

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO.601

By: Stanislawski

AS INTRODUCED

An Act relating to the Reading Sufficiency Act; amending 70 O.S. 2011, Section 1210.508B, as last amended by Section 6, Chapter 360, O.S.L. 2016 (70 O.S. Supp. 2018, Section 1210.508B), which relates to the purpose of the Reading Sufficiency Act; modifying language directing school districts to ensure students receive an education focused on reading and mathematics; removing language establishing certain goal; removing language regarding recognition of certain schools; amending 70 O.S. 2011, Section 1210.508C, as last amended by Section 1, Chapter 213, O.S.L. 2017 (70 O.S. Supp. 2018, Section 1210.508C), which relates to programs of reading instruction; requiring students in kindergarten to be screened for reading skills at certain frequency; requiring certain program of reading instruction to be provided to certain kindergarten students; requiring certain program of reading instruction to be provided to certain first, second and third grade students; modifying criteria which certain screening instrument must meet; directing supplemental instructional services and supports to be provided to certain first or second grade students; establishing minimum criteria for grade-level performance of certain students pursuant to certain act; directing the State Board of Education to use only certain scores to determine promotion and retention of certain students; requiring performance levels set by the Commission for Educational Quality and Accountability to ensure certain criteria; modifying criteria for consideration of probationary promotion; allowing students subject to probationary promotion to be transitioned to certain remediation plan; modifying references; modifying criteria for good-cause exemption for certain students; modifying review to

1 be conducted by school districts; modifying criteria
2 under which a student may be promoted midyear;
3 modifying components of certain initiative; modifying
4 references to certain performance; removing
5 requirement for certain report on certain student
6 progress; modifying date by which certain report is
7 due; modifying components of report; providing an
8 effective date; and declaring an emergency.

9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508B,
11 as last amended by Section 6, Chapter 360, O.S.L. 2016 (70 O.S.
12 Supp. 2018, Section 1210.508B), is amended to read as follows:

13 Section 1210.508B. A. The Legislature finds that it is
14 essential for children in the public schools to read early and well
15 in elementary school. The Legislature further finds that clear and
16 visible goals, assessments to determine the reading level at each
17 elementary school, annual measurements of elementary school reading
18 improvement, and accountability in each level of the educational
19 system will result in a significant increase in the number of
20 children reading at or above grade level.

21 B. The purpose of the Reading Sufficiency Act is to ensure that
22 each child attains the necessary reading skills by completion of the
23 third grade which will enable that student to continue development
24 of reading skills and to succeed throughout school and life.

25 C. Each public school district in this state shall ensure that
26 ~~a majority of the instructional time each day of the school year in~~

1 ~~kindergarten through third grade is focused on~~ all students receive
2 a well-rounded education that is focused on building deep
3 foundations in reading and mathematics. The State Board of
4 Education shall encourage school districts to integrate the teaching
5 of the other curricular areas in the subject matter standards
6 adopted by the Board with the instruction of reading and
7 mathematics. All teachers of reading in the public schools in this
8 state in kindergarten through third grade shall incorporate into
9 instruction the five elements of reading instruction which are
10 phonemic awareness, phonics, reading fluency, vocabulary, and
11 comprehension.

12 ~~D. The reading goal for Oklahoma public schools is as follows:~~
13 ~~By July 1, 2008, and each year thereafter, all third-grade students~~
14 ~~will read at or above grade level by the end of their third-grade~~
15 ~~year, excluding up to fifteen percent (15%) of those students who~~
16 ~~have an individualized education program (IEP), pursuant to the~~
17 ~~Individuals with Disabilities Education Act (IDEA), and excluding~~
18 ~~those students who are English language learners who have been~~
19 ~~determined not to be proficient in English as defined by a state-~~
20 ~~designated English proficiency assessment. To achieve the reading~~
21 ~~goal, each public elementary school shall:~~

