

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1065

By: Nollan, Kern and McCullough
of the House

and

Stanislawski and Pittman of
the Senate

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11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to schools; amending 70 O.S. 2011,
13 Section 1210.508C, as last amended by Section 35 of
14 Enrolled Senate Bill No. 831 of the 1st Session of
15 the 55th Oklahoma Legislature, which relates to the
16 Reading Sufficiency Act; changing and deleting
17 certain terms to make consistent; specifying the
18 reference for the program of reading instruction;
19 deleting obsolete language; clarifying the grades
20 subject to end-of-year measurement; clarifying
21 statutory language; authorizing the State Board of
22 Education to approve additional screening
23 instruments; providing for individualized remediation
24 for certain students; requiring the program of
reading instruction to be developed by a Student
Reading Proficiency Team; stating composition of the
Team; deleting certain committee; modifying
requirement to provide a new program of reading
instruction under certain conditions; changing
criteria and adding grade levels for demonstrating
proficiency in reading; defining demonstration of
proficiency; specifying certain criteria for
screening instruments; changing conditions for
student reading portfolio requirement; deleting the
automatic promotion option and requirements;
specifying options for eligibility for promotion to

1 the fourth grade; requiring certain interventions,
2 services and supports; extending dates for
3 probationary promotions; changing description of the
4 Student Reading Proficiency Team; adding the school
5 principal to the probationary promotion approval
6 process; clarifying retention requirement based upon
7 certain score; granting certain students right to
8 individualized reading instruction for certain
9 period; requiring the Student Reading Proficiency
10 Team to continue reviewing reading performance;
11 expanding certain reporting requirements of school
12 districts; listing required information; directing
13 the State Department of Education to analyze,
14 interpret and report data in a certain manner;
15 expanding reporting requirement of the Department;
16 allowing school districts to retain students in
17 certain grades for certain reasons; modifying certain
18 parent notification information; changing criteria
19 for providing certain reading instruction to promoted
20 students; modifying certain duties of school
21 districts relating to retained students; changing
22 criteria for selecting students for the READ
23 Initiative and certain components of the Initiative;
24 clarifying statutory references; mandating that
certain screening instrument results be added to the
permanent student record; providing an effective
date; 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 35 of Enrolled Senate Bill No. 831 of the
1st Session of the 55th Oklahoma Legislature, 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 for reading
skills including, but not limited to, ~~phonological~~ phonemic

1 awareness, letter recognition, and oral language skills as
2 identified in the subject matter standards adopted by the State
3 Board of Education. A screening instrument approved by the State
4 Board shall be utilized for the purposes of this section.

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

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

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

21 2. Any student who is assessed and found not to be reading at
22 the appropriate grade level shall be provided a program of reading
23 instruction as specified in subsection D of this section. The
24 program of reading instruction shall be designed to enable the

1 student to acquire the appropriate grade level reading skills.
2 ~~Beginning with students entering the first grade in the 2011-2012~~
3 ~~school year, the~~ The program of reading instruction shall include
4 provisions of the READ Initiative adopted by the school district as
5 provided for in subsection O of this section.

6 3. Throughout the year progress monitoring shall continue, and
7 diagnostic assessment, if determined appropriate, shall be provided.
8 ~~Year-end~~ The reading skills of students in kindergarten, first,
9 second and third grades shall be measured at the end of the school
10 year to determine reading success.

11 C. 1. The State Board of Education shall approve screening
12 instruments for use at the beginning of the school year, for
13 monitoring ~~of~~ the progress of students, and for the measurement of
14 reading skills at the end of the school year as required in
15 subsections A and B of this section; ~~provided, at.~~ At least one of
16 the screening instruments shall meet the following criteria:

17 ~~1. Assess~~

18 a. assess for ~~phonological~~ phonemic awareness, phonics,
19 reading fluency, and comprehension~~†,†~~

20 ~~2. Document~~

21 b. document the validity and reliability of each
22 assessment~~†,†~~

23 ~~3. Can~~

24 c. can be used for diagnosis and progress monitoring~~†,†~~

1 4. ~~Can~~

2 d. can be used to assess special education and limited-
3 English-proficient students~~7~~, and

4 5. ~~Accompanied~~

5 e. accompanied by a data management system that provides
6 profiles for students, class, grade level and school
7 building. The profiles shall identify each student's
8 instructional point of need and reading achievement
9 level.

