

1 STATE OF OKLAHOMA

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

3 SENATE BILL 346

By: Jolley

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5  
6 AS INTRODUCED

7 An Act relating to school assessment; stating  
8 legislative intent; stating goals; providing for  
9 assessment; providing criteria for retention;  
10 providing for parental notification; prohibiting  
11 social promotion; providing certain exceptions;  
12 providing remediation policy for students retained;  
13 requiring certain reports; directing promulgation of  
14 rules; directing State Department of Education to  
15 provide technical assistance; providing for  
16 codification; providing an effective date; and  
17 declaring an emergency.

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

19 SECTION 1. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1210.516 of Title 70, unless  
21 there is created a duplication in numbering, reads as follows:

22 A. It is the intent of the Legislature that each student's  
23 progression be determined, in part, upon proficiency in reading;  
24 that district school board policies facilitate such proficiency; and  
that each student and his or her parent be informed of that  
student's academic progress.

1 B. It is the ultimate goal of the Legislature that every  
2 student read at or above grade level. Any student who exhibits a  
3 substantial deficiency in reading, based upon state-approved  
4 assessments conducted in kindergarten, grade 1, grade 2, or grade 3,  
5 must be given intensive reading instruction immediately following  
6 the identification of the reading deficiency.

7 C. Each student's reading proficiency shall be reassessed by  
8 state-approved assessments at the beginning of the grade following  
9 the intensive reading instruction. The student shall continue to be  
10 provided with intensive reading instruction until the reading  
11 deficiency is remedied.

12 D. Beginning with the 2011-2012 school year, if the student's  
13 reading deficiency, as identified in subsection B of this section,  
14 is not remedied by the end of grade 3, as demonstrated by scoring at  
15 the Limited Knowledge level or higher on the state annual  
16 accountability assessment in reading for grade 3, the student must  
17 be retained.

18 E. The parent of any student who exhibits a substantial  
19 deficiency in reading must be notified in writing of the following:

20 1. That his or her child has been identified as having a  
21 substantial deficiency in reading;

22 2. A description of the current services that are provided to  
23 the child;

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1 3. A description of the proposed supplemental instructional  
2 services and supports that will be provided to the child that are  
3 designed to remediate the identified area of reading deficiency;

4 4. That if the child's reading deficiency is not remediated by  
5 the end of grade 3, the child will not be promoted to grade 4 unless  
6 he or she met a good cause exemption;

7 5. Strategies for parents to use in helping their child succeed  
8 in reading proficiency;

9 6. That while the state annual accountability assessment is the  
10 initial determinate, it is not the sole determiner of promotion and  
11 that additional evaluations, portfolio reviews, and assessments are  
12 available;

13 7. The district's specific criteria and policies for midyear  
14 promotion. Midyear promotion means promotion of a student at any  
15 time during the year of retention once the student has demonstrated  
16 ability to read at grade level;

17 F. No student may be assigned to a grade level based solely on  
18 age or other factors that constitute social promotion.

19 G. The district school board may only promote students not  
20 meeting the academic requirements for good cause. Good cause  
21 exemptions shall be limited to the following:

22 1. Limited English proficient students who have had less than 2  
23 years of instruction in an English Language Learner program;

1        2. Students with disabilities whose individual education plan,  
2 consistent with state law, indicates that participation in the  
3 statewide assessment program is not appropriate;

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

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

10       5. Students with disabilities who participate in the state  
11 accountability examination and who have an individual education plan  
12 that reflects that the student has received intensive remediation in  
13 reading for more than 2 years but still demonstrates a deficiency in  
14 reading and was previously retained in kindergarten, grade 1, grade  
15 2, or grade 3;

16       6. Students who have received intensive remediation in reading  
17 for two or more years but still demonstrate a deficiency in reading  
18 and who were previously retained in kindergarten, grade 1, grade 2,  
19 or grade 3 for a total of 2 years. Intensive reading instruction  
20 for students so promoted must include an altered instructional day  
21 that includes specialized diagnostic information and specific  
22 reading strategies for each student. The district school board  
23 shall assist schools and teachers to implement reading strategies  
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1 that research has shown to be successful in improving reading among  
2 low-performing readers.

