

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1080

By: Newberry

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5  
6 AS INTRODUCED

7 An Act relating to the Reading Sufficiency Act;  
8 amending 70 O.S. 2011, Section 1210.508A, which  
9 relates to the short title; providing for application  
10 of the act to certain school districts; amending 70  
11 O.S. 2011, Section 1210.508B, as amended by Section  
12 9, Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2015,  
13 Section 1210.508B), which relates to the purpose of  
14 the act; providing definition; amending 70 O.S. 2011,  
15 Section 1210.508C, as last amended by Section 1,  
16 Chapter 364, O.S.L. 2015 (70 O.S. Supp. 2015, Section  
17 1210.508C), which relates to reading assessments;  
18 modifying reference to school districts; amending 70  
19 O.S. 2011, Section 1210.508D, as amended by Section  
20 2, Chapter 171, O.S.L. 2012 (70 O.S. Supp. 2015,  
21 Section 1210.508D), which relates to funding for  
22 reading remediation; modifying reference to school  
23 districts; updating certain reference; modifying 70  
24 O.S. 2011, Section 1210.508E, as amended by Section  
3, Chapter 171, O.S.L. 2012 (70 O.S. Supp. 2015,  
Section 1210.508E), which relates to summer  
academies; modifying reference to school districts;  
updating certain reference; providing an effective  
date; and declaring an emergency.

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

22 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508A,  
23 is amended to read as follows:  
24

1 Section 1210.508A. Sections 1210.508A through 1210.508E of this  
2 title shall be known and may be cited as the "Reading Sufficiency  
3 Act" and shall apply to school districts that received a grade of  
4 "D" or "F" on the previous year's annual report issued pursuant to  
5 Section 1210.545 of this title.

6 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.508B,  
7 as amended by Section 9, Chapter 430, O.S.L. 2014 (70 O.S. Supp.  
8 2015, Section 1210.508B), is amended to read as follows:

9 Section 1210.508B. A. The Legislature finds that it is  
10 essential for children in the public schools to read early and well  
11 in elementary school. The Legislature further finds that clear and  
12 visible goals, assessments to determine the reading level at each  
13 elementary school, annual measurements of elementary school reading  
14 improvement, and accountability in each level of the educational  
15 system will result in a significant increase in the number of  
16 children reading at or above grade level.

17 B. The purpose of the Reading Sufficiency Act is to ensure that  
18 each child attains the necessary reading skills by completion of the  
19 third grade which will enable that student to continue development  
20 of reading skills and to succeed throughout school and life.

21 C. Each public school district in this state shall ensure that  
22 a majority of the instructional time each day of the school year in  
23 kindergarten through third grade is focused on reading and  
24 mathematics. The State Board of Education shall encourage school

1 districts to integrate the teaching of the other curricular areas in  
2 the subject matter standards adopted by the Board with the  
3 instruction of reading and mathematics. All teachers of reading in  
4 the public schools in this state in kindergarten through third grade  
5 shall incorporate into instruction the five elements of reading  
6 instruction which are phonemic awareness, phonics, reading fluency,  
7 vocabulary, and comprehension.

8 D. The reading goal for Oklahoma public schools is as follows:  
9 By July 1, 2008, and each year thereafter, all third-grade students  
10 will read at or above grade level by the end of their third-grade  
11 year, excluding up to fifteen percent (15%) of those students who  
12 have an individualized education program (IEP), pursuant to the  
13 Individuals with Disabilities Education Act (IDEA), and excluding  
14 those students who are English language learners who have been  
15 determined not to be proficient in English as defined by a state-  
16 designated English proficiency assessment. To achieve the reading  
17 goal, each public elementary school shall:

18 1. Determine its baseline no later than September 1, 2005,  
19 which shall be the percentage of students reading at or above third-  
20 grade level as determined by the percentage of students scoring  
21 proficient or above on the third-grade criterion-referenced test in  
22 reading, administered pursuant to Section 1210.508 of this title;  
23 and  
24

1           2. Set and achieve annual improvement goals necessary to  
2 progress from the baseline established in 2005 to the reading goal  
3 by July 1, 2008. The annual improvement goals shall be included in  
4 the district's reading sufficiency plan required in Section  
5 1210.508C of this title.

