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AS AMENDED

By: Henke, Nollan and West
(Tammy) of the House

Smalley of the Senate

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1 in the subject matter standards adopted by the State Board of
2 Education, monitor progress throughout the year and measure year-end
3 reading progress.

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

8 B. 1. Each student enrolled in kindergarten, first, second and
9 third grade of the public schools of this state shall be assessed at
10 the beginning and end of each school year using a screening
11 instrument approved by the State Board of Education for the
12 acquisition of reading skills including, but not limited to,
13 phonemic awareness, phonics, reading fluency, vocabulary, and
14 comprehension.

15 2. Any student who is assessed and found not to be reading at
16 the appropriate grade level shall be provided a program of reading
17 instruction designed to enable the student to acquire the
18 appropriate grade level reading skills. ~~Beginning with students~~
19 ~~entering the first grade in the 2011-2012 school year, the~~ The
20 program of reading instruction shall include provisions of the READ
21 Initiative adopted by the school district as provided for in
22 subsection O of this section.

23 3. Throughout the year progress monitoring shall continue, and
24 diagnostic assessment, if determined appropriate, shall be provided.

1 Year-end reading skills shall be measured to determine reading
2 success.

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

9 1. Assess for phonemic awareness, phonics, reading fluency, and
10 comprehension;

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

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

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

15 5. Accompanied by a data management system that provides
16 profiles for students, class, grade level and school building. The
17 profiles shall identify each student's instructional point of need
18 and reading achievement level. The State Board shall also determine
19 other comparable reading assessments for diagnostic purposes and for
20 periodic and post assessments to be used for students at risk of
21 reading failure. The State Board shall ensure that any assessments
22 approved are in alignment with the subject matter standards adopted
23 by the State Board of Education.

24

1 D. 1. The program of reading instruction required in
2 subsection B of this section shall align with the subject matter
3 standards adopted by the State Board of Education and shall include
4 provisions of the READ Initiative adopted by the school district as
5 provided for in subsection O of this section. A program of reading
6 instruction may include, but is not limited to:

- 7 a. sufficient additional in-school instructional time for
8 the acquisition of phonemic awareness, phonics,
9 reading fluency, vocabulary~~7~~ and comprehension,
- 10 b. if necessary, tutorial instruction after regular
11 school hours, on Saturdays and during summer; however,
12 such instruction may not be counted toward the one-
13 hundred-eighty-day or one-thousand-eighty-hour school
14 year required in Section 1-109 of this title, and
- 15 c. assessments identified for diagnostic purposes and
16 periodic monitoring to measure the acquisition of
17 reading skills including, but not limited to, phonemic
18 awareness, phonics, reading fluency, vocabulary~~7~~ and
19 comprehension, as identified in the student's program
20 of reading instruction.

21 2. A student enrolled in first or second grades who has been
22 assessed as provided for in subsection B of this section and found
23 not to be reading at the corresponding grade level, shall be
24 entitled to individualized remediation in reading until the student

1 is determined by the results of a screening instrument to be reading
2 on grade level. The program of reading instruction for each student
3 shall be developed by a Student Reading Proficiency Team and shall
4 include individualized remediation. Each team shall be composed of:

- 5 a. the parent or guardian of the student,
- 6 b. the teacher assigned to the student who had
7 responsibility for reading instruction in that
8 academic year,
- 9 c. a teacher who is responsible for reading instruction
10 and is assigned to teach in the next grade level of
11 the student, and
- 12 d. a certified reading specialist, if one is available.

13 E. The program of reading instruction shall continue until the
14 student is determined by the results of approved reading assessments
15 to be reading on grade level.

