

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill No. 3399, Page 38, Line 10, as follows:

By deleting the current SECTION 6 and inserting in lieu thereof a new SECTION 6 to read as follows;

and by amending the title to conform.

Submitted by:

Senator Paddack

Paddack-EB-FA-HB3399

3/27/2014 1:36 PM

1 SECTION 6. AMENDATORY 70 O.S. 2011, Section 1210.508C,
2 as last amended by Section 96, Chapter 15, O.S.L. 2013 (70 O.S.
3 Supp. 2013, Section 1210.508C), is amended to read as follows:
4 Section 1210.508C A. 1. Each student enrolled in
5 kindergarten in a public school in this state shall be screened for
6 reading skills including, but not limited to, phonological
7 awareness, letter recognition, and oral language skills as

1 identified in the ~~Priority Academic Student Skills (PASS)~~ subject
2 matter standards adopted by the State Board of Education. A
3 screening instrument approved by the State Board shall be utilized
4 for the purposes of this section.

5 2. For those kindergarten children at risk for reading
6 difficulties, teachers shall emphasize reading skills as identified
7 in the ~~PASS~~ subject matter standards, monitor progress throughout
8 the year and measure year-end reading progress.

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

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

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

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

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

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

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

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

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

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

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

1 that any assessments approved are in alignment with the ~~PASS~~
2 subject matter standards.

3 D. The program of reading instruction required in subsection B
4 of this section shall align with the ~~PASS~~ subject matter standards,
5 shall include provisions of the READ Initiative adopted by the
6 school district as provided for in subsection O of this section
7 beginning with students entering the first grade in the 2011-2012
8 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
14 may not be counted toward the one-hundred-eighty-day or one-
15 thousand- eighty-hour school year required in Section 1-109 of this
16 title; and

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

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

25 F. 1. Every school district shall adopt, and implement a
26 district reading sufficiency plan which has had input from school

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

19 2. Each school site shall establish a committee, composed of
20 educators, which if possible shall include a certified reading
21 specialist, to develop the required programs of reading
22 instruction. A parent or guardian of the student shall be included
23 in the development of the program of reading instruction for that
24 student.

25 3. The State Board of Education shall adopt rules for the
26 implementation and evaluation of the provisions of the Reading

1 Sufficiency Act. The evaluation shall include, but not be limited
2 to, an analysis of the data required in subsection S of this
3 section.

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

14 H. ~~Beginning~~ Except as otherwise provided, beginning with
15 students entering the first grade in the 2011-2012 school year, if
16 the reading deficiency of a student, as identified based on
17 assessments administered as provided for in subsection B of this
18 section, is not remedied by the end of third grade, as demonstrated
19 by scoring at the unsatisfactory level on the reading portion of
20 the statewide third-grade criterion-referenced test, the student
21 shall be retained in the third grade if a team composed of a parent
22 or guardian of the student, a teacher assigned to the school, the
23 school principal and a certified reading specialist, if one is
24 employed by the school, agree that the student should be retained.
25 The student shall be promoted to the fourth grade if the team
26 members agree that promotion is the best option for the student or

if the team members agree that the student should be promoted for good cause as set forth in subsection K of this section. If the team members agree to retain the student in the third grade, the student shall be provided intensive interventions in reading and intensive instructional services and supports as set forth in subsection N of this section. If the team members agree to promote the student to the fourth grade, the student shall be provided intensive reading instruction as set forth in subsection L of this section.

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;

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

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

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

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

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

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

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

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

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

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 statewide
8 criterion-referenced tests and who have an individualized education
9 program that reflects that the student has received intensive
10 remediation in reading for more than two (2) years but still
11 demonstrates a deficiency in reading and was previously retained in
12 kindergarten, first grade, second grade, or third grade; and

13 6. Students who have received intensive remediation in reading
14 through a program of reading instruction for two (2) or more years
15 but still demonstrate a deficiency in reading and who were
16 previously retained in kindergarten, first grade, second grade, or
17 third grade for a total of two (2) years.

