

1 **SENATE FLOOR VERSION**

2 February 20, 2013

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 574

By: Jolley of the Senate

and

Nelson of the House

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9 [education - modifying assessment requirements under
10 the Reading Sufficiency Act - effective date -
emergency]

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

14 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508C,
15 as last amended by Section 9, Chapter 354, O.S.L. 2012 (70 O.S.
16 Supp. 2012, Section 1210.508C), is amended to read as follows:

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

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

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

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

16 2. Any student who is assessed and found not to be reading at
17 the appropriate grade level shall be provided a program of reading
18 instruction designed to enable the student to acquire the
19 appropriate grade level reading skills. Beginning with students
20 entering the first grade in the 2011-2012 school year, the program
21 of reading instruction shall include provisions of the READ
22 Initiative adopted by the school district as provided for in
23 subsection 0 of this section.

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

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

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

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

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

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

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

13 F. 1. Every school district shall adopt, and implement a
14 district reading sufficiency plan which has had input from school
15 administrators, teachers, and parents and if possible a reading
16 specialist, and which shall be submitted electronically to and
17 approved by the State Board of Education. The plan shall be updated
18 annually. School districts shall not be required to electronically
19 submit the annual updates to the Board if the last plan submitted to
20 the Board was approved and expenditures for the program include only
21 expenses relating to individual and small group tutoring, purchase
22 of and training in the use of screening and assessment measures,
23 summer school programs and Saturday school programs. If any
24 expenditure for the program is deleted or changed or any other type

1 of expenditure for the program is implemented, the school district
2 shall be required to submit the latest annual update to the Board
3 for approval. The district reading sufficiency plan shall include a
4 plan for each site which includes an analysis of the data provided
5 by the Oklahoma School Testing Program and other reading assessments
6 utilized as required in this section, and which outlines how each
7 school site will comply with the provisions of the Reading
8 Sufficiency Act.

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

14 3. The State Board of Education shall adopt rules for the
15 implementation and evaluation of the provisions of the Reading
16 Sufficiency Act. The evaluation shall include, but not be limited
17 to, an analysis of the data required in subsection S of this
18 section.

19 G. For any third-grade student found not to be reading at grade
20 level as determined by reading assessments administered pursuant to
21 this section, a new program of reading instruction, including
22 provisions of the READ Initiative adopted by the school district as
23 provided for in subsection O of this section, shall be developed and
24 implemented as specified in this section. If possible, a fourth-

1 grade teacher shall be involved in the development of the program of
2 reading instruction. In addition to other requirements of the
3 Reading Sufficiency Act, the plan may include specialized tutoring.

4 H. Beginning with students entering the first grade in the
5 2011-2012 school year, if the reading deficiency of a student, as
6 identified based on assessments administered as provided for in
7 subsection B of this section, is not remedied by the end of third
8 grade, ~~as demonstrated by scoring at the unsatisfactory level on the~~
9 ~~reading portion of the statewide third-grade criterion-referenced~~
10 ~~test~~ by demonstrating an acceptable level of performance on a
11 summative reading assessment administered pursuant to this section,
12 the student shall be retained in the third grade.

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

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

20 2. A description of the current services that are provided to
21 the student;

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

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

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

7 6. That ~~while the results of the statewide criterion-referenced~~
8 ~~tests administered pursuant to Section 1210.508 of this title are~~
9 ~~the initial determinant, it~~ the summative reading assessment
10 administered pursuant to this section is not the sole determiner of
11 promotion and that portfolio reviews and assessments are available;
12 and

13 7. The specific criteria and policies of the school district
14 for midyear promotion implemented as provided for in paragraph 4 of
15 subsection N of this section.