10 2. The State Board of Education shall ~~also~~ determine other
11 comparable reading assessments for diagnostic purposes and for
12 periodic and post assessments to be used for students at risk of
13 reading failure. The ~~State~~ Board shall ensure that any assessments
14 approved are in alignment with the subject matter standards adopted
15 by the ~~State Board of Education~~.

16 3. The State Board of Education may approve applications from
17 school districts allowing a school district to adopt and use at
18 district expense a screening instrument to measure student reading
19 skills at the end of the school year that has not been approved and
20 placed on the list of screening instruments by the Board.

21 D. 1. The program of reading instruction required in
22 subsection B of this section shall align with the subject matter
23 standards adopted by the State Board of Education~~7~~ and shall include
24 provisions of the READ Initiative adopted by the school district as

1 provided for in subsection O of this section ~~beginning with students~~
2 ~~entering the first grade in the 2011-2012 school year and.~~ A

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

4 ~~1. Sufficient~~

5 a. sufficient additional in-school instructional time for
6 the acquisition of ~~phonological~~ phonemic awareness,
7 phonics, ~~spelling,~~ reading fluency, vocabulary, and
8 comprehension~~;~~ .

9 ~~2. If~~

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 ~~3. Assessments~~

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

23 2. A student enrolled in first, second or third grade who has
24 been assessed as provided for in subsection B of this section and

1 found not to be reading at the corresponding grade level, shall be
2 entitled to individualized remediation in reading until the student
3 is determined by the results of a screening instrument to be reading
4 on grade level. The program of reading instruction for each student
5 shall be developed by a Student Reading Proficiency Team and shall
6 include individualized remediation. Each team shall be composed
7 of:

8 a. the parent or guardian of the student,

9 b. the teacher assigned to the student who had
10 responsibility for reading instruction in that
11 academic year,

12 c. a teacher who is responsible for reading instruction
13 and is assigned to teach in the next grade level of
14 the student, and

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

16 E. The program of reading instruction shall continue until the
17 student is determined by the results of approved reading assessments
18 to be reading on grade level.

19 F. 1. Every school district shall adopt~~7~~ and implement a
20 district reading sufficiency plan which has had input from school
21 administrators, teachers, and parents and if possible a reading
22 specialist, and which shall be submitted electronically to and
23 approved by the State Board of Education. The plan shall be updated
24 annually. School districts shall not be required to electronically

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

15 ~~2. Each school site shall establish a committee, composed of~~
16 ~~educators, which if possible shall include a certified reading~~
17 ~~specialist, to develop the required programs of reading instruction.~~
18 ~~A parent or guardian of the student shall be included in the~~
19 ~~development of the program of reading instruction for that student.~~

20 ~~3.~~ The State Board of Education shall adopt rules for the
21 implementation and evaluation of the provisions of the Reading
22 Sufficiency Act. The evaluation shall include, but not be limited
23 to, an analysis of the data required in subsection S of this
24 section.

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

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

24

1 2. For purposes of this section, demonstration of proficiency
2 means a student is reading at the third-grade level as determined by
3 administration of a screening instrument or instruments, pursuant to
4 subsection B of this section, which measures the acquisition of
5 reading skills. For the 2015-2016 school year, for the purpose of
6 determining proficiency, school districts may use any screening
7 instrument or instruments which have been approved by the State
8 Board of Education as provided for in subsection C of this section,
9 prior to the effective date of this act, which assess for the
10 acquisition of one or more of the five elements of reading skills
11 which are phonemic awareness, phonics, reading fluency, vocabulary
12 and comprehension. Beginning with the 2016-2017 school year and
13 each school year thereafter for purposes of determining proficiency,
14 school districts shall use a screening instrument or instruments
15 approved or allowed by the Board as provided for in subsection C of
16 this section which assess for the acquisition of all five elements
17 of reading skills which are phonemic awareness, phonics, reading
18 fluency, vocabulary and comprehension. The screening instrument or
19 instruments used by school districts may assess for the acquisition
20 of other reading skills in addition to the five elements of reading
21 skills. A school district may use one or more screening instruments
22 or supplemental instruments to assess for the acquisition of the
23 five elements of reading skills.