18 L. A student who is otherwise promoted as provided for in
19 subsection H of this section or is promoted for good cause as
20 provided for in subsection K of this section shall be provided
21 intensive reading instruction during an altered instructional day
22 that includes specialized diagnostic information and specific
23 reading strategies for each student. The school district shall
24 assist schools and teachers to implement reading strategies for the
25 promoted students that research has shown to be successful in
26 improving reading among low-performing readers.

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

5 1. Documentation submitted from the teacher of the student to
6 the school principal that indicates the student meets one of the
7 good-cause exemptions and promotion of the student is appropriate.
8 In order to minimize paperwork requirements, the documentation
9 shall consist only of the alternative assessment results or student
10 portfolio work and the individual education plan (IEP), as
11 applicable;

12 2. The principal of the school shall review and discuss the
13 documentation with the teacher and the other members of the team as
14 described in subsection H of this section. If the ~~principal~~ team
15 determines that the student meets one of the good-cause exemptions
16 and should be promoted based on the documentation provided, the
17 principal shall make a recommendation in writing to the school
18 district superintendent; and

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

21 N. Beginning with the 2011-2012 school year, each school
22 district shall:

23 1. Conduct a review of the program of reading instruction for
24 all students who score at the unsatisfactory level on the reading
25 portion of the statewide criterion-referenced test administered
26 pursuant to Section 1210.508 of this title and did not meet the

1 criteria for one of the good-cause exemptions as set forth in
2 subsection K of this section. The review shall address additional
3 supports and services, as described in this subsection, needed to
4 remediate the identified areas of reading deficiency. The school
5 district shall require a student portfolio to be completed for each
6 retained student;

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

- 15 a. small group instruction,
- 16 b. reduced teacher-student ratios,
- 17 c. more frequent progress monitoring,
- 18 d. tutoring or mentoring,
- 19 e. transition classes containing third- and fourth-grade
- 20 students,
- 21 f. extended school day, week, or year, and
- 22 g. summer reading academies as provided for in Section
- 23 1210.508E of this title, if available;

24 3. Provide written notification to the parent or guardian of
25 any student who is to be retained as set forth in subsection H of
26 this section that the student has not met the proficiency level

1 required for promotion and was not otherwise promoted and the
2 reasons the student is not eligible for a good-cause exemption.
3 The notification shall include a description of proposed
4 interventions and intensive instructional supports that will be
5 provided to the student to remediate the identified areas of
6 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
10 ready to be promoted to the fourth grade. Tools that school
11 districts may use in reevaluating any retained student may include
12 subsequent assessments, alternative assessments, and portfolio
13 reviews, in accordance with rules of the State Board of Education.
14 Retained students may only be promoted midyear prior to November 1
15 and only upon demonstrating a level of proficiency required to
16 score above the unsatisfactory level on the statewide third-grade
17 criterion-referenced test and upon showing progress sufficient to
18 master appropriate fourth-grade-level skills, as determined by the
19 school. A midyear promotion shall be made only upon agreement of
20 the parent 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

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

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

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

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

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

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

- a. assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level,
- b. provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension,
- c. provides a scientific-research-based and reliable assessment,
- d. provides initial and ongoing analysis of the reading progress of each student,
- e. is implemented during regular school hours,
- f. 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,
- g. establishes at each school, where applicable, an Intensive Acceleration Class for retained third-grade students who subsequently score at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests. The focus of the Intensive Acceleration Class shall be to increase the reading level of a child at least two grade levels in one (1) school year. The Intensive Acceleration Class shall:
 - (1) be provided to any student in the third grade who scores at the unsatisfactory level on the reading portion of the statewide criterion-

referenced tests and who was retained in the third grade the prior year because of scoring at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests,

- (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

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

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

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

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

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

- a. the provisions of this section relating to public school student progression and the policies and procedures of the school district on student retention and promotion,
- b. by grade, the number and percentage of all students in grades three through ten performing at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests,
- c. by grade, the number and percentage of all students retained in grades three through ten,
- 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, and
- e. any revisions to the policies of the school district on student retention and promotion from the prior year.

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

1 Governor, the President Pro Tempore of the Senate, and the Speaker
2 of the House of Representatives.

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

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

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

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

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

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

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

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

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

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

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

16