

SENATE FLOOR VERSION

March 7, 2011

As Amended

SENATE BILL NO. 346

By: Jolley, Ford and
Stanislawski of the Senate

and

Kern of the House

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

SECTION 1. NEW LAW A new section of law to be codified

15 in the Oklahoma Statutes as Section 1210.516 of Title 70, unless
16 there is created a duplication in numbering, reads as follows:

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

22 B. It is the ultimate goal of the Legislature that every
23 student read at or above grade level. Any student who exhibits a
24 substantial deficiency in reading, based upon state-approved

1 assessments conducted in kindergarten, grade 1, grade 2, or grade 3,
2 must be given intensive reading instruction immediately following
3 the identification of the reading deficiency.

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

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

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

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

19 2. A description of the current services that are provided to
20 the child;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 I. Students retained must be provided intensive interventions
22 in reading to ameliorate the student's specific reading deficiency,
23 as identified by a valid and reliable diagnostic assessment. This
24 intensive intervention must include effective instructional

1 strategies, participation in the school district's summer reading
2 camp, if available, and appropriate teaching methodologies necessary
3 to assist those students in becoming successful readers, able to
4 read at or above grade level, and ready for promotion to the next
5 grade.

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

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

18 b. provide students who are not promoted with intensive
19 instructional services and supports to remediate the
20 identified areas of reading deficiency, including a
21 minimum of 90 minutes of daily, uninterrupted,
22 scientifically research-based reading instruction and
23 other strategies prescribed by the school district,
24 which may include, but are not limited to:

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

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

- d. implement a policy for the midyear promotion of any student retained who can demonstrate that he or she is a successful and independent reader, reading at or above grade level, and ready to be promoted to grade

4. Tools that school districts may use in reevaluating any student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the

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

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

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

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

23 4. Establish a Reading Enhancement and Acceleration Development
24 (READ) Initiative. The focus of the READ Initiative shall be to

1 prevent the retention of grade 3 students and to offer intensive
2 accelerated reading instruction to grade 3 students who failed to
3 meet standards for promotion to grade 4 and to each K-3 student who
4 is assessed as exhibiting a reading deficiency. The READ Initiative
5 shall:

- 6 a. be provided to all K-3 students at risk of retention
7 as identified by the statewide assessment system used
8 in Reading First schools. The assessment must measure
9 phonemic awareness, phonics, fluency, vocabulary, and
10 comprehension,
- 11 b. be provided during regular school hours in addition to
12 the regular reading instruction,
- 13 c. provide a state-approved reading curriculum that, at a
14 minimum, meets the following specifications:
 - 15 (1) assists students assessed as exhibiting a reading
16 deficiency in developing the ability to read at
17 grade level,
 - 18 (2) provides skill development in phonemic awareness,
19 phonics, fluency, vocabulary, and comprehension,
 - 20 (3) provides scientifically based and reliable
21 assessment,
 - 22 (4) provides initial and ongoing analysis of each
23 student's reading progress,
 - 24 (5) is implemented during regular school hours.

- (6) provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects,
- (7) establishes at each school, where applicable, an Intensive Acceleration Class for retained grade 3 students who subsequently score at the Unsatisfactory level on the reading portion of the state accountability exam. The focus of the Intensive Acceleration Class shall be to increase a child's reading level at least two grade levels in one school year. The Intensive Acceleration Class shall:
 - (a) be provided to any student in grade 3 who scores at the Unsatisfactory level on the reading portion of the state accountability exam and who was retained in grade 3 the prior year because of scoring at the Unsatisfactory level on the reading portion of the state accountability exam,
 - (b) have a reduced teacher-student ratio,
 - (c) provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to

master the grade 4 state standards in other core subject areas,

- (d) use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year,
- (e) provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist,
- (f) include weekly progress monitoring measures to ensure progress is being made,
- (g) report to the State Department of Education, in the manner described by the Department, the progress of students in the class at the end of the first semester;

report to the State Board of Education, upon request, on the specific intensive reading interventions and supports implemented at the school district level. The State Superintendent of Public Instruction shall annually prescribe the required components of requested reports, provide a student who has been retained in grade 3 and has received intensive instructional

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

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

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

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

board's policies and procedures on student retention and promotion,

- b. by grade, the number and percentage of all students in grades 3 through 10 performing at the Unsatisfactory level on the reading portion of the annual state accountability assessment,
- c. by grade, the number and percentage of all students retained in grades 3 through 10,
- d. information on the total number and percentage of students who were promoted for good cause, by each category of good cause as specified above,
- e. any revisions to the district school board's policy on student retention and promotion from the prior year.

2. The State Department of Education shall establish a uniform

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

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

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

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

5 SECTION 3. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-2-11 - DO
10 PASS, As Amended and Coauthored.

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