22 ~~1. Determine its baseline no later than September 1, 2005,~~
23 ~~which shall be the percentage of students reading at or above third-~~
24 ~~grade level as determined by the percentage of students scoring~~

~~proficient or above on the third-grade assessment in reading,
administered pursuant to Section 1210.508 of this title; and~~

~~2. Set and achieve annual improvement goals necessary to
progress from the baseline established in 2005 to the reading goal
by July 1, 2008. The annual improvement goals shall be included in
the district's reading sufficiency plan required in Section
1210.508C of this title.~~

~~E. The State Board of Education shall recognize schools and
districts that attain or make progress toward achieving the reading
goal and shall provide technical assistance to schools and districts
that do not make progress toward the reading goal. The district
reading sufficiency plan shall be submitted to the State Board if
the district has any schools that are not achieving the required
annual improvement goals pursuant to this section.~~

SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.508C,
as last amended by Section 1, Chapter 213, O.S.L. 2017 (70 O.S.
Supp. 2018, Section 1210.508C), is amended to read as follows:

Section 1210.508C. A. 1. Each student enrolled in
kindergarten in a public school in this state shall be screened at
the beginning, middle and end of each school year for reading skills
including, but not limited to, phonemic awareness, letter
recognition, and oral language skills as identified in the subject
matter standards adopted by the State Board of Education. A

1 screening instrument approved by the State Board shall be utilized
2 for the purposes of this section.

3 2. For those kindergarten children at risk for reading
4 difficulties at the beginning of the year, teachers shall emphasize
5 reading skills as identified in the subject matter standards adopted
6 by the State Board of Education, monitor progress throughout the
7 year and measure mid-year and year-end reading progress.

8 3. Kindergarten students who are not meeting grade-level
9 targets by mid-year in reading shall be provided a program of
10 reading instruction designed to enable the student to acquire the
11 appropriate grade-level reading skills.

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

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

23 ~~2.~~ C. Any student enrolled in first, second or third grade who
24 is assessed and ~~found not to be reading at the appropriate grade~~

1 ~~level~~ who is not meeting grade-level targets in reading shall be
2 provided a program of reading instruction designed to enable the
3 student to acquire the appropriate grade level reading skills. The
4 program of reading instruction shall include provisions of the READ
5 Initiative adopted by the school district as provided for in
6 subsection ~~Θ~~ P of this section.

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

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

17 1. Assess for phonemic awareness, phonics, reading fluency,
18 vocabulary and comprehension;

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

20 3. Can be used for ~~diagnosis~~ identifying students who are at
21 risk for reading deficiency and progress monitoring throughout the
22 school year;

1 4. Can be used to assess ~~special education and limited-English-~~
2 ~~proficient~~ students with disabilities and English language learners;
3 and

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

13 ~~D.~~ E. 1. The program of reading instruction required in
14 ~~subsection~~ subsections A and B of this section shall align with the
15 subject matter standards adopted by the State Board of Education and
16 shall include provisions of the READ Initiative adopted by the
17 school district as provided for in subsection ~~Θ~~ P of this section.

18 A program of reading instruction may include, but is not limited to:

- 19 a. sufficient additional in-school instructional time for
20 the acquisition of phonemic awareness, phonics,
21 reading fluency, vocabulary, and comprehension,
- 22 b. if necessary, tutorial instruction after regular
23 school hours, on Saturdays and during summer; however,
24 such instruction may not be counted toward the one-

1 hundred-eighty-day or one-thousand-eighty-hour school
2 year required in Section 1-109 of this title, and
3 c. assessments identified for diagnostic purposes and
4 periodic monitoring to measure the acquisition of
5 reading skills including, but not limited to, phonemic
6 awareness, phonics, reading fluency, vocabulary, and
7 comprehension, as identified in the student's program
8 of reading instruction.