16 F. 1. Every school district shall adopt, and implement a
17 district reading sufficiency plan which has had input from school
18 administrators, teachers, and parents and if possible a reading
19 specialist, and which shall be submitted electronically to and
20 approved by the State Board of Education. The plan shall be updated
21 annually. School districts shall not be required to electronically
22 submit the annual updates to the Board if the last plan submitted to
23 the Board was approved and expenditures for the program include only
24 expenses relating to individual and small group tutoring, purchase

1 of and training in the use of screening and assessment measures,
2 summer school programs and Saturday school programs. If any
3 expenditure for the program is deleted or changed or any other type
4 of expenditure for the program is implemented, the school district
5 shall be required to submit the latest annual update to the Board
6 for approval. The district reading sufficiency plan shall include a
7 plan for each site which includes an analysis of the data provided
8 by the Oklahoma School Testing Program and other reading assessments
9 utilized as required in this section, and which outlines how each
10 school site will comply with the provisions of the Reading
11 Sufficiency Act.

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

17 G. For any third-grade student found not to be reading at grade
18 level as determined by reading assessments administered pursuant to
19 this section, a new program of reading instruction, including
20 provisions of the READ Initiative adopted by the school district as
21 provided for in subsection O of this section, shall be developed by
22 a Student Reading Proficiency Team and implemented as specified in
23 subsection D of this section. ~~If possible, a fourth-grade teacher~~
24 ~~shall be involved in the development of the program of reading~~

~~instruction.~~ In addition to other requirements of the Reading Sufficiency Act, the plan may include specialized tutoring.

H. 1. Any first-grade, second-grade or third-grade student who demonstrates proficiency in reading at the third-grade level through a screening instrument which meets the acquisition of reading skills criteria pursuant to subsection B of this section shall not be subject to ~~the retention guidelines found in~~ pursuant to this section. ~~Upon demonstrating the~~ After a student has demonstrated proficiency through ~~the~~ a screening instrument, the district shall provide notification to the ~~parent(s) and/or guardian(s)~~ parent or guardian of the student that they have satisfied the requirements of the Reading Sufficiency Act and will not be subject to retention pursuant to this section.

2. If a third-grade student is identified at any point of the academic year as having a significant reading deficiency, which shall be defined as scoring below proficient on a screening instrument which meets the acquisition of reading skills criteria pursuant to subsection B of this section, the district shall immediately begin a student reading portfolio as provided by subsection K of this section and shall provide notice to the parent of the deficiency pursuant to subsection I of this section.

3. If a student has not yet satisfied the proficiency requirements of this section prior to the completion of third grade and still has a significant reading deficiency, as identified based

1 on assessments administered as provided for in subsection B of this
2 section, has not accumulated evidence of third-grade proficiency
3 through a student portfolio as provided in subsection K of this
4 section, or is not subject to a good-cause exemption as provided in
5 subsection K of this section, then the student shall not be eligible
6 for automatic promotion to fourth grade.

7 4. a. ~~For the 2015-2016 school year, a A student not~~
8 eligible for automatic promotion as provided for under
9 paragraph 3 of this subsection and who scores ~~at the~~
10 ~~unsatisfactory~~ below proficiency level on the reading
11 portion of the ~~third-grade statewide criterion-~~
12 ~~referenced test~~ third-grade assessment administered
13 pursuant to Section 1210.508 of this title may be
14 evaluated for "probationary promotion" by the Student
15 Reading Proficiency Team. ~~For the 2016-2017 and 2017-~~
16 ~~2018 school years, a student not eligible for~~
17 ~~automatic promotion as provided for under paragraph 3~~
18 ~~of this subsection and who scores at the~~
19 ~~unsatisfactory or limited knowledge levels on the~~
20 ~~reading portion of the third-grade statewide~~
21 ~~criterion-referenced test may be evaluated for~~
22 ~~"probationary promotion" by the Student Reading~~
23 ~~Proficiency Team. The Student Reading Proficiency~~
24 ~~Team shall be composed of:~~

- ~~(1) the parent(s) and/or guardian(s) of the student,~~
~~(2) the teacher assigned to the student who had responsibility for reading instruction in that academic year,~~
~~(3) a teacher in reading who teaches in the subsequent grade level, and~~
~~(4) a certified reading specialist~~ which was created for the student pursuant to subsection D of this section.