24

1 3. If a third-grade student ~~is identified~~ has not demonstrated
2 proficiency as defined in paragraph 2 of this subsection at any
3 point of the academic year ~~as having a significant reading~~
4 ~~deficiency, which shall be defined as scoring below proficient on a~~
5 ~~screening instrument which meets the acquisition of reading skills~~
6 ~~criteria pursuant to subsection B of this section,~~ the district
7 shall immediately begin a student reading portfolio as provided ~~by~~
8 for in paragraph 4 of subsection K of this section and shall provide
9 notice to the parent ~~of the deficiency~~ or guardian pursuant to
10 subsection I of this section.

11 ~~3.~~ a. ~~If a student has not yet satisfied the proficiency~~
12 ~~requirements of this section prior to the completion~~
13 ~~of third grade, the student may qualify for automatic~~
14 ~~promotion to the fourth grade upon scoring at the~~
15 ~~"limited knowledge" level on the reading portion of~~
16 ~~the statewide third-grade criterion-referenced test.~~

17 b. ~~Prior to promotion, however, the district shall~~
18 ~~provide notice to the parent(s) and/or guardian(s) of~~
19 ~~the child that the child is not yet reading at grade~~
20 ~~level in reading and provide the parent(s) and/or~~
21 ~~guardian(s) of the child the option for retention~~
22 ~~should they so desire. The notice shall contain, at a~~
23 ~~minimum, the most recently identifiable grade level on~~
24 ~~which the student is actually proficient, the~~

1 ~~opportunities for summer reading programs, school~~
2 ~~and/or community based reading tutoring, vendors which~~
3 ~~provide reading tutoring and the rights to the~~
4 ~~continuing intensive remediation pursuant to this~~
5 ~~paragraph.~~

6 e. ~~A student so promoted shall be entitled to intensive~~
7 ~~remediation in reading until the student is able to~~
8 ~~demonstrate proficiency in reading at the grade level~~
9 ~~in which the student is enrolled. An intensive~~
10 ~~remediation plan shall be developed by a "Student~~
11 ~~Reading Proficiency Team" composed of:~~

- 12 ~~(1) the parent(s) and/or guardian(s) of the student,~~
- 13 ~~(2) the teacher assigned to the student who had~~
14 ~~responsibility for reading instruction in that~~
15 ~~academic year,~~
- 16 ~~(3) a teacher in reading who teaches in the~~
17 ~~subsequent grade level,~~
- 18 ~~(4) the school principal, and~~
- 19 ~~(5) a certified reading specialist, if one is~~
20 ~~available.~~

21 4. If Except as otherwise provided for in paragraphs 5 and 6 of
22 this subsection, if a student has not yet satisfied the proficiency
23 requirements of this section:
24

1 a. does not demonstrate proficiency in reading as defined
2 in paragraph 2 of this subsection prior to the
3 completion of third grade ~~and still has a significant~~
4 ~~reading deficiency, as identified based on assessments~~
5 ~~administered that meet the acquisition of reading~~
6 ~~skills criteria pursuant to subsection B of this~~
7 ~~section,~~

8 b. has not accumulated evidence of ~~third-grade~~
9 proficiency in reading at the third-grade level
10 through a student portfolio as provided in paragraph 4
11 of subsection K of this section prior to the
12 completion of the third grade, or

13 c. is not subject to a good-cause exemption as provided
14 in subsection K of this section, then

15 the student shall not be eligible for ~~automatic~~ promotion to the
16 fourth grade and shall be retained in the third grade. The student
17 shall be provided individualized interventions in reading,
18 instructional services and instructional supports as provided for in
19 subsection N of this section.

20 5. a. For the ~~2013-14~~ 2015-2016, 2016-2017 and 2014-15 2017-
21 2018 school years, a student not ~~qualified~~ eligible
22 for ~~automatic~~ promotion as provided for under
23 paragraph 4 of this subsection may be evaluated for
24

1 "probationary promotion" by a ~~"~~ the Student Reading
2 Proficiency Team" ~~composed of:~~

3 ~~(1) the parent(s) and/or guardian(s) of the student,~~

4 ~~(2) the teacher assigned to the student who had~~
5 ~~responsibility for reading instruction in that~~
6 ~~academic year,~~

