

1 ENGROSSED HOUSE
2 BILL NO. 2625

By: Henke, Roberts (Dustin),
Biggs, Smalley, Casey,
Nollan, Cannaday, Scott,
Condit, Echols, Bennett,
Shelton, McCall, Hoskin,
Cockroft and Sherrer of the
House

and

Stanislowski of the Senate

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10 An Act relating to schools; amending 70 O.S. 2011,
11 Section 1210.508C, as last amended by Section 96,
12 Chapter 15, O.S.L. 2013 (70 O.S. Supp. 2013, Section
13 1210.508C), which relates to the Reading Sufficiency
14 Act; changing obsolete language; modifying mandatory
15 third-grade retention requirements; requiring
16 agreement of certain team of persons to retain a
17 student; allowing promotion upon agreement of certain
18 team of persons or determination of good cause
19 exemption; requiring certain reading instruction for
20 retained students and students otherwise promoted;
21 modifying process for determining a good cause
22 exemption; deleting term mandatory; and declaring an
23 emergency.
24

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:

1 Section 1210.508C A. 1. Each student enrolled in kindergarten
2 in a public school in this state shall be screened for reading
3 skills including, but not limited to, phonological awareness, letter
4 recognition, and oral language skills as identified in the ~~Priority~~
5 ~~Academic Student Skills (PASS)~~ state curriculum standards adopted by
6 the State Board of Education. A screening instrument approved by
7 the State Board shall be utilized for the purposes of this section.

8 2. For those kindergarten children at risk for reading
9 difficulties, teachers shall emphasize reading skills as identified
10 in the ~~PASS~~ state curriculum standards, monitor progress throughout
11 the year and measure year-end reading progress.

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

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

23 2. Any student who is assessed and found not to be reading at
24 the appropriate grade level shall be provided a program of reading

1 instruction designed to enable the student to acquire the
2 appropriate grade level reading skills. Beginning with students
3 entering the first grade in the 2011-2012 school year, the program
4 of reading instruction shall include provisions of the READ
5 Initiative adopted by the school district as provided for in
6 subsection O of this section.

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

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

- 17 1. Assess for phonological awareness, phonics, reading fluency,
18 and comprehension;
- 19 2. Document the validity and reliability of each assessment;
- 20 3. Can be used for diagnosis and progress monitoring;
- 21 4. Can be used to assess special education and limited-English-
22 proficient students;
- 23 5. Accompanied by a data management system that provides
24 profiles for students, class, grade level and school building. The

1 profiles shall identify each student's instructional point of need
2 and reading achievement level. The State Board shall also determine
3 other comparable reading assessments for diagnostic purposes and for
4 periodic and post assessments to be used for students at risk of
5 reading failure. The State Board shall ensure that any assessments
6 approved are in alignment with the ~~PASS~~ state curriculum standards.

7 D. The program of reading instruction required in subsection B
8 of this section shall align with the ~~PASS~~ state curriculum
9 standards, shall include provisions of the READ Initiative adopted
10 by the school district as provided for in subsection O of this
11 section beginning with students entering the first grade in the
12 2011-2012 school year and may include, but is not limited to:

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

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

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

1 E. The program of reading instruction shall continue until the
2 student is determined by the results of approved reading assessments
3 to be reading on grade level.

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

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

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

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

20 H. ~~Beginning~~ Except as otherwise provided, beginning with
21 students entering the first grade in the 2011-2012 school year, if
22 the reading deficiency of a student, as identified based on
23 assessments administered as provided for in subsection B of this
24 section, is not remedied by the end of third grade, as demonstrated

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

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

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

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

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

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

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

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

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

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

22 K. For those students who do not meet the academic requirements
23 for promotion and who are not otherwise promoted as provided for in
24 subsection H of this section, a school district may promote the

1 student for good cause only. Good-cause exemptions for promotion
2 shall be limited to the following:

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

5 2. Students with disabilities whose individualized education
6 program (IEP), consistent with state law, indicates that the student
7 is to be assessed with alternate achievement standards through the
8 Oklahoma Alternate Assessment Program (OAAP);

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

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

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

21 6. Students who have received intensive remediation in reading
22 through a program of reading instruction for two (2) or more years
23 but still demonstrate a deficiency in reading and who were
24

1 previously retained in kindergarten, first grade, second grade, or
2 third grade for a total of two (2) years.

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 school district shall
9 assist schools and teachers to implement reading strategies for the
10 promoted students that research has shown to be successful in
11 improving reading among low-performing readers.

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

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

23 2. The principal of the school shall review and discuss the
24 documentation with the teacher and the other members of the team as

1 described in subsection H of this section. If the ~~principal~~ team
2 determines that the student meets one of the good-cause exemptions
3 and should be promoted based on the documentation provided, the
4 principal shall make a recommendation in writing to the school
5 district superintendent; and

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

8 N. Beginning with the 2011-2012 school year, each school
9 district shall:

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

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

1 based reading instruction. Retained students shall be provided
2 other strategies prescribed by the school district, which may
3 include, but are not limited to:

- 4 a. small group instruction,
- 5 b. reduced teacher-student ratios,
- 6 c. more frequent progress monitoring,
- 7 d. tutoring or mentoring,
- 8 e. transition classes containing third- and fourth-grade
9 students,
- 10 f. extended school day, week, or year, and
- 11 g. summer reading academies as provided for in Section
12 1210.508E of this title, if available;

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

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

1 use in reevaluating any retained student may include subsequent
2 assessments, alternative assessments, and portfolio reviews, in
3 accordance with rules of the State Board of Education. Retained
4 students may only be promoted midyear prior to November 1 and only
5 upon demonstrating a level of proficiency required to score above
6 the unsatisfactory level on the statewide third-grade criterion-
7 referenced test and upon showing progress sufficient to master
8 appropriate fourth-grade-level skills, as determined by the school.
9 A midyear promotion shall be made only upon agreement of the parent
10 or guardian of the student and the school principal;

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

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

- 17 a. supplemental tutoring in scientific-research-based
18 reading services in addition to the regular reading
19 block, including tutoring before or after school,
- 20 b. a parent-guided "Read at Home" assistance plan, as
21 developed by the State Department of Education, the
22 purpose of which is to encourage regular parent-guided
23 home reading, or
- 24 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.

1 Passed the House of Representatives the 4th day of March, 2014.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2014.

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8 _____
Presiding Officer of the Senate