b. The student shall be promoted to the fourth grade if the team members unanimously recommend "probationary promotion" to the school principal and the school district superintendent and the principal and superintendent approve the recommendation that promotion is the best option for the student. If a student is allowed a "probationary promotion", the team shall continue to review the reading performance of the student and repeat the requirements of this paragraph each academic year until the student demonstrates grade-level reading proficiency, as identified through a screening instrument which meets the acquisition of reading skills criteria pursuant to subsection B of this section, for the corresponding grade level in which the student is enrolled or

1 transitions to the requirements set forth by the
2 Achieving Classroom Excellence Act.

3 5. Beginning with the 2016-2017 school year, students who score
4 below the proficient level on the reading portion of the statewide
5 third-grade assessment administered pursuant to Section 1210.508 of
6 this title, who are not subject to a good-cause exemption as
7 provided in subsection K of this section, and who do not qualify for
8 promotion or "probationary promotion" as provided in this
9 subsection, shall be retained in the third grade and provided
10 intensive instructional services and supports as provided for in
11 subsection N of this section.

12 6. Each school district shall annually report to the State
13 Department of Education the number of students promoted to the
14 fourth grade pursuant to this subsection. ~~Following the 2015-2016,~~
15 ~~2016-2017 and 2017-2018 school years, each school district shall~~
16 ~~report~~ and the number of students promoted to a subsequent grade
17 pursuant to the provisions in paragraph 4 of this subsection. The
18 State Department of Education shall publicly report the aggregate
19 and district-specific number of students promoted on their website
20 and shall provide electronic copies of the report to the Governor,
21 Secretary of Education, President Pro Tempore of the Senate, Speaker
22 of the House of Representatives, and to the respective chairs of the
23 committees with responsibility for common education policy in each
24 legislative chamber.

1 7. Nothing shall prevent a school district from applying the
2 principles of paragraphs 3 and 4 of this subsection in grades
3 kindergarten through second grade.

4 8. To determine the promotion and retention of third-grade
5 students pursuant to the Reading Sufficiency Act, the State Board of
6 Education shall use only the reading comprehension and vocabulary
7 scores portion of the statewide third-grade assessment administered
8 pursuant to Section 1210.508 of this title and shall not use the
9 other language arts scores portions of the assessment.

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

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

17 2. A description of the current services that are provided to
18 the student pursuant to a conjoint measurement model such that a
19 reader and a text are placed on the same scale;

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

23 4. That the student will not be promoted to the fourth grade if
24 the reading deficiency is not remediated by the end of the third

1 grade, unless the student is otherwise promoted as provided for in
2 subsection H of this section or is exempt for good cause as set
3 forth in subsection K of this section;

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

6 6. The grade-level performance scores of the student;

7 7. That while the results of the statewide assessments
8 administered pursuant to Section 1210.508 of this title are the
9 initial determinant, they are not the sole determiner of promotion
10 and that portfolio reviews and assessments are available; and

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

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

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

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

23 2. Students with disabilities whose individualized education
24 program (IEP), consistent with state law, indicates that the student

1 is to be assessed with alternate achievement standards through the
2 Oklahoma Alternate Assessment Program (OAAP);

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

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

9 5. Students with disabilities who participate in the statewide
10 assessments administered pursuant to Section 1210.508 of this title
11 and who have an individualized education program that reflects that
12 the student has received intensive remediation in reading for more
13 than two (2) years but still demonstrates a deficiency in reading
14 and was previously retained in prekindergarten for academic reasons,
15 kindergarten, first grade, second grade, or third grade;

16 6. Students who have received intensive remediation in reading
17 through a program of reading instruction for two (2) or more years
18 but still demonstrate a deficiency in reading and who were
19 previously retained in prekindergarten for academic reasons,
20 kindergarten, first grade, second grade, or third grade for a total
21 of two (2) years; and

22 7. Students who have been granted an exemption for medical
23 emergencies by the State Department of Education.
24

