

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1550

By: Kern

4  
5 AS INTRODUCED

6 An Act relating to schools; amending 70 O.S. 2001,  
7 Sections 1210.508C, as last amended by Section 3,  
8 Chapter 431, O.S.L. 2005 and 1210.508E, as last  
9 amended by Section 2, Chapter 387, O.S.L. 2008 (70  
10 O.S. Supp. 2010, Sections 1210.508C and 1210.508E),  
11 which relate to the Reading Sufficiency Act;  
12 providing for retention of certain third-grade  
13 students; requiring parental notification; requiring  
14 retention of third-grade student who scores below a  
15 certain level on a certain test; modifying authority  
16 of a teacher to recommend participation in a certain  
17 summer academy or other program; requiring retention  
18 of a student who fails to complete certain  
19 competencies; providing an effective date; and  
20 declaring an emergency.

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1 Education. A screening instrument approved by the State Board shall  
2 be utilized for the purposes of this section.

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

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

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

17 2. Any student who is assessed and found not to be reading at  
18 the appropriate grade level shall be provided a program of reading  
19 instruction designed to enable the student to acquire the  
20 appropriate grade level reading skills. If a student is found not  
21 to be reading at the appropriate grade level and teachers, in  
22 collaboration with others, are concerned that undiagnosed health  
23 problems may affect the ability of the student to read, the school  
24 district may make a recommendation to the parents or legal guardians

1 for medical evaluation without being liable for cost of the  
2 evaluation or any associated costs.

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

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

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

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

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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 school year  
4 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 to and  
17 approved by the State Board of Education as a part of each  
18 district's Comprehensive Local Education Plan. The district reading  
19 sufficiency plan shall include a plan for each site which includes  
20 an analysis of the data provided by the Oklahoma School Testing  
21 Program and other reading assessments utilized as required in this  
22 section, and which outlines how each school site will comply with  
23 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 H 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 shall be  
14 developed and implemented as specified in this section. If  
15 possible, a fourth-grade teacher shall be involved in the  
16 development of the program of reading instruction. In addition to  
17 other requirements of the Reading Sufficiency Act, the plan may  
18 include specialized tutoring ~~and may include a recommendation as to~~  
19 whether. If the student should is not reading at grade level by the  
20 end of the school year, the student shall be asked to participate in  
21 a summer academy or other program designed to assist the student in  
22 attaining grade-level reading skills as provided for in Section  
23 1210.508E of this title. If the student elects not to participate  
24 in a summer academy or other program, the student shall be retained

1 in the third grade ~~at the close of that year~~. The parent or  
2 guardian of the student shall be ~~included in~~ notified of the  
3 retention ~~consideration~~ decision.

4 H. Any third-grade student who does not score at least at the  
5 proficient level on the reading portion of the third-grade  
6 criterion-referenced test administered pursuant to Section 1210.508  
7 of this title shall be retained in the third grade

8 I. 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 ~~I.~~ J. 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 1210.508E,  
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:

23 Section 1210.508E A. If a teacher determines that a third-  
24 grade student is not reading at grade level by the end of the second

1 quarter of the school year, the parent or guardian of the student  
2 shall be notified of:

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

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

19 C. Summer academy programs shall be designed to ensure that  
20 participating students successfully complete the competencies  
21 necessary in reading for promotion to fourth grade and to enhance  
22 next-grade readiness. A summer academy reading program shall be a  
23 program that incorporates the content of a scientifically research-  
24 based professional development program administered by the Oklahoma

1 Commission for Teacher Preparation or a scientifically based reading  
2 program administered by the State Board of Education and is taught  
3 by teachers who have successfully completed professional development  
4 in the reading program or who are certified as reading specialists.

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

14 E. Subject to the availability of funds, beginning one (1) year  
15 after implementation of this section, the requirements of subsection  
16 B of this section shall be expanded to apply to fourth-grade student  
17 promotion to fifth grade. Each year thereafter, the requirements  
18 shall be expanded by one grade level until the requirements apply to  
19 third-grade students through eighth-grade students. Summer academy  
20 programs shall be designed for each grade level. Nothing in this  
21 section shall prevent the State Board of Education or a school  
22 district board of education from utilizing private, local, or  
23 federal funds to implement this section.

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

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

5           2. Students who are English language learners who have been  
6 determined not to be proficient in English as defined by a state-  
7 designated English proficiency assessment. A third-grade student  
8 who is an English language learner and is found not to be reading at  
9 the third-grade level shall be eligible to participate in a summer  
10 reading remediation program.

11           G. The State Board of Education shall adopt rules to implement  
12 the provisions of this section which shall include requirements for  
13 instructional time for summer school programs, teacher  
14 qualifications, and evaluation of student achievement as a result of  
15 summer academy programs or other optional programs.

16           SECTION 3. This act shall become effective July 1, 2011.

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

21

22           53-1-5022           KB           01/19/11

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