
4 school. A midyear promotion shall be made only upon agreement of
5 the parent or guardian of the student and the school principal;

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

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

12 a. supplemental tutoring in scientific-research-based
13 reading services in addition to the regular reading
14 block, including tutoring before or after school,

15 b. a parent-guided "Read at Home" assistance plan, as
16 developed by the State Department of Education, the
17 purpose of which is to encourage regular parent-guided
18 home reading, or

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

20 ~~N.~~ O. Beginning with the 2011-2012 school year, each school
21 district shall establish a Reading Enhancement and Acceleration
22 Development (READ) Initiative. The focus of the READ Initiative
23 shall be to prevent the retention of third-grade students by

24

1 offering intensive accelerated reading instruction to third-grade
2 students who failed to meet standards for promotion to fourth grade
3 and to kindergarten through third-grade students who are exhibiting
4 a reading deficiency. The READ Initiative shall:

5 1. Be provided to all kindergarten through third-grade students
6 at risk of retention as identified by the assessments administered
7 pursuant to the Reading Sufficiency Act. The assessment used shall
8 measure phonemic awareness, phonics, fluency, vocabulary, and
9 comprehension;

10 2. Be provided during regular school hours in addition to the
11 regular reading instruction; and

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

14 a. assists students assessed as exhibiting a reading
15 deficiency in developing the ability to read at grade
16 level,

17 b. provides skill development in phonemic awareness,
18 phonics, fluency, vocabulary, and comprehension,

19 c. provides ~~scientifically~~ a scientific-research-based
20 and reliable assessment,

21 d. provides initial and ongoing analysis of the reading
22 progress of each student,

23 e. is implemented during regular school hours,

24

1 f. provides a curriculum in core academic subjects to
2 assist the student in maintaining or meeting
3 proficiency levels for the appropriate grade in all
4 academic subjects,

5 g. establishes at each school, where applicable, an
6 Intensive Acceleration Class for retained third-grade
7 students who subsequently score at the unsatisfactory
8 level on the reading portion of the statewide
9 criterion-referenced tests. The focus of the
10 Intensive Acceleration Class shall be to increase the
11 reading level of a child at least two grade levels in
12 one (1) school year. The Intensive Acceleration Class
13 shall:

14 (1) be provided to any student in the third grade who
15 scores at the unsatisfactory level on the reading
16 portion of the statewide criterion-referenced
17 tests and who was retained in the third grade the
18 prior year because of scoring at the
19 unsatisfactory level on the reading portion of
20 the statewide criterion-referenced tests,

21 (2) have a reduced teacher-student ratio,

22 (3) provide uninterrupted reading instruction for the
23 majority of student contact time each day and
24

1 incorporate opportunities to master the fourth-
2 grade state standards in other core subject
3 areas,

4 (4) use a reading program that is scientific-
5 research-based and has proven results in
6 accelerating student reading achievement within
7 the same school year,

8 (5) provide intensive language and vocabulary
9 instruction using a scientific-research-based
10 program, including use of a speech-language
11 therapist,

12 (6) include weekly progress monitoring measures to
13 ensure progress is being made, and

14 (7) provide reports to the State Department of
15 Education, in the manner described by the
16 Department, outlining the progress of students in
17 the class at the end of the first semester,

18 h. provide reports to the State Board of Education, upon
19 request, on the specific intensive reading
20 interventions and supports implemented by the school
21 district. The State Superintendent of Public
22 Instruction shall annually prescribe the required
23 components of the reports, and

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

10 ~~Ø.~~ P. In addition to the requirements set forth in this
11 section, each school district board of education shall annually
12 report to the parent or guardian of each student in the district the
13 progress of the student toward achieving state and district
14 expectations for proficiency in reading, writing, science, and
15 mathematics. The school district board of education shall report to
16 the parent or guardian of each student the results on ~~each~~ statewide
17 criterion-referenced ~~test~~ tests. The evaluation of the progress of
18 each student shall be based upon classroom work, observations,
19 tests, district and state assessments, and other relevant
20 information. Progress reporting shall be provided to the parent or
21 guardian in writing.

22 ~~P.~~ Q. 1. Each school district board of education shall
23 annually publish on the school website, and report in writing to the
24

1 State Board of Education by September 1 of each year, the following
2 information on the prior school year:

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

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

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

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

8 ~~R.~~ S. On or before December 1 of each year, the State
9 Department of Education shall issue to the Governor and members of
10 the Senate and House of Representatives Education Committees a
11 Reading Report Card for the state and each school district and
12 elementary site which shall include, but is not limited to, trend
13 data detailing three (3) years of data, disaggregated by student
14 subgroups to include economically disadvantaged, major racial or
15 ethnic groups, students with disabilities, and English language
16 learners, as appropriate for the following:

17 1. The number and percentage of students in kindergarten
18 through third grade determined to be at risk for reading
19 difficulties compared to the total number of students enrolled in
20 each grade;

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

24

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

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

8 5. The amount of funds for reading remediation received by each
9 district;

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

13 7. Any recommendations for improvements or amendments to the
14 Reading Sufficiency Act.