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

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

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

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1 2. Students with disabilities whose individualized education
2 plan (IEP), consistent with state law, indicates that the student is
3 to be assessed with alternate achievement standards through the
4 Oklahoma Alternate Assessment Program (OAAP);

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

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

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

18 6. Students who have received intensive remediation in reading
19 through a program of reading instruction for two (2) or more years
20 but still demonstrate a deficiency in reading and who were
21 previously retained in pre-kindergarten, kindergarten, first grade,
22 second grade, or third grade for a total of two (2) years.

23 L. A student who is promoted for good cause as provided for in
24 subsection K of this section shall be provided intensive reading

1 instruction during an altered instructional day that includes
2 specialized diagnostic information and specific reading strategies
3 for each student. The school district shall assist schools and
4 teachers to implement reading strategies for the promoted students
5 that research has shown to be successful in improving reading among
6 low-performing readers.

7 M. Requests to exempt students from the mandatory retention
8 requirements based on one of the good-cause exemptions as described
9 in subsection K of this section shall be made using the following
10 process:

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

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

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

3 N. 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 statewide criterion-referenced test administered~~
8 ~~pursuant to Section 1210.508 of this title~~ did not demonstrate an
9 acceptable level of performance on the summative reading assessment
10 administered pursuant to this section and did not meet the criteria
11 for one of the good-cause exemptions as set forth in subsection K of
12 this section. The review shall address additional supports and
13 services, as described in this subsection, needed to remediate the
14 identified areas of reading deficiency. The school district shall
15 require a student portfolio to be completed for each retained
16 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 statewide third-grade criterion-~~
4 ~~referenced test~~ demonstrate an acceptable level of performance on a
5 reading assessment administered pursuant to this section and upon
6 showing progress sufficient to master appropriate fourth-grade-level
7 skills, as determined by the school. A midyear promotion shall be
8 made only upon agreement of the parent or guardian of the student
9 and the school principal. Any student who meets the requirements
10 for a midyear promotion is exempt from further reading skills
11 screenings;

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

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

18 a. supplemental tutoring in scientific-research-based
19 reading services in addition to the regular reading
20 block, including tutoring before or after school,

21 b. a parent-guided "Read at Home" assistance plan, as
22 developed by the State Department of Education, the
23 purpose of which is to encourage regular parent-guided
24 home reading, or

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

2 O. Beginning with the 2011-2012 school year, each school
3 district shall establish a Reading Enhancement and Acceleration
4 Development (READ) Initiative. The focus of the READ Initiative
5 shall be to prevent the retention of third-grade students by
6 offering intensive accelerated reading instruction to third-grade
7 students who failed to meet standards for promotion to fourth grade
8 and to kindergarten through third-grade students who are exhibiting
9 a reading deficiency. The READ Initiative shall:

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

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

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

19 a. assists students assessed as exhibiting a reading
20 deficiency in developing the ability to read at grade
21 level,

22 b. provides skill development in phonemic awareness,
23 phonics, fluency, vocabulary, and comprehension,
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- 1 c. provides a scientific-research-based and reliable
2 assessment,
- 3 d. provides initial and ongoing analysis of the reading
4 progress of each student,
- 5 e. is implemented during regular school hours,
- 6 f. provides a curriculum in core academic subjects to
7 assist the student in maintaining or meeting
8 proficiency levels for the appropriate grade in all
9 academic subjects,
- 10 g. establishes at each school, where applicable, an
11 Intensive Acceleration Class for retained third-grade
12 students who ~~subsequently score at the unsatisfactory~~
13 ~~level on the reading portion of the statewide~~
14 ~~criterion-referenced tests~~ are unable to demonstrate
15 an acceptable level of performance on the summative
16 reading assessment administered pursuant to this
17 section. The focus of the Intensive Acceleration
18 Class shall be to increase the reading level of a
19 child at least two grade levels in one (1) school
20 year. The Intensive Acceleration Class shall:
- 21 (1) be provided to any student in the third grade who
22 ~~scores at the unsatisfactory level on the reading~~
23 ~~portion of the statewide criterion-referenced~~
24 ~~tests~~ is unable to demonstrate an acceptable

