

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 HOUSE BILL 2511

By: Coody of the House

5 and

6 Justice of the Senate

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9 AS INTRODUCED

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

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

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

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

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

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

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

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

17 2. Any student who is assessed and found not to be reading at
18 the appropriate grade level shall be provided a program of reading
19 instruction designed to enable the student to acquire the
20 appropriate grade level reading skills. Beginning with students
21 entering the first grade in the 2011-2012 school year, the program
22 of reading instruction shall include provisions of the READ
23 Initiative adopted by the school district as provided for in
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1 subsection N of this section. If a student is found not to be
2 reading at the appropriate grade level and teachers, in
3 collaboration with others, are concerned that undiagnosed health
4 problems may affect the ability of the student to read, the school
5 district may make a recommendation to the parents or legal guardians
6 for medical evaluation without being liable for cost of the
7 evaluation or any associated costs.

8 3. Throughout the year progress monitoring shall continue, and
9 diagnostic assessment, if determined appropriate, shall be provided.
10 Year-end reading skills shall be measured to determine reading
11 success.

12 C. The State Board of Education shall approve ~~no more than~~
13 ~~three~~ screening instruments for use at the beginning of the school
14 year, for monitoring of progress, and for measurement of reading
15 skills at the end of the school year as required in subsections A
16 and B of this section; provided, one of the screening instruments
17 shall be recommended by the Oklahoma Commission for Teacher
18 Preparation. The State Board shall also determine other comparable
19 reading assessments for diagnostic purposes and for periodic and
20 post assessments to be used for students at risk of reading failure.
21 The State Board shall ensure that any assessments approved are in
22 alignment with the PASS.
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1 D. The program of reading instruction required in subsection B
2 of this section shall align with the PASS, shall include provisions
3 of the READ Initiative adopted by the school district as provided
4 for in subsection N of this section beginning with students entering
5 the first grade in the 2011-2012 school year and may include, but is
6 not limited to:

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

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

14 3. Assessments identified for diagnostic purposes and periodic
15 monitoring to measure the acquisition of reading skills including,
16 but not limited to, phonological awareness, phonics, spelling,
17 reading fluency, vocabulary, and comprehension, as identified in the
18 student's program of reading instruction.

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

22 F. 1. Every school district shall adopt, implement, and
23 annually update a district reading sufficiency plan which has had
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1 input from school administrators, teachers, and parents and if
2 possible a reading specialist, and which shall be submitted to and
3 approved by the State Board of Education as a part of each
4 district's Comprehensive Local Education Plan. The district reading
5 sufficiency plan shall include a plan for each site which includes
6 an analysis of the data provided by the Oklahoma School Testing
7 Program and other reading assessments utilized as required in this
8 section, and which outlines how each school site will comply with
9 the provisions of the Reading Sufficiency Act.

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

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

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

H. Beginning with students entering the first grade in the 2011-2012 school year, if the reading deficiency of a student, as identified based on assessments administered as provided for in subsection B of this section, is not remedied by the end of third grade, as demonstrated by scoring at the unsatisfactory level on the reading portion of the third-grade criterion-referenced test administered pursuant to Section 1210.508 of this title, the student shall be retained in the third grade.

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

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

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

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

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

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

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

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

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

19 K. For those students who do not meet the academic requirements
20 for promotion, a school district may promote the student for good
21 cause only. Good-cause exemptions for promotion shall be limited to
22 the following:
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1 1. Limited-English-proficient students who have had less than
2 two (2) years of instruction in an English language learner program;

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

8 3. Students who demonstrate an acceptable level of performance
9 on an alternative standardized reading assessment approved by the
10 State Board of Education;

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

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

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

9 L. In addition to the good-cause exemptions as set forth in
10 subsection K of this section, requests to exempt students from the
11 academic requirements for promotion to the next grade shall only be
12 made upon documentation submitted from the teacher of the student to
13 the school principal that indicates that the promotion of the
14 student is appropriate and is based upon the record of the student.
15 In order to minimize paperwork requirements, documentation shall
16 consist only of a student portfolio.

17 M. Beginning with the 2011-2012 school year, each school
18 district shall:

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

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

- 13 a. small group instruction,
- 14 b. reduced teacher-student ratios,
- 15 c. more frequent progress monitoring,
- 16 d. tutoring or mentoring,
- 17 e. transition classes containing third- and fourth-grade
- 18 students,
- 19 f. extended school day, week, or year, and
- 20 g. summer reading academies as provided for in Section
- 21 1210.508E of this title, if available;