9 2. A student enrolled in first or second grades who has been
10 assessed as provided for in subsection B of this section and found
11 not to be ~~reading at the corresponding grade level~~ meeting grade-
12 level targets in reading, shall be entitled to ~~individualized~~
13 ~~remediation~~ supplemental instructional services and supports in
14 reading until the student is determined by the results of a
15 screening instrument to be ~~reading on grade level~~ meeting grade-
16 level targets in reading. The program of reading instruction for
17 each student shall be developed by a Student Reading Proficiency
18 Team and shall include ~~individualized remediation~~ supplemental
19 instructional services and supports. Each team shall be composed
20 of:

- 21 a. the parent or guardian of the student,
22 b. the teacher assigned to the student who had
23 responsibility for reading instruction in that
24 academic year,

1 c. a teacher who is responsible for reading instruction
2 and is assigned to teach in the next grade level of
3 the student, and

4 d. a certified reading specialist, if one is available.

5 ~~F.~~ F. The program of reading instruction shall continue until
6 the student is determined by the results of approved reading
7 assessments to be ~~reading on grade level~~ meeting grade-level
8 targets.

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

10 ~~G. H.~~ For any third-grade student found not to be ~~reading at~~
11 ~~grade level~~ meeting grade-level targets as determined by reading
12 assessments administered pursuant to this section, a new program of
13 reading instruction, including provisions of the READ Initiative
14 adopted by the school district as provided for in subsection ~~Θ~~ P of
15 this section, shall be developed by a Student Reading Proficiency
16 Team and implemented as specified in subsection ~~Θ~~ E of this section.
17 In addition to other requirements of the Reading Sufficiency Act,
18 the plan may include specialized tutoring.

19 ~~H. I.~~ 1. Any first-grade, second-grade or third-grade student
20 who demonstrates end of year proficiency in reading at the third-
21 grade level through a screening instrument which meets the
22 acquisition of reading skills criteria pursuant to subsection B of
23 this section shall not be subject to retention pursuant to this
24 section. After a student has demonstrated proficiency through a

1 screening instrument, the district shall provide notification to the
2 parent or guardian of the student that they have satisfied the
3 requirements of the Reading Sufficiency Act and will not be subject
4 to retention pursuant to this section.

5 2. If a third-grade student is identified at any point of the
6 academic year as having a significant reading deficiency, which
7 shall be defined as ~~scoring below proficient~~ not meeting grade-level
8 targets on a screening instrument which meets the acquisition of
9 reading skills criteria pursuant to subsection B of this section,
10 the district shall immediately begin a student reading portfolio as
11 provided by subsection ~~¶~~ L of this section and shall provide notice
12 to the parent of the deficiency pursuant to subsection ~~¶~~ J of this
13 section.

14 3. If a student has not yet satisfied the proficiency
15 requirements of this section prior to the completion of third grade
16 and still has a significant reading deficiency, as identified based
17 on assessments administered as provided for in subsection B of this
18 section, has not accumulated evidence of third-grade proficiency
19 through a student portfolio as provided in subsection ~~¶~~ L of this
20 section, or is not subject to a good-cause exemption as provided in
21 subsection ~~¶~~ L of this section, then the student shall not be
22 eligible for automatic promotion to fourth grade.

23 4. The minimum criteria for grade-level performance of third-
24 grade students pursuant to the Reading Sufficiency Act shall be that

1 students are able to read and comprehend grade-level text. To
2 determine the promotion and retention of third-grade students
3 pursuant to the Reading Sufficiency Act, the State Board of
4 Education shall use only the scores for the standards for reading
5 foundations/processes and vocabulary portions of the statewide
6 third-grade assessment administered pursuant to Section 1210.508 of
7 this title and shall not use the scores from the other language arts
8 portions of the assessment. The performance levels established by
9 the Commission for Educational Quality and Accountability pursuant
10 to Section 1210.508 of this title shall ensure that students meeting
11 the performance-level criteria are performing at grade level on the
12 reading foundations and vocabulary portions of the statewide third-
13 grade assessment.