1 level of performance on the summative reading
2 assessment administered pursuant to this section
3 and who was retained in the third grade the prior
4 year because of ~~scoring at the unsatisfactory~~
5 ~~level on the reading portion of the statewide~~
6 ~~critierion-referenced tests~~ failing to demonstrate
7 an acceptable level of performance on the
8 summative reading assessment administered
9 pursuant to this section,

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

11 (3) provide uninterrupted reading instruction for the
12 majority of student contact time each day and
13 incorporate opportunities to master the fourth-
14 grade state standards in other core subject
15 areas,

16 (4) use a reading program that is scientific-
17 research-based and has proven results in
18 accelerating student reading achievement within
19 the same school year,

20 (5) provide intensive language and vocabulary
21 instruction using a scientific-research-based
22 program, including use of a speech-language
23 therapist,

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1 (6) include weekly progress monitoring measures to
2 ensure progress is being made, and

3 (7) provide reports to the State Department of
4 Education, in the manner described by the
5 Department, outlining the progress of students in
6 the class at the end of the first semester,

7 h. provide reports to the State Board of Education, upon
8 request, on the specific intensive reading
9 interventions and supports implemented by the school
10 district. The State Superintendent of Public
11 Instruction shall annually prescribe the required
12 components of the reports, and

13 i. provide to a student who has been retained in the
14 third grade and has received intensive instructional
15 services but is still not ready for grade promotion,
16 as determined by the school district, the option of
17 being placed in a transitional instructional setting.
18 A transitional setting shall specifically be designed
19 to produce learning gains sufficient to meet fourth-
20 grade performance standards while continuing to
21 remediate the areas of reading deficiency.

22 P. In addition to the requirements set forth in this section,
23 each school district board of education shall annually report to the
24 parent or guardian of each student in the district the progress of

1 the student toward achieving state and district expectations for
2 proficiency in reading, writing, science, and mathematics. The
3 school district board of education shall report to the parent or
4 guardian of each student the results ~~on statewide criterion-~~
5 ~~referenced tests~~ of the summative reading assessment. The
6 evaluation of the progress of each student shall be based upon
7 classroom work, observations, tests, district and state assessments,
8 and other relevant information. Progress reporting shall be
9 provided to the parent or guardian in writing.

10 Q. 1. Each school district board of education shall annually
11 publish on the school website, and report in writing to the State
12 Board of Education by September 1 of each year, the following
13 information on the prior school year:

- 14 a. the provisions of this section relating to public
15 school student progression and the policies and
16 procedures of the school district on student retention
17 and promotion,
- 18 b. by grade, the number and percentage of all students in
19 grades three through ten performing at the
20 unsatisfactory level on the reading portion of the
21 statewide criterion-referenced tests,
- 22 c. by grade, the number and percentage of all students
23 retained in grades three through ten,
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1 d. information on the total number and percentage of
2 students who were promoted for good cause, by each
3 category of good cause as specified above, ~~and~~

4 e. any revisions to the policies of the school district
5 on student retention and promotion from the prior
6 year,

7 f. by grade, the number and percentage of students
8 retained pursuant to this section, and

9 g. by grade, the number and percentage unable to
10 demonstrate an acceptable level of performance on a
11 summative reading assessment administered pursuant to
12 this section.

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

22 R. The State Department of Education shall provide technical
23 assistance as needed to aid school districts in administering the
24 provision of the Reading Sufficiency Act.

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

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

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

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

21 4. The number and percentage of students ~~scoring at each~~
22 ~~performance level on the reading portion of the statewide third-~~
23 ~~grade criterion-referenced test~~ demonstrating an acceptable level of
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1 performance on a summative reading assessment administered pursuant
2 to this section;

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

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

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

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

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

15 SECTION 2. This act shall become effective July 1, 2013.

16 SECTION 3. 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.

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
21 February 20, 2013 - DO PASS AS AMENDED

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