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

7 4. Implement a policy for the midyear promotion of a retained
8 student who can demonstrate that the student is a successful and
9 independent reader, is reading at or above grade level, and is ready
10 to be promoted to the fourth grade. Tools that school districts may
11 use in reevaluating any retained student may include subsequent
12 assessments, alternative assessments, and portfolio reviews, in
13 accordance with rules of the State Board of Education. Retained
14 students may only be promoted midyear prior to November 1 and only
15 upon demonstrating a level of proficiency required to score above
16 the unsatisfactory level on the third-grade statewide criterion-
17 referenced test and upon showing progress sufficient to master
18 appropriate fourth-grade-level skills, as determined by the school.
19 A midyear promotion shall be made only upon agreement of the parent
20 or guardian of the student and the school principal;

21 5. Provide students who are retained with a high-performing
22 teacher who can address the needs of the student, based on student
23 performance data and above-satisfactory performance appraisals; and
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1 6. In addition to required reading enhancement and acceleration
2 strategies, provide students who are retained with at least one of
3 the following instructional options:

- 4 a. supplemental tutoring in scientific-research-based
5 reading services in addition to the regular reading
6 block, including tutoring before or after school,
- 7 b. a parent-guided "Read at Home" assistance plan, as
8 developed by the State Department of Education, the
9 purpose of which is to encourage regular parent-guided
10 home reading, or
- 11 c. a mentor or tutor with specialized reading training.

12 N. Beginning with the 2011-2012 school year, each school
13 district shall establish a Reading Enhancement and Acceleration
14 Development (READ) Initiative. The focus of the READ Initiative
15 shall be to prevent the retention of third-grade students by
16 offering intensive accelerated reading instruction to third-grade
17 students who failed to meet standards for promotion to fourth grade
18 and to kindergarten through third-grade students who are exhibiting
19 a reading deficiency. The READ Initiative shall:

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

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

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

7 a. assists students assessed as exhibiting a reading
8 deficiency in developing the ability to read at grade
9 level,

10 b. provides skill development in phonemic awareness,
11 phonics, fluency, vocabulary, and comprehension,

12 c. provides scientifically based and reliable assessment,

13 d. provides initial and ongoing analysis of the reading
14 progress of each student,

15 e. is implemented during regular school hours,

16 f. provides a curriculum in core academic subjects to
17 assist the student in maintaining or meeting
18 proficiency levels for the appropriate grade in all
19 academic subjects,

20 g. establishes at each school, where applicable, an
21 Intensive Acceleration Class for retained third-grade
22 students who subsequently score at the unsatisfactory
23 level on the reading portion of the statewide

1 criterion-referenced tests. The focus of the
2 Intensive Acceleration Class shall be to increase the
3 reading level of a child at least two grade levels in
4 one (1) school year. The Intensive Acceleration Class
5 shall:

- 6 (1) be provided to any student in the third grade who
7 scores at the unsatisfactory level on the reading
8 portion of the statewide criterion-referenced
9 tests and who was retained in the third grade the
10 prior year because of scoring at the
11 unsatisfactory level on the reading portion of
12 the statewide criterion-referenced tests,
- 13 (2) have a reduced teacher-student ratio,
- 14 (3) provide uninterrupted reading instruction for the
15 majority of student contact time each day and
16 incorporate opportunities to master the fourth-
17 grade state standards in other core subject
18 areas,
- 19 (4) use a reading program that is scientific-
20 research-based and has proven results in
21 accelerating student reading achievement within
22 the same school year,

- 1 (5) provide intensive language and vocabulary
2 instruction using a scientific-research-based
3 program, including use of a speech-language
4 therapist,
5 (6) include weekly progress monitoring measures to
6 ensure progress is being made, and
7 (7) provide reports to the State Department of
8 Education, in the manner described by the
9 Department, outlining the progress of students in
10 the class at the end of the first semester,

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

17 i. provide to a student who has been retained in the
18 third grade and has received intensive instructional
19 services but is still not ready for grade promotion,
20 as determined by the school district, the option of
21 being placed in a transitional instructional setting.
22 A transitional setting shall specifically be designed
23 to produce learning gains sufficient to meet fourth-

1 grade performance standards while continuing to
2 remediate the areas of reading deficiency.

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

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

- 18 a. the provisions of this section relating to public
19 school student progression and the policies and
20 procedures of the school district on student retention
21 and promotion,
22 b. by grade, the number and percentage of all students in
23 grades three through ten performing at the

- 1 unsatisfactory level on the reading portion of the
2 statewide criterion-referenced tests,
- 3 c. by grade, the number and percentage of all students
4 retained in grades three through ten,
- 5 d. information on the total number and percentage of
6 students who were promoted for good cause, by each
7 category of good cause as specified above, and
- 8 e. any revisions to the policies of the school district
9 on student retention and promotion from the prior
10 year.

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

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

1 R. 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 first through third
18 grade who have successfully completed their program of reading
19 instruction and are reading on grade level as determined by the
20 results of approved reading assessments;

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

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

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

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

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

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

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

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18 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/14/2012
19 - DO PASS, As Coauthored.
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