

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 2625

By: Henke

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Section 1210.508C, as last amended by Section 96, Chapter 15, O.S.L. 2013 (70 O.S. Supp. 2013, Section 1210.508C), which relates to the Reading Sufficiency Act; changing obsolete language; modifying mandatory third-grade retention requirements; requiring agreement of certain team of persons to retain a student; allowing promotion upon agreement of certain team of persons or determination of good cause exemption; requiring certain reading instruction for retained students and students otherwise promoted; modifying process for determining a good cause exemption; deleting term mandatory; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508C, as last amended by Section 96, Chapter 15, O.S.L. 2013 (70 O.S. Supp. 2013, Section 1210.508C), is amended to read as follows:

Section 1210.508C A. 1. Each student enrolled in kindergarten in a public school in this state shall be screened for reading skills including, but not limited to, phonological awareness, letter recognition, and oral language skills as identified in the ~~Priority~~

1 ~~Academic Student Skills (PASS)~~ state curriculum standards adopted by  
2 the State Board of Education. A screening instrument approved by  
3 the State Board shall be utilized for the purposes of this section.

4 2. For those kindergarten children at risk for reading  
5 difficulties, teachers shall emphasize reading skills as identified  
6 in the ~~PASS~~ state curriculum standards, monitor progress throughout  
7 the year and measure year-end 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 public schools of this state shall be assessed at  
14 the beginning of each school year using a screening instrument  
15 approved by the State Board of Education for the acquisition of  
16 reading skills including, but not limited to, phonological  
17 awareness, phonics, spelling, reading fluency, vocabulary, and  
18 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

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

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

C. The State Board of Education shall approve screening instruments for use at the beginning of the school year, for monitoring of progress, and for measurement of reading skills at the end of the school year as required in subsections A and B of this section; provided, at least one of the screening instruments shall meet the following criteria:

1. Assess for phonological awareness, phonics, reading fluency, and comprehension;

2. Document the validity and reliability of each assessment;

3. Can be used for diagnosis and progress monitoring;

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

5. Accompanied by a data management system that provides profiles for students, class, grade level and school building. The profiles shall identify each student's instructional point of need and reading achievement level. The State Board shall also determine other comparable reading assessments for diagnostic purposes and for 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 ~~PASS~~ state curriculum standards.

3 D. The program of reading instruction required in subsection B  
4 of this section shall align with the ~~PASS~~ state curriculum  
5 standards, shall include provisions of the READ Initiative adopted  
6 by the school district as provided for in subsection O of this  
7 section beginning with students entering the first grade in the  
8 2011-2012 school year and may include, but is not limited to:

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

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

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

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

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

21 2. Each school site shall establish a committee, composed of  
22 educators, which if possible shall include a certified reading  
23 specialist, to develop the required programs of reading instruction.

1 A parent or guardian of the student shall be included in the  
2 development of the program of reading instruction for that student.

3 3. The State Board of Education shall adopt rules for the  
4 implementation and evaluation of the provisions of the Reading  
5 Sufficiency Act. The evaluation shall include, but not be limited  
6 to, an analysis of the data required in subsection S of this  
7 section.

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

17 H. ~~Beginning~~ Except as otherwise provided, beginning with  
18 students entering the first grade in the 2011-2012 school year, if  
19 the reading deficiency of a student, as identified based on  
20 assessments administered as provided for in subsection B of this  
21 section, is not remedied by the end of third grade, as demonstrated  
22 by scoring at the unsatisfactory level on the reading portion of the  
23 statewide third-grade criterion-referenced test, the student shall  
24 be retained in the third grade if a team composed of a parent or

1 guardian of the student, a teacher assigned to the school, the  
2 school principal and a certified reading specialist, if one is  
3 employed by the school, agree that the student should be retained.  
4 The student shall be promoted to the fourth grade if the team  
5 members agree that promotion is the best option for the student or  
6 if the team members agree that the student should be promoted for  
7 good cause as set forth in subsection K of this section. If the  
8 team members agree to retain the student in the third grade, the  
9 student shall be provided intensive interventions in reading and  
10 intensive instructional services and supports as set forth in  
11 subsection N of this section. If the team members agree to promote  
12 the student to the fourth grade, the student shall be provided  
13 intensive reading instruction as set forth in subsection L of this  
14 section.

