

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2511

By: Coody

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6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 1210.508C, which relates to the Reading
9 Sufficiency Act; deleting certain limitation on
approved screening instruments; and declaring an
emergency.

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

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

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

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

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

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

13 2. Any student who is assessed and found not to be reading at
14 the appropriate grade level shall be provided a program of reading
15 instruction designed to enable the student to acquire the
16 appropriate grade level reading skills. Beginning with students
17 entering the first grade in the 2011-2012 school year, the program
18 of reading instruction shall include provisions of the READ
19 Initiative adopted by the school district as provided for in
20 subsection N of this section. If a student is found not to be
21 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, shall include provisions
20 of the READ Initiative adopted by the school district as provided
21 for in subsection N of this section beginning with students entering
22 the first grade in the 2011-2012 school year and may include, but is
23 not limited to:

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

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

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

13 E. The program of reading instruction shall continue until the
14 student is determined by the results of approved reading assessments
15 to be reading on grade level.

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

1 section, and which outlines how each school site will comply with
2 the provisions of the Reading Sufficiency Act.

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

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

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

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

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 third-grade criterion-referenced test
4 administered pursuant to Section 1210.508 of this title, the student
5 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;

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

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

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

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

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

16 2. Students with disabilities whose individualized education
17 ~~plan~~ program (IEP), consistent with state law, indicates that
18 participation in the statewide criterion-referenced tests
19 administered pursuant to Section 1210.508 of this title is not
20 appropriate;

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

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

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

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

22 L. In addition to the good-cause exemptions as set forth in
23 subsection K of this section, requests to exempt students from the
24 academic requirements for promotion to the next grade shall only be

1 made upon documentation submitted from the teacher of the student to
2 the school principal that indicates that the promotion of the
3 student is appropriate and is based upon the record of the student.
4 In order to minimize paperwork requirements, documentation shall
5 consist only of a student portfolio.

6 M. Beginning with the 2011-2012 school year, each school
7 district shall:

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

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

- a. small group instruction,
- b. reduced teacher-student ratios,
- c. more frequent progress monitoring,
- d. tutoring or mentoring,
- e. transition classes containing third- and fourth-grade students,
- f. extended school day, week, or year, and
- g. summer reading academies as provided for in Section 1210.508E of this title, if available;

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

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

1 students may only be promoted midyear prior to November 1 and only
2 upon demonstrating a level of proficiency required to score above
3 the unsatisfactory level on the third-grade statewide criterion-
4 referenced test and upon showing progress sufficient to master
5 appropriate fourth-grade-level skills, as determined by the school.
6 A midyear promotion shall be made only upon agreement of the parent
7 or guardian of the student and the school principal;

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

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

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

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

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

22 N. Beginning with the 2011-2012 school year, each school
23 district shall establish a Reading Enhancement and Acceleration
24 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
24 incorporate opportunities to master the fourth-

1 grade state standards in other core subject
2 areas,

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

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

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

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

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

23 i. provide to a student who has been retained in the
24 third grade and has received intensive instructional

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

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

19 P. 1. Each school district board of education shall annually
20 publish on the school website, and report in writing to the State
21 Board of Education by September 1 of each year, the following
22 information on the prior school year:

- 23 a. the provisions of this section relating to public
24 school student progression and the policies and

1 procedures of the school district on student retention
2 and promotion,

3 b. by grade, the number and percentage of all students in
4 grades three through ten performing at the
5 unsatisfactory level on the reading portion of the
6 statewide criterion-referenced tests,

7 c. by grade, the number and percentage of all students
8 retained in grades three through ten,

9 d. information on the total number and percentage of
10 students who were promoted for good cause, by each
11 category of good cause as specified above, and

12 e. any revisions to the policies of the school district
13 on student retention and promotion from the prior
14 year.

15 2. The State Department of Education shall establish a uniform
16 format for school districts to report the information required in
17 this subsection. The format shall be developed with input from
18 school districts and shall be provided not later than ninety (90)
19 days prior to the annual due date. The Department shall annually
20 compile the information required along with state-level summary
21 information, and report the information to the public, the Governor,
22 the President Pro Tempore of the Senate, and the Speaker of the
23 House of Representatives.

1 Q. The State Department of Education shall provide technical
2 assistance as needed to aid school districts in administering the
3 provision of the Reading Sufficiency Act.

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

13 1. The number and percentage of students in kindergarten
14 through third grade determined to be at risk for reading
15 difficulties compared to the total number of students enrolled in
16 each grade;

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

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

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

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

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

9 7. Any recommendations for improvements or amendments to the
10 Reading Sufficiency Act.

11 The State Department of Education may contract with an
12 independent entity for the reporting and analysis requirements of
13 this subsection.

14 S. Copies of the results of the assessments administered shall
15 be made a part of the permanent record of each student.

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

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