6           E. The State Board of Education shall recognize schools and  
7 districts that attain or make progress toward achieving the reading  
8 goal and shall provide technical assistance to schools and districts  
9 that do not make progress toward the reading goal. The district  
10 reading sufficiency plan shall be submitted to the State Board if  
11 the district has any schools that are not achieving the required  
12 annual improvement goals pursuant to this section.

13           F. For the purposes of the Reading Sufficiency Act,  
14 "participating public school district" shall mean a school district  
15 that received a grade of "D" or "F" on the previous year's annual  
16 report issued pursuant to Section 1210.545 of this title.

17           SECTION 3.           AMENDATORY           70 O.S. 2011, Section 1210.508C,  
18 as last amended by Section 1, Chapter 364, O.S.L. 2015 (70 O.S.  
19 Supp. 2015, Section 1210.508C), is amended to read as follows:

20           Section 1210.508C. A. 1. Each student enrolled in  
21 kindergarten in a participating public school district in this state  
22 shall be screened for reading skills including, but not limited to,  
23 phonemic awareness, letter recognition, and oral language skills as  
24 identified in the subject matter standards adopted by the State

1 Board of Education. A screening instrument approved by the State  
2 Board shall 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 subject matter standards adopted by the State Board of  
6 Education, monitor progress throughout the year and measure year-end  
7 reading progress.

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

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

19 2. Any student who is assessed and found not to be reading at  
20 the appropriate grade level shall be provided a program of reading  
21 instruction designed to enable the student to acquire the  
22 appropriate grade level reading skills. Beginning with students  
23 entering the first grade in the 2011-2012 school year, the program  
24 of reading instruction shall include provisions of the READ

1 Initiative adopted by the school district as provided for in  
2 subsection O of this section.

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 screening  
8 instruments for use at the beginning and end of the school year, for  
9 monitoring of progress, and for measurement of reading skills at the  
10 end of the school year as required in subsections A and B of this  
11 section; provided, at least one of the screening instruments shall  
12 meet the following criteria:

13 1. Assess for phonemic awareness, phonics, reading fluency, and  
14 comprehension;

15 2. Document the validity and reliability of each assessment;

16 3. Can be used for diagnosis and progress monitoring;

17 4. Can be used to assess special education and limited-English-  
18 proficient students; and

19 5. Accompanied by a data management system that provides  
20 profiles for students, class, grade level and school building. The  
21 profiles shall identify each student's instructional point of need  
22 and reading achievement level. The State Board shall also determine  
23 other comparable reading assessments for diagnostic purposes and for  
24 periodic and post assessments to be used for students at risk of

1 reading failure. The State Board shall ensure that any assessments  
2 approved are in alignment with the subject matter standards adopted  
3 by the State Board of Education.

4 D. 1. The program of reading instruction required in  
5 subsection B of this section shall align with the subject matter  
6 standards adopted by the State Board of Education and shall include  
7 provisions of the READ Initiative adopted by the participating  
8 school district as provided for in subsection O of this section. A  
9 program of reading instruction may include, but is not limited to:

- 10 a. sufficient additional in-school instructional time for  
11 the acquisition of phonemic awareness, phonics,  
12 reading fluency, vocabulary, and comprehension,
- 13 b. if necessary, tutorial instruction after regular  
14 school hours, on Saturdays and during summer; however,  
15 such instruction may not be counted toward the one-  
16 hundred-eighty-day or one-thousand-eighty-hour school  
17 year required in Section 1-109 of this title, and
- 18 c. assessments identified for diagnostic purposes and  
19 periodic monitoring to measure the acquisition of  
20 reading skills including, but not limited to, phonemic  
21 awareness, phonics, reading fluency, vocabulary, and  
22 comprehension, as identified in the student's program  
23 of reading instruction.
- 24