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

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

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

24

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 otherwise promoted as provided for in  
7 subsection H of this section or is exempt for good cause as set  
8 forth in subsection K of this section;

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

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

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

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

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

- 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 program (IEP), consistent with state law, indicates that the student  
5 is to be assessed with alternate achievement standards through the  
6 Oklahoma Alternate Assessment Program (OAAP);
- 7        3. Students who demonstrate an acceptable level of performance  
8 on an alternative standardized reading assessment approved by the  
9 State Board of Education;
- 10       4. Students who demonstrate, through a student portfolio, that  
11 the student is reading on grade level as evidenced by demonstration  
12 of mastery of the state standards beyond the retention level;
- 13       5. Students with disabilities who participate in the statewide  
14 criterion-referenced tests and who have an individualized education  
15 program that reflects that the student has received intensive  
16 remediation in reading for more than two (2) years but still  
17 demonstrates a deficiency in reading and was previously retained in  
18 kindergarten, first grade, second grade, or third grade; and
- 19       6. Students who have received intensive remediation in reading  
20 through a program of reading instruction for two (2) or more years  
21 but still demonstrate a deficiency in reading and who were  
22 previously retained in kindergarten, first grade, second grade, or  
23 third grade for a total of two (2) years.

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

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

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

21 2. The principal of the school shall review and discuss the  
22 documentation with the teacher and the other members of the team as  
23 described in subsection H of this section. If the ~~principal~~ team  
24 determines that the student meets one of the good-cause exemptions

1 and should be promoted based on the documentation provided, the  
2 principal shall make a recommendation in writing to the school  
3 district superintendent; and

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

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

8 1. Conduct a review of the program of reading instruction for  
9 all students who score at the unsatisfactory 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 above  
5 the unsatisfactory level on the statewide third-grade criterion-  
6 referenced test and upon showing progress sufficient to master  
7 appropriate fourth-grade-level skills, as determined by the school.  
8 A midyear promotion shall be made only upon agreement of the parent  
9 or guardian of the student and the school principal;

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

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

- 16 a. supplemental tutoring in scientific-research-based  
17 reading services in addition to the regular reading  
18 block, including tutoring before or after school,
- 19 b. a parent-guided "Read at Home" assistance plan, as  
20 developed by the State Department of Education, the  
21 purpose of which is to encourage regular parent-guided  
22 home reading, or
- 23 c. a mentor or tutor with specialized reading training.

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

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

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

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

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

21           b. provides skill development in phonemic awareness,  
22           phonics, fluency, vocabulary, and comprehension,

23           c. provides a scientific-research-based and reliable  
24           assessment,

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

- (3) provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the fourth-grade state standards in other core subject areas,
  - (4) use a reading program that is scientific-research-based and has proven results in accelerating student reading achievement within the same school year,
  - (5) provide intensive language and vocabulary instruction using a scientific-research-based program, including use of a speech-language therapist,
  - (6) include weekly progress monitoring measures to ensure progress is being made, and
  - (7) provide reports to the State Department of Education, in the manner described by the Department, outlining the progress of students in the class at the end of the first semester,
- h. provide reports to the State Board of Education, upon request, on the specific intensive reading interventions and supports implemented by the school district. The State Superintendent of Public

1 Instruction shall annually prescribe the required  
2 components of the reports, and

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

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

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

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

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

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

1 information, and report the information to the public, the Governor,  
2 the President Pro Tempore of the Senate, and the Speaker of the  
3 House of Representatives.

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

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

16 1. The number and percentage of students in kindergarten  
17 through third grade determined to be at risk for reading  
18 difficulties compared to the total number of students enrolled in  
19 each grade;

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

23 3. The number and percentage of students in kindergarten  
24 through third grade who have successfully completed their program of

1 reading instruction and are reading on grade level as determined by  
2 the results of approved reading assessments;

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

6 5. The amount of funds for reading remediation received by each  
7 district;

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

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

13 The State Department of Education may contract with an  
14 independent entity for the reporting and analysis requirements of  
15 this subsection.

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

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

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23 54-2-10354 KB 02/25/14  
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