

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2625

By: Henke, Roberts (Dustin),
Biggs, Smalley, Casey,
Nollan, Cannaday, Scott and
Condit of the House

7
8 and

Stanislowski of the Senate

11
12 COMMITTEE SUBSTITUTE

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

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

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

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

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

3 2. Any student who is assessed and found not to be reading at
4 the appropriate grade level shall be provided a program of reading
5 instruction designed to enable the student to acquire the
6 appropriate grade level reading skills. Beginning with students
7 entering the first grade in the 2011-2012 school year, the program
8 of reading instruction shall include provisions of the READ
9 Initiative adopted by the school district as provided for in
10 subsection O of this section.

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

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

- 21 1. Assess for phonological awareness, phonics, reading fluency,
22 and comprehension;
- 23 2. Document the validity and reliability of each assessment;
- 24 3. Can be used for diagnosis and progress monitoring;

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

3 5. Accompanied by a data management system that provides
4 profiles for students, class, grade level and school building. The
5 profiles shall identify each student's instructional point of need
6 and reading achievement level. The State Board shall also determine
7 other comparable reading assessments for diagnostic purposes and for
8 periodic and post assessments to be used for students at risk of
9 reading failure. The State Board shall ensure that any assessments
10 approved are in alignment with the ~~PASS~~ state curriculum standards.

11 D. The program of reading instruction required in subsection B
12 of this section shall align with the ~~PASS~~ state curriculum
13 standards, shall include provisions of the READ Initiative adopted
14 by the school district as provided for in subsection O of this
15 section beginning with students entering the first grade in the
16 2011-2012 school year and may include, but is not limited to:

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

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

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

6 E. The program of reading instruction shall continue until the
7 student is determined by the results of approved reading assessments
8 to be reading on grade level.

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

1 by the Oklahoma School Testing Program and other reading assessments
2 utilized as required in this section, and which outlines how each
3 school site will comply with the provisions of the Reading
4 Sufficiency Act.

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

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

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

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1 H. ~~Beginning~~ Except as otherwise provided, beginning with
2 students entering the first grade in the 2011-2012 school year, if
3 the reading deficiency of a student, as identified based on
4 assessments administered as provided for in subsection B of this
5 section, is not remedied by the end of third grade, as demonstrated
6 by scoring at the unsatisfactory level on the reading portion of the
7 statewide third-grade criterion-referenced test, the student shall
8 be retained in the third grade if a team composed of a parent or
9 guardian of the student, a teacher assigned to the school, the
10 school principal and a certified reading specialist, if one is
11 employed by the school, agree that the student should be retained.
12 The student shall be promoted to the fourth grade if the team
13 members agree that promotion is the best option for the student or
14 if the team members agree that the student should be promoted for
15 good cause as set forth in subsection K of this section. If the
16 team members agree to retain the student in the third grade, the
17 student shall be provided intensive interventions in reading and
18 intensive instructional services and supports as set forth in
19 subsection N of this section. If the team members agree to promote
20 the student to the fourth grade, the student shall be provided
21 intensive reading instruction as set forth in subsection L of this
22 section.

23 I. The parent of any student who is found to have a reading
24 deficiency and is not reading at the appropriate grade level and has

1 been provided a program of reading instruction as provided for in
2 subsection B of this section shall be notified in writing of the
3 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 1. Documentation submitted from the teacher of the student to
22 the school principal that indicates the student meets one of the
23 good-cause exemptions and promotion of the student is appropriate.
24 In order to minimize paperwork requirements, the documentation shall

1 consist only of the alternative assessment results or student
2 portfolio work and the individual education plan (IEP), as
3 applicable;

4 2. The principal of the school shall review and discuss the
5 documentation with the teacher and the other members of the team as
6 described in subsection H of this section. If the ~~principal~~ team
7 determines that the student meets one of the good-cause exemptions
8 and should be promoted based on the documentation provided, the
9 principal shall make a recommendation in writing to the school
10 district superintendent; and

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

13 N. Beginning with the 2011-2012 school year, each school
14 district shall:

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

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

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

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

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

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

20 6. In addition to required reading enhancement and acceleration
21 strategies, provide students who are retained with at least one of
22 the following instructional options:
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- 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

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

- 3 a. assists students assessed as exhibiting a reading
4 deficiency in developing the ability to read at grade
5 level,
- 6 b. provides skill development in phonemic awareness,
7 phonics, fluency, vocabulary, and comprehension,
- 8 c. provides a scientific-research-based and reliable
9 assessment,
- 10 d. provides initial and ongoing analysis of the reading
11 progress of each student,
- 12 e. is implemented during regular school hours,
- 13 f. provides a curriculum in core academic subjects to
14 assist the student in maintaining or meeting
15 proficiency levels for the appropriate grade in all
16 academic subjects,
- 17 g. establishes at each school, where applicable, an
18 Intensive Acceleration Class for retained third-grade
19 students who subsequently score at the unsatisfactory
20 level on the reading portion of the statewide
21 criterion-referenced tests. The focus of the
22 Intensive Acceleration Class shall be to increase the
23 reading level of a child at least two grade levels in
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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,

1 (6) include weekly progress monitoring measures to
2 ensure progress is being made, and

3 (7) provide reports to the State Department of
4 Education, in the manner described by the
5 Department, outlining the progress of students in
6 the class at the end of the first semester,

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

13 i. provide to a student who has been retained in the
14 third grade and has received intensive instructional
15 services but is still not ready for grade promotion,
16 as determined by the school district, the option of
17 being placed in a transitional instructional setting.
18 A transitional setting shall specifically be designed
19 to produce learning gains sufficient to meet fourth-
20 grade performance standards while continuing to
21 remediate the areas of reading deficiency.

22 P. In addition to the requirements set forth in this section,
23 each school district board of education shall annually report to the
24 parent or guardian of each student in the district the progress of

1 the student toward achieving state and district expectations for
2 proficiency in reading, writing, science, and mathematics. The
3 school district board of education shall report to the parent or
4 guardian of each student the results on statewide criterion-
5 referenced tests. The evaluation of the progress of each student
6 shall be based upon classroom work, observations, tests, district
7 and state assessments, and other relevant information. Progress
8 reporting shall be provided to the parent or guardian in writing.

9 Q. 1. Each school district board of education shall annually
10 publish on the school website, and report in writing to the State
11 Board of Education by September 1 of each year, the following
12 information on the prior school year:

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

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

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

19 S. On or before December 1 of each year, the State Department
20 of Education shall issue to the Governor and members of the Senate
21 and House of Representatives Education Committees a Reading Report
22 Card for the state and each school district and elementary site
23 which shall include, but is not limited to, trend data detailing
24 three (3) years of data, disaggregated by student subgroups to

1 include economically disadvantaged, major racial or ethnic groups,
2 students with disabilities, and English language learners, as
3 appropriate for the following:

4 1. The number and percentage of students in kindergarten
5 through third grade determined to be at risk for reading
6 difficulties compared to the total number of students enrolled in
7 each grade;

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

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

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

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

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

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

1 The State Department of Education may contract with an
2 independent entity for the reporting and analysis requirements of
3 this subsection.

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

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

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11 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/26/2014
12 - DO PASS, As Amended and Coauthored.