1           2. A student enrolled in first or second grades who has been  
2 assessed as provided for in subsection B of this section and found  
3 not to be reading at the corresponding grade level, shall be  
4 entitled to individualized remediation in reading until the student  
5 is determined by the results of a screening instrument to be reading  
6 on grade level. The program of reading instruction for each student  
7 shall be developed by a Student Reading Proficiency Team and shall  
8 include individualized remediation. Each team shall be composed of:

9           a. the parent or guardian of the student,

10           b. the teacher assigned to the student who had  
11                 responsibility for reading instruction in that  
12                 academic year,

13           c. a teacher who is responsible for reading instruction  
14                 and is assigned to teach in the next grade level of  
15                 the student, and

16           d. a certified reading specialist, if one is available.

17           E. The program of reading instruction shall continue until the  
18 student is determined by the results of approved reading assessments  
19 to be reading on grade level.

20           F. 1. Every participating school district shall adopt, and  
21 implement a district reading sufficiency plan which has had input  
22 from school administrators, teachers, and parents and if possible a  
23 reading specialist, and which shall be submitted electronically to  
24 and approved by the State Board of Education. The plan shall be

1 updated annually. School districts shall not be required to  
2 electronically submit the annual updates to the Board if the last  
3 plan submitted to the Board was approved and expenditures for the  
4 program include only expenses relating to individual and small group  
5 tutoring, purchase of and training in the use of screening and  
6 assessment measures, summer school programs and Saturday school  
7 programs. If any expenditure for the program is deleted or changed  
8 or any other type of expenditure for the program is implemented, the  
9 school district shall be required to submit the latest annual update  
10 to the Board for approval. The district reading sufficiency plan  
11 shall include a plan for each site which includes an analysis of the  
12 data provided by the Oklahoma School Testing Program and other  
13 reading assessments utilized as required in this section, and which  
14 outlines how each school site will comply with the provisions of the  
15 Reading Sufficiency Act.

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

21 G. For any third-grade student enrolled in a participating  
22 school district found not to be reading at grade level as determined  
23 by reading assessments administered pursuant to this section, a new  
24 program of reading instruction, including provisions of the READ

1 Initiative adopted by the school district as provided for in  
2 subsection O of this section, shall be developed and implemented as  
3 specified in this section. If possible, a fourth-grade teacher  
4 shall be involved in the development of the program of reading  
5 instruction. In addition to other requirements of the Reading  
6 Sufficiency Act, the plan may include specialized tutoring.

7 H. 1. Any first-grade, second-grade or third-grade student  
8 enrolled in a participating school district who demonstrates  
9 proficiency in reading at the third-grade level through a screening  
10 instrument which meets the acquisition of reading skills criteria  
11 pursuant to subsection B of this section shall not be subject to the  
12 retention guidelines found in this section. Upon demonstrating the  
13 proficiency through the screening, the district shall provide  
14 notification to the parent(s) and/or guardian(s) of the student that  
15 they have satisfied the requirements of the Reading Sufficiency Act  
16 and will not be subject to retention pursuant to this section.

17 2. If a third-grade student is identified at any point of the  
18 academic year as having a significant reading deficiency, which  
19 shall be defined as scoring below proficient on a screening  
20 instrument which meets the acquisition of reading skills criteria  
21 pursuant to subsection B of this section, the district shall  
22 immediately begin a student reading portfolio as provided by  
23 subsection K of this section and shall provide notice to the parent  
24 of the deficiency pursuant to subsection I of this section.

1           3. If a student has not yet satisfied the proficiency  
2 requirements of this section prior to the completion of third grade  
3 and still has a significant reading deficiency, as identified based  
4 on assessments administered as provided for in subsection B of this  
5 section, has not accumulated evidence of third-grade proficiency  
6 through a student portfolio as provided in subsection K, or is not  
7 subject to a good cause exemption as provided in subsection K, then  
8 the student shall not be eligible for automatic promotion to fourth  
9 grade.