14 5. a. For the 2016-2017 school year, a student not eligible
15 for automatic promotion as provided for in paragraph 3
16 of this subsection and who scores at the
17 unsatisfactory level on the reading portion of the
18 statewide third-grade assessment administered pursuant
19 to Section 1210.508 of this title may be evaluated for
20 probationary promotion by the Student Reading
21 Proficiency Team. Beginning with the 2017-2018 school
22 year, a A student not eligible for automatic promotion
23 as provided for under paragraph 3 of this subsection
24 and who scores below the proficiency level does not

1 meet the criteria established by the Commission for
2 Educational Quality and Accountability on the reading
3 portion of the statewide third-grade assessment
4 administered pursuant to Section 1210.508 of this
5 title may be evaluated for probationary promotion by
6 the Student Reading Proficiency Team which was created
7 for the student pursuant to subsection ~~D~~ E of this
8 section.

- 9 b. The student shall be promoted to the fourth grade if
10 the team members unanimously recommend probationary
11 promotion to the school principal and the school
12 district superintendent and the principal and
13 superintendent approve the recommendation that
14 promotion is the best option for the student. If a
15 student is allowed a probationary promotion, the team
16 shall continue to review the reading performance of
17 the student and repeat the requirements of this
18 paragraph each academic year until the student
19 demonstrates grade-level reading proficiency, as
20 identified through a screening instrument which meets
21 the acquisition of reading skills criteria pursuant to
22 subsection B of this section, for the corresponding
23 grade level in which the student is enrolled or
24 transitions to ~~the requirements set forth by the~~

~~Achieving Classroom Excellence Act~~ a locally designed remediation plan after the fifth grade which shall have the goal of ensuring that the student is on track to be college and career ready.

5. ~~6.~~ Beginning with the 2017-2018 school year, students who ~~score below the proficient level~~ do not meet the performance criteria established by the Commission for Educational Quality and Accountability on the reading portion of the statewide third-grade assessment administered pursuant to Section 1210.508 of this title, who are not subject to a good cause exemption as provided in subsection ~~K~~ L of this section, and who do not qualify for promotion or probationary promotion as provided in this subsection, shall be retained in the third grade and provided intensive instructional services and supports as provided for in subsection ~~N~~ O of this section.

~~6.~~ 7. Each school district shall annually report to the State Department of Education the number of students promoted to the fourth grade pursuant to this subsection and the number of students promoted to a subsequent grade pursuant to the provisions in paragraph ~~4~~ 5 of this subsection. The State Department of Education shall publicly report the aggregate and district-specific number of students promoted on their website and shall provide electronic copies of the report to the Governor, Secretary of Education, President Pro Tempore of the Senate, Speaker of the House of

Representatives, and to the respective chairs of the committees with responsibility for common education policy in each legislative chamber.

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

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

~~I.~~ J. The parent of any student who is found to have a reading deficiency and is not ~~reading at the appropriate grade level~~ meeting grade-level reading targets 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 pursuant to a conjoint measurement model such that a reader and a text are placed on the same scale;

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

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

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

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

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

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

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

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

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

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

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

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

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

16 5. Students with disabilities who participate in the statewide
17 assessments administered pursuant to Section 1210.508 of this title
18 and who have an individualized education program that reflects that
19 the student has received intensive remediation in reading ~~for more~~
20 ~~than two (2) years but still demonstrates a deficiency in reading~~
21 ~~and was previously retained in prekindergarten for academic reasons,~~
22 ~~kindergarten, first grade, second grade, or third grade~~ and has made
23 adequate progress in reading pursuant to the student's
24 individualized education program;

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

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

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

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

23 1. Documentation submitted from the teacher of the student to
24 the school principal that indicates the student meets one of the
25

1 good-cause exemptions and promotion of the student is appropriate.

