

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 3172

By: Blackwell

AS INTRODUCED

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; expanding screening, assessments and program of reading instruction requirements to prekindergarten students; modifying program of reading instruction to include remediation; allowing parents or guardians and teachers to make retention decision under certain circumstances; requiring certain reading instruction for students otherwise promoted; 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 prekindergarten and 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 Academic Student Skills (PASS)~~ state

1 curriculum standards adopted by the State Board of Education. A
2 screening instrument approved by the State Board shall be utilized
3 for the purposes of this section.

4 2. For those prekindergarten and kindergarten children at risk
5 for reading difficulties, teachers shall emphasize reading skills as
6 identified in the ~~PASS~~ state curriculum standards, monitor progress
7 throughout 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
10 prekindergarten and kindergarten classes to assist with the
11 screening of students if a teacher aide is not already employed to
12 assist in a prekindergarten and kindergarten classroom.

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

20 2. Any student who is assessed and found not to be reading at
21 the appropriate grade level shall be provided a program of reading
22 instruction designed to provide remediation and to enable the
23 student to acquire the appropriate grade-level reading skills.

24 ~~Beginning with students entering the first grade in the 2011-2012~~

1 ~~school year, the~~ The program of reading instruction shall include
2 provisions of the READ Initiative adopted by the school district as
3 provided for in subsection O of this section.

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

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

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

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

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

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

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

1 periodic and post assessments to be used for students at risk of
2 reading failure. The State Board shall ensure that any assessments
3 approved are in alignment with the ~~PASS~~ state curriculum standards.

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

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

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

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

1 be retained in the third grade. If the student participated in a
2 summer academy or other program for reading remediation and was
3 assessed during the summer academy or program and the results of the
4 assessment have not been reported back prior to the start of the
5 school year, the decision to retain the student in the third grade
6 shall be made upon agreement of the parent or guardian of the
7 student and the teacher of the student.

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

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

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

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

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

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

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

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

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

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

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

19 2. Students with disabilities whose individualized education
20 program (IEP), consistent with state law, indicates that the student
21 is to be assessed with alternate achievement standards through the
22 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 (IEP) 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

1 promoted students that research has shown to be successful in
2 improving reading among low-performing readers.

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

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

14 2. The principal of the school shall review and discuss the
15 documentation with the teacher. If the principal determines that
16 the student meets one of the good-cause exemptions and should be
17 promoted based on the documentation provided, the principal shall
18 make a recommendation in writing to the school district
19 superintendent; and

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

22 N. Beginning with the 2011-2012 school year, each school
23 district shall:
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1 1. Conduct a review of the program of reading instruction for
2 all students who score at the unsatisfactory level on the reading
3 portion of the statewide criterion-referenced test administered
4 pursuant to Section 1210.508 of this title and did not meet the
5 criteria for one of the good-cause exemptions as set forth in
6 subsection K of this section. The review shall address additional
7 supports and services, as described in this subsection, needed to
8 remediate the identified areas of reading deficiency. The school
9 district shall require a student portfolio to be completed for each
10 retained student;

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

- 19 a. small group instruction,
- 20 b. reduced teacher-student ratios,
- 21 c. more frequent progress monitoring,
- 22 d. tutoring or mentoring,
- 23 e. transition classes containing third- and fourth-grade
- 24 students,

1 f. extended school day, week, or year, and

2 g. summer reading academies as provided for in Section
3 1210.508E of this title, if available;

4 3. Provide written notification to the parent or guardian of
5 any student who is to be retained as set forth in subsection H of
6 this section that the student has not met the proficiency level
7 required for promotion and the reasons the student is not eligible
8 for a good-cause exemption. The notification shall include a
9 description of proposed interventions and intensive instructional
10 supports that will be provided to the student to remediate the
11 identified areas of reading deficiency;

12 4. Implement a policy for the midyear promotion of a retained
13 student who can demonstrate that the student is a successful and
14 independent reader, is reading at or above grade level, and is ready
15 to be promoted to the fourth grade. Tools that school districts may
16 use in reevaluating any retained student may include subsequent
17 assessments, alternative assessments, and portfolio reviews, in
18 accordance with rules of the State Board of Education. Retained
19 students may only be promoted midyear prior to November 1 and only
20 upon demonstrating a level of proficiency required to score above
21 the unsatisfactory level on the statewide third-grade criterion-
22 referenced test and upon showing progress sufficient to master
23 appropriate fourth-grade-level skills, as determined by the school.