10           4. a. For the 2015-2016 school year, a student not eligible  
11 for automatic promotion as provided for under  
12 paragraph 3 of this subsection and who scores at the  
13 unsatisfactory level on the reading portion of the  
14 third-grade statewide criterion-referenced test may be  
15 evaluated for "probationary promotion" by the Student  
16 Reading Proficiency Team. For the 2016-2017 and 2017-  
17 2018 school years, a student not eligible for  
18 automatic promotion as provided for under paragraph 3  
19 of this subsection and who scores at the  
20 unsatisfactory or limited knowledge levels on the  
21 reading portion of the third-grade statewide  
22 criterion-referenced test may be evaluated for  
23 "probationary promotion" by the Student Reading  
24

1 Proficiency Team. The Student Reading Proficiency  
2 Team shall be composed of:

- 3 (1) the parent(s) and/or guardian(s) of the student,
- 4 (2) the teacher assigned to the student who had  
5 responsibility for reading instruction in that  
6 academic year,
- 7 (3) a teacher in reading who teaches in the  
8 subsequent grade level, and
- 9 (4) a certified reading specialist.

10 b. The student shall be promoted to the fourth grade if  
11 the team members unanimously recommend "probationary  
12 promotion" to the school principal and the school  
13 district superintendent and the principal and  
14 superintendent approve the recommendation that  
15 promotion is the best option for the student. If a  
16 student is allowed a "probationary promotion", the  
17 team shall continue to review the reading performance  
18 of the student and repeat the requirements of this  
19 paragraph each academic year until the student  
20 demonstrates grade-level reading proficiency, as  
21 identified through a screening instrument which meets  
22 the acquisition of reading skills criteria pursuant to  
23 subsection B of this section, for the corresponding  
24 grade level in which the student is enrolled or

1 transitions to the requirements set forth by the  
2 Achieving Classroom Excellence Act.

3 5. Beginning with the 2016-2017 school year, students who score  
4 below the proficient level on the reading portion of the statewide  
5 third-grade criterion-referenced test , who are not subject to a  
6 good cause exemption as provided in subsection K of this section,  
7 and who do not qualify for promotion or "probationary promotion" as  
8 provided in this subsection, shall be retained in the third grade  
9 and provided intensive instructional services and supports as  
10 provided for in subsection N of this section.

11 6. Each participating school district shall annually report to  
12 the State Department of Education the number of students promoted to  
13 the fourth grade pursuant to this subsection. Following the 2015-  
14 2016, 2016-2017 and 2017-2018 school years, each school district  
15 shall report the number of students promoted to a subsequent grade  
16 pursuant to the provisions in paragraph 4 of this subsection. The  
17 State Department of Education shall publicly report the aggregate  
18 and district specific number of students promoted on their website  
19 and shall provide electronic copies of the report to the Governor,  
20 Secretary of Education, President Pro Tempore of the Senate, Speaker  
21 of the House of Representatives, and to the respective chairs of the  
22 committees with responsibility for common education policy in each  
23 legislative chamber.  
24

1           7. Nothing shall prevent a participating school district from  
2 applying the principles of paragraphs 3 and 4 of this subsection in  
3 grades kindergarten through second grade.

4           8. To determine the promotion and retention of third-grade  
5 students pursuant to the Reading Sufficiency Act, the State Board of  
6 Education shall use only the reading comprehension and vocabulary  
7 scores portion of the statewide third-grade criterion-referenced  
8 test and shall not use the other language arts scores portions of  
9 the test.

