

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 346

By: Jolley, Ford, Stanislawski
and Brecheen of the Senate

and

Kern of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to schools; amending 70 O.S. 2001,
12 Sections 1210.508C, as last amended by Section 3,
13 Chapter 431, O.S.L. 2005, 1210.508D, as last amended
14 by Section 1, Chapter 387, O.S.L. 2008 and 1210.508E,
15 as last amended by Section 2, Chapter 387, O.S.L.
16 2008 (70 O.S. Supp. 2010, Sections 1210.508C,
17 1210.508D and 1210.508E), which relate to the Reading
18 Sufficiency Act; modifying the program of reading
19 instruction requirements for certain students;
20 deleting certain recommendation authorization;
21 providing for retention of certain third-grade
22 students with a reading deficiency as measured by the
23 results of a certain test; requiring certain
24 notification of parents; specifying notification;
 prohibiting social promotion of a student; allowing
 exemption from mandatory retention for good cause;
 listing good cause criteria; providing for requests
 for certain promotion exemption; requiring school
 districts to conduct a review of certain programs of
 reading instruction; stating contents of the review;
 requiring a portfolio for retained students;
 requiring certain reading instruction and services be
 provided to certain retained students; listing other
 strategies that may be provided to retained students;
 requiring certain written notification be provided to

1 the parents or guardians of retained students;
2 directing school districts to implement a midyear
3 promotion policy for retained students; specifying
4 criteria for a midyear promotion; requiring that a
5 high-performing teacher be provided to retained
6 students; providing for additional instructional
7 options; directing school districts to establish a
8 Reading Enhancement and Acceleration Development
9 (READ) Initiative; stating focus of a READ
10 Initiative; specifying criteria of a READ Initiative;
11 listing certain specifications for a state-approved
12 reading curriculum; providing for an Intensive
13 Acceleration Class in certain circumstances;
14 specifying criteria for an Intensive Acceleration
15 Class; providing for certain reports to the State
16 Board of Education; providing for a transitional
17 instructional setting option for certain retained
18 students; stating goal of a transitional
19 instructional setting; requiring school districts to
20 report certain progress and testing information to
21 parents and guardians in writing; requiring school
22 districts to publish and report to the State Board of
23 Education certain information annually; requiring the
24 State Department of Education to establish a uniform
reporting format and to annually compile and report
certain information; directing the Department to
provide certain technical assistance; 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
competencies; providing an effective date; and
declaring an emergency.

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

13 3. Throughout the year progress monitoring shall continue, and
14 diagnostic assessment, if determined appropriate, shall be provided.
15 Year-end reading skills shall be measured to determine reading
16 success.

17 C. The State Board of Education shall approve no more than
18 three screening instruments for use at the beginning of the school
19 year, for monitoring of progress, and for measurement of reading
20 skills at the end of the school year as required in subsections A
21 and B of this section; provided, one of the screening instruments
22 shall be recommended by the Oklahoma Commission for Teacher
23 Preparation. The State Board shall also determine other comparable

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

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

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

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

18 3. Assessments identified for diagnostic purposes and periodic
19 monitoring to measure the acquisition of reading skills including,
20 but not limited to, phonological awareness, phonics, spelling,
21 reading fluency, vocabulary, and comprehension, as identified in the
22 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~~ R of this
2 section.

3 G. For any third-grade student found not to be reading at grade
4 level as determined by reading assessments administered pursuant to
5 this section, a new program of reading instruction, including
6 provisions of the READ Initiative adopted by the school district as
7 provided for in subsection N of this section, shall be developed and
8 implemented as specified in this section. If possible, a fourth-
9 grade teacher shall be involved in the development of the program of
10 reading instruction. In addition to other requirements of the
11 Reading Sufficiency Act, the plan may include specialized tutoring
12 ~~and may include a recommendation as to whether the student should be~~
13 ~~retained in the third grade at the close of that year. The parent~~
14 ~~or guardian of the student shall be included in the retention~~
15 ~~consideration.~~

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

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

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

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

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

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

17 5. Strategies for parents to use in helping their child succeed
18 in reading proficiency;

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

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

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

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

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

12 2. Students with disabilities whose individualized education
13 plan (IEP), consistent with state law, indicates that participation
14 in the statewide criterion-referenced tests administered pursuant to
15 Section 1210.508 of this title is not appropriate;

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

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

22 5. Students with disabilities who participate in the statewide
23 criterion-referenced tests and who have an individualized education

1 plan that reflects that the student has received intensive
2 remediation in reading for more than two (2) years but still
3 demonstrates a deficiency in reading and was previously retained in
4 kindergarten, first grade, second grade, or third grade; and

5 6. Students who have received intensive remediation in reading
6 through a program of reading instruction for two (2) or more years
7 but still demonstrate a deficiency in reading and who were
8 previously retained in kindergarten, first grade, second grade, or
9 third grade for a total of two (2) years. A student who is
10 promoted as provided for in this paragraph shall be provided
11 intensive reading instruction during an altered instructional day
12 that includes specialized diagnostic information and specific
13 reading strategies for each student. The school district shall
14 assist schools and teachers to implement reading strategies for the
15 promoted students that research has shown to be successful in
16 improving reading among low-performing readers.