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

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

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

20 2. The principal of the school shall review and discuss the
21 documentation with the teacher and, if applicable, the other members
22 of the ~~team~~ Student Reading Proficiency Team as described in
23 subsection ~~H~~ D of this section. If the principal determines that
24 the student meets one of the good-cause exemptions and should be

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

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

6 N. Each school district shall:

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

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

24 a. small group instruction,

- b. reduced teacher-student ratios,
- c. more frequent progress monitoring,
- d. tutoring or mentoring,
- e. transition classes containing third- and fourth-grade students,
- f. extended school day, week, or year, and
- g. summer reading academies as provided for in Section 1210.508E of this title, if available;

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

4. Implement a policy for the midyear promotion of a retained student who can demonstrate that the student is a successful and independent reader, is reading at or above grade level, and is ready to be promoted to the fourth grade. Tools that school districts may use in reevaluating any retained student may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Retained students may only be promoted midyear prior to November 1 and only

1 upon demonstrating a level of proficiency required to score at the
2 proficient level on the statewide third-grade assessment
3 administered pursuant to Section 1210.508 of this title, or upon
4 demonstrating proficiency in reading at the third-grade level
5 through a screening instrument administered pursuant to subsection B
6 of this section, and upon showing progress sufficient to master
7 appropriate fourth-grade-level skills, as determined by the school.
8 A midyear promotion shall be made only upon agreement of the parent
9 or guardian of the student and the school principal;

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

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

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

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 below the proficient
11 level on the reading portion of the statewide
12 assessment administered pursuant to Section 1210.508
13 of this title. The focus of the Intensive
14 Acceleration Class shall be to increase the reading
15 level of a child at least two grade levels in one (1)
16 school year. The Intensive Acceleration Class shall:
- 17 (1) be provided to any student in the third grade who
18 scores below the proficient level on the reading
19 portion of the statewide assessments and who was
20 retained in the third grade the prior year
21 because of scoring below the proficient level on
22 the reading portion of the statewide assessments,
- 23 (2) have a reduced teacher-student ratio,
- 24

- (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 assessments
19 administered pursuant to Section 1210.508 of this title. The
20 evaluation of the progress of each student shall be based upon
21 classroom work, observations, tests, district and state assessments,
22 and other relevant information. Progress reporting shall be
23 provided to the parent or guardian in writing.

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

- 5 a. the provisions of this section relating to public
6 school student progression and the policies and
7 procedures of the school district on student retention
8 and promotion,
- 9 b. by grade, the number and percentage of all students in
10 grades three through ten performing below the
11 proficient level on the reading portion of the
12 statewide assessment administered pursuant to Section
13 1210.508 of this title,
- 14 c. by grade, the number and percentage of all students
15 retained in grades three through ten,
- 16 d. information on the total number and percentage of
17 students who were promoted for good cause, by each
18 category of good cause as specified above, and
- 19 e. any revisions to the policies of the school district
20 on student retention and promotion from the prior
21 year.

22 2. The State Department of Education shall establish a uniform
23 format for school districts to report the information required in
24 this subsection. The format shall be developed with input from

1 school districts and shall be provided not later than ninety (90)
2 days prior to the annual due date. The Department shall annually
3 compile the information required, along with state-level summary
4 information, and report the information to the public, the Governor,
5 the President Pro Tempore of the Senate, and the Speaker of the
6 House of Representatives.

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

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

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

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

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

8 4. The number and percentage of students scoring at each
9 performance level on the reading portion of the statewide third-
10 grade assessment administered pursuant to Section 1210.508 of this
11 title;

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

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

17 7. Any recommendations for improvements or amendments to the
18 Reading Sufficiency Act.

19 The State Department of Education may contract with an
20 independent entity for the reporting and analysis requirements of
21 this subsection.

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

24 SECTION 2. This act shall become effective November 1, 2017.

1 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
2 April 10, 2017 - DO PASS AS AMENDED
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