15 The State Department of Education may contract with an
16 independent entity for the reporting and analysis requirements of
17 this subsection.

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

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

22 Section 1210.508D A. Contingent on the provision of
23 appropriated funds designated for the Reading Sufficiency Act,

24

1 school districts may be ~~reimbursed in the amount of up to One~~
2 ~~Hundred Fifty Dollars (\$150.00)~~ allocated monies for each enrolled
3 kindergarten student or first-, second- and third-grade student of
4 the current school year, including any student who has been retained
5 in the third grade pursuant to Section 1210.508C of this title, who
6 is found to be in need of remediation or intervention in reading.
7 The ~~reimbursement shall be for expenses incurred in reading~~
8 ~~assessment and remediation at those grade levels pursuant to the~~
9 ~~provisions of the Reading Sufficiency Act. School districts may be~~
10 ~~reimbursed up to Four Hundred Dollars (\$400.00) for each student~~
11 ~~completing the third grade, including any student who has been~~
12 ~~retained in the third grade pursuant to Section 1210.508C of this~~
13 ~~title, who is found not to be reading at the third grade level and~~
14 ~~who subsequently participates in a summer reading remediation~~
15 ~~program. A school district which has ten or fewer students~~
16 ~~participating in a summer reading remediation program may be~~
17 ~~allocated a base amount of One Thousand Five Hundred Dollars~~
18 ~~(\$1,500.00) for the program which shall be in addition to the per-~~
19 ~~student reimbursement amount provided for in this subsection. The~~
20 ~~State Board of Education shall promulgate rules for such a course~~
21 ~~that specify at least four (4) weeks of tutoring a half (1/2) day~~
22 ~~each day. The summer reading remediation programs shall be taught~~
23 ~~by teachers who have successfully completed a professional~~

24

1 ~~development institute in reading administered by the Oklahoma~~
2 ~~Commission for Teacher Preparation or a scientifically based reading~~
3 ~~professional development program administered by the State Board of~~
4 Education allocation shall be distributed to each school district
5 upon approval of the reading sufficiency plan for the school
6 district by the State Department of Education and the submittal of a
7 child-count report to the Department that details the number of
8 students identified as needing remediation or intervention in
9 reading. To determine a per-student allocation amount, the total
10 amount of funds available for allocation each year shall be divided
11 by the total number of students in the state identified as in need
12 of remediation or intervention in reading as provided for in Section
13 1210.508C of this title. Each school district shall be allocated an
14 amount equal to the per-student allocation amount multiplied by the
15 number of identified students enrolled in the school district.

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

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

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

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

- 13 1. The reading level of the student;
- 14 2. The program of reading instruction for the student as
15 required pursuant to the Reading Sufficiency Act; and
- 16 3. The potential need for the student to participate in a
17 summer academy or other program designed to assist the student in
18 attaining grade-level reading skills.

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

1 in and successful completion of the required competencies for
2 reading by the student at a summer academy or other program. If the
3 student does not participate in the summer academy or other program
4 or does not successfully complete the competencies in the summer
5 academy or other program, the student shall be retained in the third
6 grade as set forth in 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 research-
14 based reading program administered by the State Board of Education
15 and is taught by teachers who have successfully completed
16 professional development in the reading program or who are certified
17 as reading specialists.

18 D. School districts may approve an option for students who are
19 unable to attend a summer academy. The optional program may
20 include, but is not limited to, an approved private provider of
21 instruction, approved computer- or Internet-based instruction, or an
22 approved program of reading instruction monitored by the parent or
23 guardian. School districts shall not be required to pay for the
24

1 optional program, but shall clearly communicate to the parent or
2 guardian the expectations of the program and any costs that may be
3 involved.

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

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

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

19 2. ~~Students who are English language learners who have been~~
20 ~~determined not to be proficient in English as defined by a state-~~
21 ~~designated English proficiency assessment. A third grade student~~
22 ~~who is an English language learner and is found not to be reading at~~

23

24

1 ~~the third grade level shall be eligible to participate in a summer~~
2 ~~reading remediation program.~~

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

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

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

13

14 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03/01/2012
15 - DO PASS, As Amended and Coauthored.

16

17

18

19

20

21

22

23

24