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

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

17           2. A description of the current services that are provided to  
18 the student pursuant to a conjoint measurement model such that a  
19 reader and a text are placed on the same scale;

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

23           4. That the student will not be promoted to the fourth grade if  
24 the reading deficiency is not remediated by the end of the third

1 grade, unless the student is otherwise promoted as provided for in  
2 subsection H of this section or is exempt for good cause as set  
3 forth in subsection K of this section;

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

6 6. The grade-level performance scores of the student;

7 7. 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, they are not the sole determiner of  
10 promotion and that portfolio reviews and assessments are available;  
11 and

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

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

17 K. For those students who do not meet the academic requirements  
18 for promotion and who are not otherwise promoted as provided for in  
19 subsection H of this section, a participating school district may  
20 promote the student for good cause only. Good-cause exemptions for  
21 promotion shall be limited to 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;  
24

1           2. Students with disabilities whose individualized education  
2 program (IEP), consistent with state law, indicates that the student  
3 is 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 program 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 prekindergarten for academic reasons, kindergarten, first grade,  
17 second grade, or third grade;

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 prekindergarten for academic reasons,  
22 kindergarten, first grade, second grade, or third grade for a total  
23 of two (2) years; and  
24

1           7. Students who have been granted an exemption for medical  
2 emergencies by the State Department of Education.

3           L. A student who is otherwise promoted as provided for in  
4 subsection H of this section or is promoted for good cause as  
5 provided for in subsection K of this section shall be provided  
6 intensive reading instruction during an altered instructional day  
7 that includes specialized diagnostic information and specific  
8 reading strategies for each student. The participating school  
9 district shall assist schools and teachers to implement reading  
10 strategies for the promoted students that research has shown to be  
11 successful in improving reading among low-performing readers.

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

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

22           2. The principal of the school shall review and discuss the  
23 documentation with the teacher and, if applicable, the other members  
24 of the team as described in subsection H of this section. If the

1 principal determines that the student meets one of the good-cause  
2 exemptions and should be promoted based on the documentation  
3 provided, the principal shall make a recommendation in writing to  
4 the school district superintendent; and

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

7 N. Each participating school district shall:

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

18 2. Provide to students who have been retained as set forth in  
19 subsection H of this section with intensive interventions in  
20 reading, intensive instructional services and supports to remediate  
21 the identified areas of reading deficiency, including a minimum of  
22 ninety (90) minutes of daily, uninterrupted, scientific-research-  
23 based reading instruction. Retained students shall be provided  
24

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

- 3 a. small group instruction,
- 4 b. reduced teacher-student ratios,
- 5 c. more frequent progress monitoring,
- 6 d. tutoring or mentoring,
- 7 e. transition classes containing third- and fourth-grade  
8 students,
- 9 f. extended school day, week, or year, and
- 10 g. summer reading academies as provided for in Section  
11 1210.508E of this title, if available;

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

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

1 assessments, alternative assessments, and portfolio reviews, in  
2 accordance with rules of the State Board of Education. Retained  
3 students may only be promoted midyear prior to November 1 and only  
4 upon demonstrating a level of proficiency required to score at the  
5 proficient level on the statewide third-grade criterion-referenced  
6 test, or upon demonstrating proficiency in reading at the third-  
7 grade level through a screening instrument administered pursuant to  
8 subsection B of this section, and upon showing progress sufficient  
9 to master appropriate fourth-grade-level skills, as determined by  
10 the school. A midyear promotion shall be made only upon agreement  
11 of the parent or guardian of the student and the school principal;

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 participating  
3 school district shall establish a Reading Enhancement and  
4 Acceleration Development (READ) Initiative. The focus of the READ  
5 Initiative shall be to prevent the retention of third-grade students  
6 by 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,  
24

- 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 below the proficient  
13 level on the reading portion of the statewide  
14 criterion-referenced tests. The focus of the  
15 Intensive Acceleration Class shall be to increase the  
16 reading level of a child at least two grade levels in  
17 one (1) school year. The Intensive Acceleration Class  
18 shall:
- 19 (1) be provided to any student in the third grade who  
20 scores below the proficient level on the reading  
21 portion of the statewide criterion-referenced  
22 tests and who was retained in the third grade the  
23 prior year because of scoring below the  
24

1 proficient level on the reading portion of the  
2 statewide criterion-referenced tests,

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

4 (3) provide uninterrupted reading instruction for the  
5 majority of student contact time each day and  
6 incorporate opportunities to master the fourth-  
7 grade state standards in other core subject  
8 areas,