2 In order to minimize paperwork requirements, the documentation shall
3 consist only of the alternative assessment results or student
4 portfolio work and the individual education plan (IEP), as
5 applicable;

6 2. The principal of the school shall review and discuss the
7 documentation with the teacher and, if applicable, the other members
8 of the Student Reading Proficiency Team as described in subsection ~~D~~
9 E of this section. If the principal determines that the student
10 meets one of the good-cause exemptions and should be promoted based
11 on the documentation provided, the principal shall make a
12 recommendation in writing to the school district superintendent; and

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

15 ~~N.~~ O. Each school district shall:

16 1. Conduct a review of the program of reading instruction for
17 all students who ~~score below the proficient level~~ do not meet the
18 performance criteria established by the Commission for Educational
19 Quality and Accountability on the reading portion of the statewide
20 assessment administered pursuant to Section 1210.508 of this title
21 and did not meet the criteria for one of the good-cause exemptions
22 as set forth in subsection ~~K~~ L of this section. The review shall
23 address additional supports and services, as described in this
24 subsection, needed to remediate the identified areas of reading

1 deficiency. The school district shall require a student portfolio
2 to be completed for each retained student;

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

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

20 3. Provide written notification to the parent or guardian of
21 any student who is to be retained as set forth in subsection ~~H~~ I of
22 this section that the student has not met the ~~proficiency level~~
23 performance criteria required for promotion and was not otherwise
24 promoted and the reasons the student is not eligible for a good-

1 cause exemption. The notification shall include a description of
2 proposed interventions and intensive instructional supports that
3 will be provided to the student to remediate the identified areas of
4 reading deficiency;

5 4. Implement a policy for the midyear promotion of a retained
6 student who can demonstrate that the student is a successful and
7 independent reader, is reading at or above ~~grade-level~~ grade-level
8 targets, and is ready to be promoted to the fourth grade. Tools
9 that school districts may use in reevaluating any retained student
10 may include ~~subsequent~~ screening assessments, alternative
11 assessments, and portfolio reviews, in accordance with rules of the
12 State Board of Education. Retained students may only be promoted
13 midyear prior to November 1 and only upon demonstrating ~~a level of~~
14 ~~proficiency required to score at the proficient level~~ that the
15 student has met the performance criteria established by the
16 Commission for Educational Quality and Accountability on the reading
17 portion of the statewide third-grade assessment administered
18 pursuant to Section 1210.508 of this title, or upon demonstrating
19 proficiency in reading at the third-grade level through a screening
20 instrument administered pursuant to subsection B of this section,
21 and upon showing progress sufficient to master appropriate fourth-
22 grade-level skills, as determined by the school. A midyear
23 promotion shall be made only upon agreement of the parent or
24 guardian of the student and the school principal;

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

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

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

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

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

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

23 1. Be provided to all kindergarten through third-grade students
24 at risk of retention as identified by the assessments administered

1 pursuant to the Reading Sufficiency Act. The assessment used shall
2 measure phonemic awareness, phonics, reading fluency, vocabulary,
3 and comprehension;

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

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

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

1 4. Establish at each school, where applicable, an Intensive
2 Acceleration Class for retained third-grade students who
3 subsequently ~~score below the proficient level~~ do not meet the
4 performance criteria established by the Commission for Educational
5 Quality and Accountability on the reading portion of the statewide
6 assessment administered pursuant to Section 1210.508 of this title.
7 The focus of the Intensive Acceleration Class shall be to increase
8 the reading level of a child at least two grade levels in one (1)
9 school year. The Intensive Acceleration Class shall:

10 ~~(1)~~

11 a. be provided to any student in the third grade who
12 ~~scores below the proficient level~~ does not meet the
13 performance criteria established by the Commission for
14 Educational Quality and Accountability on the reading
15 portion of the statewide assessments and who was
16 retained in the third grade the prior year because of
17 ~~scoring below the proficient level~~ not meeting the
18 performance criteria on the reading portion of the
19 statewide assessments,