17 L. In addition to the good-cause exemptions as set forth in
18 subsection K of this section, requests to exempt students from the
19 academic requirements for promotion to the next grade shall only be
20 made upon documentation submitted from the teacher of the student to
21 the school principal that indicates that the promotion of the
22 student is appropriate and is based upon the record of the student.

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1 In order to minimize paperwork requirements, documentation shall
2 consist only of a student portfolio.

3 M. Beginning with the 2011-2012 school year, each school
4 district shall:

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

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

- 22 a. small group instruction,
23 b. reduced teacher-student ratios,

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- 1 c. more frequent progress monitoring,
2 d. tutoring or mentoring,
3 e. transition classes containing third- and fourth-grade
4 students,
5 f. extended school day, week, or year, and
6 g. summer reading academies as provided for in Section
7 1210.508E of this title, if available;

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

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

1 upon demonstrating a level of proficiency required to score above
2 the unsatisfactory level on the third-grade statewide criterion-
3 referenced test and upon showing progress sufficient to master
4 appropriate fourth-grade-level skills, as determined by the school.

5 A midyear promotion shall be made only upon agreement of the parent
6 or guardian of the student and the school principal;

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

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

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

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

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

21 N. Beginning with the 2011-2012 school year, each school
22 district shall establish a Reading Enhancement and Acceleration
23 Development (READ) Initiative. The focus of the READ Initiative

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

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

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

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

- 15 a. assists students assessed as exhibiting a reading
16 deficiency in developing the ability to read at grade
17 level,
- 18 b. provides skill development in phonemic awareness,
19 phonics, fluency, vocabulary, and comprehension,
- 20 c. provides scientifically based 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,

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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

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

21 P. 1. Each school district board of education shall annually
22 publish on the school website, and report in writing to the State
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1 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. 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. On or before December 1 of each year, the State Department
9 of Education shall issue to the Governor and members of the Senate
10 and House of Representatives Education Committees a Reading Report
11 Card for the state and each school district and elementary site
12 which shall include, but is not limited to, trend data detailing
13 three (3) years of data, disaggregated by student subgroups to
14 include economically disadvantaged, major racial or ethnic groups,
15 students with disabilities, and English language learners, as
16 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;

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

5 4. The number and percentage of students scoring at each
6 performance level on the third-grade criterion-referenced test in
7 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. 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. 2001, Section 1210.508D,
21 as last amended by Section 1, Chapter 387, O.S.L. 2008 (70 O.S.
22 Supp. 2010, Section 1210.508D), is amended to read as follows:

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

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1 by teachers who have successfully completed a professional
2 development institute in reading administered by the Oklahoma
3 Commission for Teacher Preparation or a scientifically-based reading
4 professional development program administered by the State Board of
5 Education.

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

14 C. If a teacher attends and completes a professional
15 development institute in elementary reading approved by the Oklahoma
16 Commission for Teacher Preparation during the summer or when school
17 is not in session, the teacher shall receive a stipend equal to the
18 amount of the cost for a substitute teacher, based on the amount of
19 funds allocated.

20 SECTION 3. AMENDATORY 70 O.S. 2001, Section 1210.508E,
21 as last amended by Section 2, Chapter 387, O.S.L. 2008 (70 O.S.
22 Supp. 2010, Section 1210.508E), is amended to read as follows:
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1 Section 1210.508E A. If a teacher determines that a third-
2 grade student is not reading at grade level by the end of the second
3 quarter of the school year, the parent or guardian of the student
4 shall be notified of:

- 5 1. The reading level of the student;
- 6 2. The program of reading instruction for the student as
7 required pursuant to the Reading Sufficiency Act; and
- 8 3. The potential need for the student to participate in a
9 summer academy or other program designed to assist the student in
10 attaining grade-level reading skills.

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

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

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

20 E. Subject to the availability of funds, beginning one (1) year
21 after implementation of this section, the requirements of subsection
22 B of this section shall be expanded to apply to fourth-grade student
23 promotion to fifth grade. Each year thereafter, the requirements

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

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

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

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

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

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

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

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

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6 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04-06-2011
7 - DO PASS, As Amended.
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