7 ~~(3) a teacher in reading who teaches in the~~
8 ~~subsequent grade level,~~

9 ~~(4) the school principal, and~~

10 ~~(5) a certified reading specialist created as~~
11 ~~provided for in paragraph 2 of subsection D of~~
12 ~~this section.~~

13 b. The student shall be promoted to the fourth grade if
14 the team members unanimously recommend "probationary
15 promotion" to the school principal and the school
16 district superintendent and the principal and
17 superintendent ~~approves~~ approve the recommendation
18 that promotion is the best option for the student. If
19 a student is allowed a "probationary promotion", the
20 team shall continue to review the reading performance
21 of the student and repeat the requirements of this
22 paragraph each academic year until the student
23 demonstrates grade-level reading proficiency, as
24 identified through a screening instrument which meets

1 the acquisition of reading skills criteria pursuant to
2 subsection B of this section, for the corresponding
3 grade level in which the student is enrolled or
4 transitions to the requirements set forth by the
5 Achieving Classroom Excellence Act.

6 6. ~~Beginning with the 2015-16 school year, students~~ Students
7 who score at the unsatisfactory level on the reading portion of the
8 statewide third-grade criterion-referenced test and who are not
9 subject to a good-cause exemption as provided in subsection K of
10 this section or otherwise eligible for promotion as provided for in
11 this subsection shall be retained in the third grade and provided
12 ~~intensive~~ individualized interventions in reading, instructional
13 services and instructional supports as provided for in subsection N
14 of this section. If a student scores at the limited knowledge level
15 on the reading portion of the statewide third-grade criterion-
16 referenced test and is promoted to the fourth grade upon a
17 recommendation of the Student Reading Proficiency Team, the student
18 shall be entitled to individualized reading instruction as described
19 in subsection L of this section until the student is able to
20 demonstrate proficiency in reading at the corresponding grade level
21 in which the student is enrolled as determined by administration of
22 a screening instrument or instruments. For students who score at
23 the limited-knowledge level and are promoted, the Student Reading
24 Proficiency Team for that student shall continue to review the

1 reading performance of the student until the student demonstrates
2 proficiency in reading as provided for in this paragraph.

3 7. a. Each school district shall annually report to the
4 State Department of Education the number of students
5 promoted to the fourth grade ~~pursuant to paragraphs 1~~
6 ~~and 3 of this subsection. Following the 2013-14 and~~
7 ~~2014-15 school years, each school district shall~~
8 ~~report~~ based on a probationary promotion granted
9 pursuant to paragraph 5 of this subsection, on a
10 demonstration of grade-level reading through a student
11 portfolio review or on one of the good-cause
12 exemptions as provided for in subsection K of this
13 section, and the number of those promoted students who
14 are promoted to a subsequent grade pursuant to the
15 provisions in paragraph 5 of this subsection.

16 b. In addition to the data required in subparagraph a of
17 this paragraph, each school district shall also report
18 to the Department the following information in a
19 manner and form as determined by the Department:

20 (1) the expectations for success of the promoted
21 students in subsequent grades which were a factor
22 or factors considered in the recommendation for
23 promotion,

- 1 (2) the subsequent progress and grade-level
- 2 proficiency attained by the promoted students,
- 3 (3) the age by year and months of promoted students
- 4 at the end of the third grade,
- 5 (4) a description of the individualized reading
- 6 instruction provided to the promoted students in
- 7 subsequent grades,
- 8 (5) the grade level of the student when the Student
- 9 Reading Proficiency Team for that student was
- 10 initiated,
- 11 (6) the first- through third-grade attendance history
- 12 of the promoted students,
- 13 (7) the first- through third-grade mobility history
- 14 of the promoted students, and
- 15 (8) an explanation of whether or not a determination
- 16 of eligibility for special education and related
- 17 services was initiated and made for the promoted
- 18 students.

19 c. The Department shall analyze and interpret the data
20 collected pursuant to this paragraph in order to
21 evaluate the effectiveness and impact of the
22 probationary promotion option, the student portfolio
23 review option and the good-cause exemptions. The data
24 evaluation results shall be reported in aggregate and

1 in a format that will protect the confidentiality of
2 individual student data as required by law.

3 d. The ~~State~~ Department of ~~Education~~ shall publicly
4 report the aggregate and district specific number of
5 students promoted and the aggregate results of the
6 data evaluation as required in subparagraph b of this
7 paragraph on their website and shall provide
8 electronic copies of the report to the Governor,
9 Secretary of Education, President Pro Tempore of the
10 Senate, Speaker of the House of Representatives and to
11 the respective chairs of the committees with
12 responsibility for common education policy in each
13 legislative chamber.