20 ~~(2)~~

21 b. have a reduced teacher-student ratio,

22 ~~(3)~~

23 c. provide uninterrupted reading instruction for the
24 majority of student contact time each day and

incorporate opportunities to master the fourth-grade
state standards in other core subject areas,

~~(4)~~

d. use a reading program that is scientific-research-
based and has proven results in accelerating student
reading achievement within the same school year,

~~(5)~~

e. provide intensive language and vocabulary instruction
using a scientific-research-based program, including
use of a speech-language therapist, and

~~(6)~~

f. 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;~~

5. 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 Instruction shall annually prescribe the
required components of the reports, ~~and~~

~~i. provide; and~~

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

8 ~~P. In addition to the requirements set forth in this section,~~
9 ~~each school district board of education shall annually report to the~~
10 ~~parent or guardian of each student in the district the progress of~~
11 ~~the student toward achieving state and district expectations for~~
12 ~~proficiency in reading, writing, science, and mathematics. The~~
13 ~~school district board of education shall report to the parent or~~
14 ~~guardian of each student the results on statewide assessments~~
15 ~~administered pursuant to Section 1210.508 of this title. The~~
16 ~~evaluation of the progress of each student shall be based upon~~
17 ~~classroom work, observations, tests, district and state assessments,~~
18 ~~and other relevant information. Progress reporting shall be~~
19 ~~provided to the parent or guardian in writing.~~

20 Q. 1. Each school district board of education shall annually
21 publish on the school website, and report in writing to the State
22 Board of Education by September 1 of each year, the following
23 information on the prior school year:
24

- 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~~ grade three ~~through ten performing below the proficient level~~ that did not meet the performance criteria established by the Commission for Educational Quality and Accountability on the reading portion of the statewide assessment administered pursuant to Section 1210.508 of this title,
- 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

1 compile the information required, along with state-level summary
2 information, and report the information to the public, the Governor,
3 the President Pro Tempore of the Senate, and the Speaker of the
4 House of Representatives.

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

8 S. On or before ~~December~~ January 31 of each year, the State
9 Department of Education shall issue to the Governor, the President
10 Pro Tempore of the Senate, the Speaker of the House of
11 Representatives and members of the Senate and House of
12 Representatives Education Committees a Reading Sufficiency 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~~ that meet or do not meet the performance criteria
10 established by the Commission for Educational Quality and
11 Accountability on the reading portion of the statewide third-grade
12 assessment administered pursuant to Section 1210.508 of this title;

13 5. The number of students tested, the number of students
14 promoted through meeting proficiency on a screening instrument as
15 provided for in subsection # I of this section, the number of
16 students promoted through each of the good-cause exemptions as
17 provided for in subsection # L of this section and the number of
18 students retained and the number of students promoted through
19 probationary promotion as provided for in subsection # I of this
20 section for each elementary site;

21 6. Data tracking the progression of students promoted through
22 each of the good-cause exemptions as provided for in subsection # L
23 of this section and students promoted through probationary promotion
24 or students who are retained in third grade as provided for in

1 subsection ~~H~~ I of this section ~~through the eighth grade~~. The data
2 shall include but not be limited to information regarding whether
3 students graduate on time;

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

6 8. 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;

9 9. The type of reading instruction practices and methods
10 currently being used by school districts in the state;

11 10. Socioeconomic information, access to reading resources
12 outside of school and screening for and identification of learning
13 disabilities for students not reading at the appropriate grade level
14 by third grade;

15 11. The types of intensive remediation efforts being conducted
16 by school districts to identify best practices for students that are
17 not reading at the appropriate grade level and are not retained
18 under the provisions of this section; and

19 12. Any recommendations for improvements or amendments to the
20 Reading Sufficiency Act.

21 The State Department of Education may contract with an
22 independent entity for the reporting and analysis requirements of
23 this subsection.
24
25

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

3 SECTION 3. This act shall become effective July 1, 2019.

4 SECTION 4. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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