3 H. Requests to exempt students from academic requirements for  
4 promotion to the next grade shall be made consistent with the  
5 following:

6 a. documentation shall be submitted from the student's  
7 teacher to the school principal that indicates that  
8 the promotion of the student is appropriate and is  
9 based upon the student's record. In order to minimize  
10 paperwork requirements, such documentation shall  
11 consist only of the existing progress monitoring plan,  
12 individual educational plan, if applicable, report  
13 card, or student portfolio,

14 b. the school principal shall review and discuss such  
15 recommendation with the teacher and make the  
16 determination as to whether the student should be  
17 promoted. If the school principal determines that the  
18 student should be promoted, the school principal shall  
19 make such recommendation in writing to the district  
20 school superintendent. The district school  
21 superintendent shall accept or reject the school  
22 principal's recommendation in writing.

23 I. Students retained must be provided intensive interventions  
24 in reading to ameliorate the student's specific reading deficiency,

1 as identified by a valid and reliable diagnostic assessment. This  
2 intensive intervention must include effective instructional  
3 strategies, participation in the school district's summer reading  
4 camp, if available, and appropriate teaching methodologies necessary  
5 to assist those students in becoming successful readers, able to  
6 read at or above grade level, and ready for promotion to the next  
7 grade.

8 1. Beginning with the 2011-2012 school year, each school  
9 district shall:

10 a. conduct a review of student progress monitoring plans  
11 for all students who did not score above the  
12 Unsatisfactory level on the reading portion of the  
13 state exam and did not meet the criteria for one of  
14 the good cause exemptions. The review shall address  
15 additional supports and services, as described in this  
16 subsection, needed to remediate the identified areas  
17 of reading deficiency. The school district shall  
18 require a student portfolio to be completed for each  
19 such student,

20 b. provide students who are not promoted with intensive  
21 instructional services and supports to remediate the  
22 identified areas of reading deficiency, including a  
23 minimum of 90 minutes of daily, uninterrupted,  
24 scientifically research-based reading instruction and

1 other strategies prescribed by the school district,  
2 which may include, but are not limited to:

- 3 (1) small group instruction,
- 4 (2) reduced teacher-student ratios,
- 5 (3) more frequent progress monitoring,
- 6 (4) tutoring or mentoring,
- 7 (5) transition classes containing 3rd and 4th grade  
8 students,
- 9 (6) extended school day, week, or year,
- 10 (7) summer reading camps.

11 c. provide written notification to the parent of any  
12 student who is retained that his or her child has not  
13 met the proficiency level required for promotion and  
14 the reasons the child is not eligible for a good cause  
15 exemption. The notification must include a  
16 description of proposed interventions and supports  
17 that will be provided to the child to remediate the  
18 identified areas of reading deficiency,

19 d. implement a policy for the midyear promotion of any  
20 student retained who can demonstrate that he or she is  
21 a successful and independent reader, reading at or  
22 above grade level, and ready to be promoted to grade  
23 4. Tools that school districts may use in  
24 reevaluating any student retained may include

1 subsequent assessments, alternative assessments, and  
2 portfolio reviews, in accordance with rules of the  
3 State Board of Education. Students promoted during  
4 the school year after November 1 must demonstrate  
5 proficiency above that required to score at the  
6 Unsatisfactory level on the grade 3 state  
7 accountability exam, as determined by the State Board  
8 of Education. The State Board of Education shall  
9 adopt standards that provide a reasonable expectation  
10 that the student's progress is sufficient to master  
11 appropriate 4th grade level reading skills.

12 2. Provide students who are retained with a high-performing  
13 teacher as determined by student performance data and above-  
14 satisfactory performance appraisals;

15 3. In addition to required reading enhancement and acceleration  
16 strategies, provide parents of students to be retained with at least  
17 one of the following instructional options:

- 18 a. supplemental tutoring in scientifically research-based  
19 reading services in addition to the regular reading  
20 block, including tutoring before and/or after school,
- 21 b. a "Read at Home" plan outlined in a parental contract,  
22 as developed by the State Department of Education and  
23 regular parent-guided home reading,
- 24 c. a mentor or tutor with specialized reading training.

1           4. Establish a Reading Enhancement and Acceleration Development  
2 (READ) Initiative. The focus of the READ Initiative shall be to  
3 prevent the retention of grade 3 students and to offer intensive  
4 accelerated reading instruction to grade 3 students who failed to  
5 meet standards for promotion to grade 4 and to each K-3 student who  
6 is assessed as exhibiting a reading deficiency. The READ Initiative  
7 shall:

8           a. be provided to all K-3 students at risk of retention  
9 as identified by the statewide assessment system used  
10 in Reading First schools. The assessment must measure  
11 phonemic awareness, phonics, fluency, vocabulary, and  
12 comprehension,

13           b. be provided during regular school hours in addition to  
14 the regular reading instruction,

15           c. provide a state-approved reading curriculum that, at a  
16 minimum, meets the following specifications:

17           (1) assists students assessed as exhibiting a reading  
18 deficiency in developing the ability to read at  
19 grade level,

20           (2) provides skill development in phonemic awareness,  
21 phonics, fluency, vocabulary, and comprehension,

22           (3) provides scientifically based and reliable  
23 assessment,  
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- 1 (4) provides initial and ongoing analysis of each  
2 student's reading progress,  
3 (5) is implemented during regular school hours.  
4 (6) provides a curriculum in core academic subjects  
5 to assist the student in maintaining or meeting  
6 proficiency levels for the appropriate grade in  
7 all academic subjects,  
8 (7) establishes at each school, where applicable, an  
9 Intensive Acceleration Class for retained grade 3  
10 students who subsequently score at the  
11 Unsatisfactory level on the reading portion of  
12 the state accountability exam. The focus of the  
13 Intensive Acceleration Class shall be to increase  
14 a child's reading level at least two grade levels  
15 in one school year. The Intensive Acceleration  
16 Class shall:  
17 (a) be provided to any student in grade 3 who  
18 scores at the Unsatisfactory level on the  
19 reading portion of the state accountability  
20 exam and who was retained in grade 3 the  
21 prior year because of scoring at the  
22 Unsatisfactory level on the reading portion  
23 of the state accountability exam,  
24 (b) have a reduced teacher-student ratio,

- 1 (c) provide uninterrupted reading instruction  
2 for the majority of student contact time  
3 each day and incorporate opportunities to  
4 master the grade 4 state standards in other  
5 core subject areas,
- 6 (d) use a reading program that is scientifically  
7 research-based and has proven results in  
8 accelerating student reading achievement  
9 within the same school year,
- 10 (e) provide intensive language and vocabulary  
11 instruction using a scientifically research-  
12 based program, including use of a speech-  
13 language therapist,
- 14 (f) include weekly progress monitoring measures  
15 to ensure progress is being made,
- 16 (g) report to the State Department of Education,  
17 in the manner described by the Department,  
18 the progress of students in the class at the  
19 end of the first semester;
- 20 (8) report to the State Board of Education, upon  
21 request, on the specific intensive reading  
22 interventions and supports implemented at the  
23 school district level. The State Superintendent  
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1 of Public Instruction shall annually prescribe  
2 the required components of requested reports,  
3 (9) provide a student who has been retained in grade  
4 3 and has received intensive instructional  
5 services but is still not ready for grade  
6 promotion, as determined by the school district,  
7 the option of being placed in a transitional  
8 instructional setting. Such setting shall  
9 specifically be designed to produce learning  
10 gains sufficient to meet grade 4 performance  
11 standards while continuing to remediate the areas  
12 of reading deficiency;

13 J. In addition to the above requirements, each district school  
14 board must annually report to the parent of each student the  
15 progress of the student toward achieving state and district  
16 expectations for proficiency in reading, writing, science, and  
17 mathematics. The district school board must report to the parent  
18 the student's results on each annual state accountability  
19 assessment. The evaluation of each student's progress must be based  
20 upon the student's classroom work, observations, tests, district and  
21 state assessments, and other relevant information. Progress  
22 reporting must be provided to the parent in writing.

23 1. Each district school board must annually publish on the  
24 school website, and report in writing to the State Board of

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

- 3 a. the provisions of this section relating to public  
4 school student progression and the district school  
5 board's policies and procedures on student retention  
6 and promotion,
- 7 b. by grade, the number and percentage of all students in  
8 grades 3 through 10 performing at the Unsatisfactory  
9 level on the reading portion of the annual state  
10 accountability assessment,
- 11 c. by grade, the number and percentage of all students  
12 retained in grades 3 through 10,
- 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,
- 16 e. any revisions to the district school board's policy on  
17 student retention and promotion from the prior year.

18 2. The State Department of Education shall establish a uniform  
19 format for school districts to report the information required. The  
20 format shall be developed with input from district school boards and  
21 shall be provided not later than ninety (90) days prior to the  
22 annual due date. The Department shall annually compile the  
23 information required along with state-level summary information, and  
24 report such information to the public, the Governor, the President

1 Pro Tempore of the Senate, and the Speaker of the House of  
2 Representatives.

3 K. 1. The State Board of Education shall promulgate rules to  
4 implement the provisions of this section.

5 2. The State Department of Education shall provide technical  
6 assistance as needed to aid district school boards in administering  
7 this section.

8 SECTION 2. This act shall become effective July 1, 2011.

9 SECTION 3. 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.

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