14 8. Nothing in this section shall prevent a school district from
15 ~~applying the principles of paragraphs 4 and 5 of this subsection~~
16 retaining students in grades kindergarten through second grade if
17 the student has not demonstrated proficiency in reading at the
18 appropriate grade level as determined by administration of a
19 screening instrument pursuant to subsection A or B of this section
20 and if there are indications that the student will not demonstrate
21 proficiency prior to the end of the grade level.

22 I. The parent or guardian of any student who ~~is~~ has been
23 assessed and found to have a reading deficiency and is not to be
24 reading at the appropriate grade level and has been provided a

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

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

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

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

10 4. That the student will not be promoted to the fourth grade if
11 the ~~reading deficiency is not remediated~~ student has not
12 demonstrated proficiency in reading as defined in paragraph 2 of
13 subsection H of this section by the end of the third grade, unless
14 the student is otherwise promoted as provided for in subsection H of
15 this section or is exempt for good cause as set forth in subsection
16 K of this section;

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

19 6. The grade level reading skills of the student;

20 7. That while the results of the screening instruments
21 administered pursuant to subsection B of this section and the
22 statewide criterion-referenced tests administered pursuant to
23 Section 1210.508 of this title are the initial determinant, they are
24 not the sole determiner of promotion and that a student may be

1 promoted based on portfolio reviews and assessments are available;
2 and

3 ~~7.~~ 8. The specific criteria and policies of the school district
4 for midyear promotion implemented as provided for in paragraph 4 of
5 subsection N of this section.

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

8 K. For those students who do not ~~meet the academic requirements~~
9 ~~for promotion~~ demonstrate proficiency in reading as defined in
10 paragraph 2 of subsection H of this section and who are not
11 otherwise promoted as provided for in subsection H of this section,
12 a school district may promote the student for good cause only.
13 Good-cause exemptions for promotion shall be limited to the
14 following:

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

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

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

24

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

4 5. Students with disabilities who participate in the statewide
5 criterion-referenced tests and who have an individualized education
6 program that reflects that the student has received intensive
7 remediation in reading for more than two (2) years but still
8 demonstrates a deficiency in reading and was previously retained in
9 prekindergarten for academic reasons, kindergarten, first grade,
10 second grade, or third grade;

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

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

19 L. A student who ~~is~~ has not demonstrated proficiency in reading
20 as defined in paragraph 2 of subsection H of this section but is
21 otherwise promoted as provided for in subsection H of this section
22 or is, including being promoted for based on one of the good-cause
23 exemptions as provided for in subsection K of this section, shall be
24 provided ~~intensive~~ individualized reading instruction during an

1 altered instructional day that includes specialized diagnostic
2 information and specific reading strategies for each student. The
3 school district shall assist schools and teachers to implement
4 reading strategies for the promoted students that research has shown
5 to be successful in improving reading among low-performing readers.

6 M. Requests to ~~exempt~~ promote students ~~from the retention~~
7 ~~requirements~~ based on one of the good-cause exemptions as ~~described~~
8 provided for in subsection K of this section shall be made using the
9 following process:

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

17 2. The principal of the school shall review and discuss the
18 documentation with the teacher and, if applicable, the other members
19 of the team as described in paragraph 2 of subsection # D of this
20 section. If the principal determines that the student meets one of
21 the good-cause exemptions and should be promoted based on the
22 documentation provided, the principal shall make a recommendation in
23 writing to the school district superintendent; and

24

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

3 N. ~~Beginning with the 2011-2012 school year, each~~ Each school
4 district shall:

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

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

- 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~~ provided for in subsection H of this section that the student has not met the ~~proficiency level required~~ requirements 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~~ individualized 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

1 accordance with rules of the State Board of Education. Retained
2 students may only be promoted midyear prior to November 1 and only
3 upon demonstrating ~~a level of proficiency required to score above~~
4 ~~the unsatisfactory level on the statewide third-grade criterion-~~
5 ~~referenced test~~ proficiency in reading at the third-grade level as
6 determined by administration of a screening instrument which
7 measures the acquisition of reading skills including, but not
8 limited to, phonemic awareness, phonics, reading fluency, vocabulary
9 and comprehension and upon showing progress sufficient to master
10 appropriate fourth-grade-level skills, as determined by the school.
11 A midyear promotion shall be made only upon agreement of the parent
12 or guardian of the student and the school principal;