9 (4) use a reading program that is scientific-  
10 research-based and has proven results in  
11 accelerating student reading achievement within  
12 the same school year,

13 (5) provide intensive language and vocabulary  
14 instruction using a scientific-research-based  
15 program, including use of a speech-language  
16 therapist,

17 (6) include weekly progress monitoring measures to  
18 ensure progress is being made, and

19 (7) provide reports to the State Department of  
20 Education, in the manner described by the  
21 Department, outlining the progress of students in  
22 the class at the end of the first semester,

23 h. provide reports to the State Board of Education, upon  
24 request, on the specific intensive reading

1 interventions and supports implemented by the school  
2 district. The State Superintendent of Public  
3 Instruction shall annually prescribe the required  
4 components of the reports, and

- 5 i. provide to a student who has been retained in the  
6 third grade and has received intensive instructional  
7 services but is still not ready for grade promotion,  
8 as determined by the school district, the option of  
9 being placed in a transitional instructional setting.  
10 A transitional setting shall specifically be designed  
11 to produce learning gains sufficient to meet fourth-  
12 grade performance standards while continuing to  
13 remediate the areas of reading deficiency.

14 P. In addition to the requirements set forth in this section,  
15 each participating school district board of education shall annually  
16 report to the parent or guardian of each student in the district the  
17 progress of the student toward achieving state and district  
18 expectations for proficiency in reading, writing, science, and  
19 mathematics. The school district board of education shall report to  
20 the parent or guardian of each student the results on statewide  
21 criterion-referenced tests. The evaluation of the progress of each  
22 student shall be based upon classroom work, observations, tests,  
23 district and state assessments, and other relevant information.  
24

1 Progress reporting shall be provided to the parent or guardian in  
2 writing.

3 Q. 1. Each participating school district board of education  
4 shall annually publish on the school website, and report in writing  
5 to the State Board of Education by September 1 of each year, the  
6 following information on the prior school year:

- 7 a. the provisions of this section relating to public  
8 school student progression and the policies and  
9 procedures of the school district on student retention  
10 and promotion,
- 11 b. by grade, the number and percentage of all students in  
12 grades three through ten performing below the  
13 proficient level on the reading portion of the  
14 statewide criterion-referenced tests,
- 15 c. by grade, the number and percentage of all students  
16 retained in grades three through ten,
- 17 d. information on the total number and percentage of  
18 students who were promoted for good cause, by each  
19 category of good cause as specified above, and
- 20 e. any revisions to the policies of the school district  
21 on student retention and promotion from the prior  
22 year.

23 2. The State Department of Education shall establish a uniform  
24 format for school districts to report the information required in

1 this subsection. The format shall be developed with input from  
2 school districts and shall be provided not later than ninety (90)  
3 days prior to the annual due date. The Department shall annually  
4 compile the information required, along with state-level summary  
5 information, and report the information to the public, the Governor,  
6 the President Pro Tempore of the Senate, and the Speaker of the  
7 House of Representatives.

8 R. The State Department of Education shall provide technical  
9 assistance as needed to aid participating school districts in  
10 administering the provision of the Reading Sufficiency Act.

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

20 1. The number and percentage of students in kindergarten  
21 through third grade determined to be at risk for reading  
22 difficulties compared to the total number of students enrolled in  
23 each grade;  
24

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

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

8           4. The number and percentage of students scoring at each  
9 performance level on the reading portion of the statewide third-  
10 grade criterion-referenced test;

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

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

16           7. Any recommendations for improvements or amendments to the  
17 Reading Sufficiency Act.

18           The State Department of Education may contract with an  
19 independent entity for the reporting and analysis requirements of  
20 this subsection.