1 A midyear promotion shall be made only upon agreement of the parent
2 or guardian of the student and the school principal;

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

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

9 a. supplemental tutoring in scientific-research-based
10 reading services in addition to the regular reading
11 block, including tutoring before or after school,

12 b. a parent-guided "Read at Home" assistance plan, as
13 developed by the State Department of Education, the
14 purpose of which is to encourage regular parent-guided
15 home reading, or

16 c. a mentor or tutor with specialized reading training.

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

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

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

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

- 10 a. assists students assessed as exhibiting a reading
11 deficiency in developing the ability to read at grade
12 level,
- 13 b. provides skill development in phonemic awareness,
14 phonics, fluency, vocabulary, and comprehension,
- 15 c. provides a scientific-research-based and reliable
16 assessment,
- 17 d. provides initial and ongoing analysis of the reading
18 progress of each student,
- 19 e. is implemented during regular school hours,
- 20 f. provides a curriculum in core academic subjects to
21 assist the student in maintaining or meeting
22 proficiency levels for the appropriate grade in all
23 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

1 accelerating student reading achievement within
2 the same school year,

3 (5) provide intensive language and vocabulary
4 instruction using a scientific-research-based
5 program, including use of a speech-language
6 therapist,

7 (6) include weekly progress monitoring measures to
8 ensure progress is being made, and

9 (7) provide reports to the State Department of
10 Education, in the manner described by the
11 Department, outlining the progress of students in
12 the class at the end of the first semester,

13 h. provide reports to the State Board of Education, upon
14 request, on the specific intensive reading
15 interventions and supports implemented by the school
16 district. The State Superintendent of Public
17 Instruction shall annually prescribe the required
18 components of the reports, and

19 i. provide to a student who has been retained in the
20 third grade and has received intensive instructional
21 services but is still not ready for grade promotion,
22 as determined by the school district, the option of
23 being placed in a transitional instructional setting.
24 A transitional setting shall specifically be designed

1 to produce learning gains sufficient to meet fourth-
2 grade performance standards while continuing to
3 remediate the areas of reading deficiency.

4 P. In addition to the requirements set forth in this section,
5 each school district board of education shall annually report to the
6 parent or guardian of each student in the district the progress of
7 the student toward achieving state and district expectations for
8 proficiency in reading, writing, science, and mathematics. The
9 school district board of education shall report to the parent or
10 guardian of each student the results on statewide criterion-
11 referenced tests. The evaluation of the progress of each student
12 shall be based upon classroom work, observations, tests, district
13 and state assessments, and other relevant information. Progress
14 reporting shall be provided to the parent or guardian in writing.

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

- 19 a. the provisions of this section relating to public
20 school student progression and the policies and
21 procedures of the school district on student retention
22 and promotion,
- 23 b. by grade, the number and percentage of all students in
24 grades three through ten performing at the

1 unsatisfactory level on the reading portion of the
2 statewide criterion-referenced tests,

3 c. by grade, the number and percentage of all students
4 retained in grades three through ten,

5 d. information on the total number and percentage of
6 students who were promoted for good cause, by each
7 category of good cause as specified above, and

8 e. any revisions to the policies of the school district
9 on student retention and promotion from the prior
10 year.

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

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

23 S. On or before December 1 of each year, the State Department
24 of Education shall issue to the Governor and members of the Senate

1 and House of Representatives Education Committees a Reading Report
2 Card for the state and each school district and elementary site
3 which shall include, but is not limited to, trend data detailing
4 three (3) years of data, disaggregated by student subgroups to
5 include economically disadvantaged, major racial or ethnic groups,
6 students with disabilities, and English language learners, as
7 appropriate for the following:

8 1. The number and percentage of students in ~~kindergarten~~
9 prekindergarten through third grade determined to be at risk for
10 reading difficulties compared to the total number of students
11 enrolled in each grade;

12 2. The number and percentage of students in ~~kindergarten~~
13 prekindergarten who continue to be at risk for reading difficulties
14 as determined by the year-end measurement of reading progress;

15 3. The number and percentage of students in ~~kindergarten~~
16 prekindergarten through third grade who have successfully completed
17 their program of reading instruction and are reading on grade level
18 as determined by the results of approved reading assessments;

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

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

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

4 7. Any recommendations for improvements or amendments to the
5 Reading Sufficiency Act.

6 The State Department of Education may contract with an
7 independent entity for the reporting and analysis requirements of
8 this subsection.

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

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

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