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

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

- 19 a. supplemental tutoring in scientific-research-based
20 reading services in addition to the regular reading
21 block, including tutoring before or after school,
- 22 b. a parent-guided "Read at Home" assistance plan, as
23 developed by the State Department of Education, the
24

1 purpose of which is to encourage regular parent-guided
2 home reading, or

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

4 O. ~~Beginning with the 2011-2012 school year, each~~ Each school
5 district shall establish a Reading Enhancement and Acceleration
6 Development (READ) Initiative. The focus of the READ Initiative
7 shall be to prevent the retention of third-grade students by
8 offering intensive accelerated reading instruction to third-grade
9 students who failed to ~~meet standards for promotion~~ demonstrate
10 proficiency in reading as defined in paragraph 2 of subsection H of
11 this section and were not promoted to fourth grade and to
12 kindergarten through third-grade students who are exhibiting a
13 reading deficiency. The READ Initiative shall:

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

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

21 3. Provide a state-approved reading curriculum that, at a
22 minimum, meets the following specifications:
23
24

- 1 a. assists students assessed as exhibiting a reading
2 deficiency in developing the ability to read at grade
3 level,
4 b. provides skill development in phonemic awareness,
5 phonics, reading fluency, vocabulary, and
6 comprehension,
7 c. provides a scientific-research-based and reliable
8 assessment,
9 d. provides initial and ongoing analysis of the reading
10 progress of each student,
11 e. is implemented during regular school hours,
12 f. provides a curriculum in core academic subjects to
13 assist the student in maintaining or meeting
14 proficiency levels for the appropriate grade in all
15 academic subjects,
16 g. establishes at each school, where applicable, an
17 Intensive Acceleration Class for retained third-grade
18 students who subsequently ~~score at the unsatisfactory~~
19 ~~level on the reading portion of the statewide~~
20 ~~riterion-referenced tests~~ fail to demonstrate
21 proficiency in reading at the appropriate grade level
22 as determined by administration of a screening
23 instrument which measures the acquisition of reading
24 skills including, but not limited to, phonemic

1 awareness, phonics, reading fluency, vocabulary and
2 comprehension. The focus of the Intensive

3 Acceleration Class shall be to increase the reading
4 level of a child at least two grade levels in one (1)
5 school year. The Intensive Acceleration Class shall:

6 (1) be provided to any student in the third grade who
7 ~~scores at the unsatisfactory level on the reading~~
8 ~~portion of the statewide criterion-referenced~~
9 ~~tests and who~~ was retained in the third grade the
10 prior year ~~because of scoring at the~~
11 ~~unsatisfactory level on the reading portion of~~
12 ~~the statewide criterion-referenced tests~~ as
13 provided for in subsection H of this section,

14 (2) have a reduced teacher-student ratio,

15 (3) provide uninterrupted reading instruction for the
16 majority of student contact time each day and
17 incorporate opportunities to master the fourth-
18 grade state standards in other core subject
19 areas,

20 (4) use a reading program that is scientific-
21 research-based and has proven results in
22 accelerating student reading achievement within
23 the same school year,

24

- 1 (5) provide intensive language and vocabulary
2 instruction using a scientific-research-based
3 program, including use of a speech-language
4 therapist,
5 (6) include weekly progress monitoring measures to
6 ensure progress is being made, and
7 (7) provide reports to the State Department of
8 Education, in the manner described by the
9 Department, outlining the progress of students in
10 the class at the end of the first semester,

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

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

1 grade performance standards while continuing to
2 remediate the areas of reading deficiency.

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

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

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

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~~ in
8 subsection K of this section, and

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

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

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

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

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

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

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

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

24

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

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

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

8 T. The State Department of Education may contract with an
9 independent entity for the reporting and analysis requirements of
10 ~~this~~ subsection S of this section.

11 T. U. Copies of the results of the assessments and screening
12 instruments administered pursuant to this section shall be made a
13 part of the permanent record of each student.

14 SECTION 2. This act shall become effective July 1, 2015.

15 SECTION 3. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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