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

1 SECTION 4. AMENDATORY 70 O.S. 2011, Section 1210.508D,  
2 as amended by Section 2, Chapter 171, O.S.L. 2012 (70 O.S. Supp.  
3 2015, Section 1210.508D), is amended to read as follows:

4 Section 1210.508D. A. Contingent on the provision of  
5 appropriated funds designated for the Reading Sufficiency Act,  
6 participating school districts may be allocated monies for each  
7 enrolled kindergarten student or first-, second- and third-grade  
8 student of the current school year, including any student who has  
9 been retained in the third grade pursuant to Section 1210.508C of  
10 this title, who is found to be in need of remediation or  
11 intervention in reading. The allocation shall be distributed to  
12 each school district upon approval of the reading sufficiency plan  
13 for the school district by the State Department of Education and the  
14 submittal of a child-count report to the Department that details the  
15 number of students identified as needing remediation or intervention  
16 in reading. To determine a per-student allocation amount, the total  
17 amount of funds available for allocation each year shall be divided  
18 by the total number of students in the state identified as in need  
19 of remediation or intervention in reading as provided for in Section  
20 1210.508C of this title. Each participating school district shall  
21 be allocated an amount equal to the per-student allocation amount  
22 multiplied by the number of identified students enrolled in the  
23 school district.  
24

1 B. The State Board of Education shall promulgate rules for the  
2 administration of reimbursements.

3 C. If a teacher attends and completes a professional  
4 development institute in elementary reading approved by the Oklahoma  
5 Commission for ~~Teacher Preparation~~ Educational Quality and  
6 Accountability during the summer or when school is not in session,  
7 the teacher may receive a stipend equal to the amount of the cost  
8 for a substitute teacher, based on the amount of funds allocated.

9 SECTION 5. AMENDATORY 70 O.S. 2011, Section 1210.508E,  
10 as amended by Section 3, Chapter 171, O.S.L. 2012 (70 O.S. Supp.  
11 2015, Section 1210.508E), is amended to read as follows:

12 Section 1210.508E. A. If a teacher determines that a third-  
13 grade student enrolled in a participating school district is not  
14 reading at grade level by the end of the second quarter of the  
15 school year, the parent or guardian of the student shall be notified  
16 of:

- 17 1. The reading level of the student;
- 18 2. The program of reading instruction for the student as  
19 required pursuant to the Reading Sufficiency Act; and
- 20 3. The potential need for the student to participate in a  
21 summer academy or other program designed to assist the student in  
22 attaining grade-level reading skills.

23 B. A teacher who determines a third-grade student enrolled in a  
24 participating school district is unable to meet competencies

1 required for reading for completion of third grade and promotion to  
2 fourth grade may, after consultation with the parent or guardian of  
3 the student, recommend that the promotion of the student to the  
4 fourth grade is contingent upon the participation in and successful  
5 completion of the required competencies for reading by the student  
6 at a summer academy or other program. If the student does not  
7 participate in the summer academy or other program or does not  
8 successfully complete the competencies in the summer academy or  
9 other program, the student shall be retained in the third grade as  
10 set forth in Section 1210.508C of this title.

11 C. Summer academy programs shall be designed to ensure that  
12 participating students successfully complete the competencies  
13 necessary in reading for promotion to fourth grade and to enhance  
14 next-grade readiness. A summer academy reading program shall be a  
15 program that incorporates the content of a scientifically research-  
16 based professional development program administered by the Oklahoma  
17 Commission for ~~Teacher Preparation~~ Educational Quality and  
18 Accountability or a scientifically research-based reading program  
19 administered by the State Board of Education and is taught by  
20 teachers who have successfully completed professional development in  
21 the reading program or who are certified as reading specialists.

22 D. ~~School~~ Participating school districts may approve an option  
23 for students who are unable to attend a summer academy. The  
24 optional program may include, but is not limited to, an approved

1 private provider of instruction, approved computer- or Internet-  
2 based instruction, or an approved program of reading instruction  
3 monitored by the parent or guardian. School districts shall not be  
4 required to pay for the optional program, but shall clearly  
5 communicate to the parent or guardian the expectations of the  
6 program and any costs that may be involved.

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

18 F. 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 6. This act shall become effective July 1, 2016.  
24

1 SECTION 7. 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.

5  
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