

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 1760

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

and

Smalley of the Senate

8 An Act relating to schools; amending 70 O.S. 2011,  
9 Section 1210.508C, as last amended by Section 7,  
10 Chapter 360, O.S.L. 2016 (70 O.S. Supp. 2016, Section  
11 1210.508C), which relates to programs of reading  
instruction; removing sunset on probationary  
12 promotion; updating statutory citations; clarifying  
13 language; and providing an effective date.

14 AUTHOR: Add the following Senate Coauthors: Stanislawski and Sharp

15 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
16 entire bill and insert

17 "An Act relating to schools; amending 70 O.S. 2011,  
18 Section 1210.508C, as last amended by Section 7,  
19 Chapter 360, O.S.L. 2016 (70 O.S. Supp. 2016, Section  
20 1210.508C), which relates to programs of reading  
21 instruction; modifying process for developing program  
22 of reading instruction; modifying school years during  
23 which students who score at certain level on certain  
24 test may be evaluated for probationary promotion;  
modifying beginning school year during which certain  
students are to be retained under certain  
circumstances; clarifying language; modifying date by  
which certain reading report card must be issued;  
adding recipients to reading report card; adding  
information to be included in reading report card;  
repealing Section 3, Chapter 344, O.S.L. 2014 (70

1 O.S. Supp. 2016, Section 1210.508G), which relates to  
2 a study of reading instruction and retention of  
3 students; and declaring an emergency.  
4

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

6 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508C,  
7 as last amended by Section 7, Chapter 360, O.S.L. 2016 (70 O.S.  
8 Supp. 2016, Section 1210.508C), is amended to read as follows:

9 Section 1210.508C. A. 1. Each student enrolled in  
10 kindergarten in a public school in this state shall be screened for  
11 reading skills including, but not limited to, phonemic awareness,  
12 letter recognition, and oral language skills as identified in the  
13 subject matter standards adopted by the State Board of Education. A  
14 screening instrument approved by the State Board shall be utilized  
15 for the purposes of this section.

16 2. For those kindergarten children at risk for reading  
17 difficulties, teachers shall emphasize reading skills as identified  
18 in the subject matter standards adopted by the State Board of  
19 Education, monitor progress throughout the year and measure year-end  
20 reading progress.

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

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

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

16 3. Throughout the year progress monitoring shall continue, and  
17 diagnostic assessment, if determined appropriate, shall be provided.  
18 Year-end reading skills shall be measured to determine reading  
19 success.

20 C. The State Board of Education shall approve screening  
21 instruments for use at the beginning and end of the school year, for  
22 monitoring of progress, and for measurement of reading skills at the  
23 end of the school year as required in subsections A and B of this  
24

1 section; provided, at least one of the screening instruments shall  
2 meet the following criteria:

3 1. Assess for phonemic awareness, phonics, reading fluency, and  
4 comprehension;

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

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

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

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

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

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

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

- 23 a. the parent or guardian of the student,  
24

1           b.    the teacher assigned to the student who had  
2                    responsibility for reading instruction in that  
3                    academic year,

4           c.    a teacher who is responsible for reading instruction  
5                    and is assigned to teach in the next grade level of  
6                    the student, and

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

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

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

1 for approval. The district reading sufficiency plan shall include a  
2 plan for each site which includes an analysis of the data provided  
3 by the Oklahoma School Testing Program and other reading assessments  
4 utilized as required in this section, and which outlines how each  
5 school site will comply with the provisions of the Reading  
6 Sufficiency Act.

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

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

22 H. 1. Any first-grade, second-grade or third-grade student who  
23 demonstrates proficiency in reading at the third-grade level through  
24 a screening instrument which meets the acquisition of reading skills

1 criteria pursuant to subsection B of this section shall not be  
2 subject to ~~the retention guidelines found in~~ pursuant to this  
3 section. ~~Upon demonstrating the~~ After a student has demonstrated  
4 proficiency through ~~the~~ a screening instrument, the district shall  
5 provide notification to the ~~parent(s) and/or guardian(s)~~ parent or  
6 guardian of the student that they have satisfied the requirements of  
7 the Reading Sufficiency Act and will not be subject to retention  
8 pursuant to this section.

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

17 3. If a student has not yet satisfied the proficiency  
18 requirements of this section prior to the completion of third grade  
19 and still has a significant reading deficiency, as identified based  
20 on assessments administered as provided for in subsection B of this  
21 section, has not accumulated evidence of third-grade proficiency  
22 through a student portfolio as provided in subsection K of this  
23 section, or is not subject to a ~~good-cause~~ good-cause exemption as  
24



1 provided in subsection K of this section, then the student shall not  
2 be eligible for automatic promotion to fourth grade.

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

1           ~~for "probationary promotion" by the Student Reading~~  
2           ~~Proficiency Team. The Student Reading Proficiency~~  
3           ~~Team shall be composed of:~~

- 4           ~~(1) the parent(s) and/or guardian(s) of the student,~~  
5           ~~(2) the teacher assigned to the student who had~~  
6           ~~responsibility for reading instruction in that~~  
7           ~~academic year,~~  
8           ~~(3) a teacher in reading who teaches in the~~  
9           ~~subsequent grade level, and~~  
10          ~~(4) a certified reading specialist which was created~~  
11                   ~~for the student pursuant to subsection D of this~~  
12                   ~~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 approve the recommendation that  
18               promotion is the best option for the student. If a  
19               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 5. Beginning with the ~~2016-2017~~ 2017-2018 school year, students  
7 who score below the proficient level on the reading portion of the  
8 statewide third-grade assessment administered pursuant to Section  
9 1210.508 of this title, who are not subject to a good cause  
10 exemption as provided in subsection K of this section, and who do  
11 not qualify for promotion or "probationary promotion" as provided in  
12 this subsection, shall be retained in the third grade and provided  
13 intensive instructional services and supports as provided for in  
14 subsection N of this section.

15 6. Each school district shall annually report to the State  
16 Department of Education the number of students promoted to the  
17 fourth grade pursuant to this subsection. ~~Following the 2015-2016,~~  
18 ~~2016-2017 and 2017-2018 school years, each school district shall~~  
19 ~~report~~ and the number of students promoted to a subsequent grade  
20 pursuant to the provisions in paragraph 4 of this subsection. The  
21 State Department of Education shall publicly report the aggregate  
22 and ~~district specific~~ district-specific number of students promoted  
23 on their website and shall provide electronic copies of the report  
24 to the Governor, Secretary of Education, President Pro Tempore of

1 the Senate, Speaker of the House of Representatives, and to the  
2 respective chairs of the committees with responsibility for common  
3 education policy in each legislative chamber.

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

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

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

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

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

23  
24

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 of this section or is exempt for good cause as set  
8 forth in subsection K 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 of this section.

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

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

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

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

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

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

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

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

22 6. Students who have received intensive remediation in reading  
23 through a program of reading instruction for two (2) or more years  
24 but still demonstrate a deficiency in reading and who were

1 previously retained in prekindergarten for academic reasons,  
2 kindergarten, first grade, second grade, or third grade for a total  
3 of two (2) years; and

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

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

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

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

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

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

11           N. Each school district shall:

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

21           2. Provide to students who have been retained as set forth in  
22 subsection H of this section with intensive interventions in  
23 reading, intensive instructional services and supports to remediate  
24 the identified areas of reading deficiency, including a minimum of



1 ninety (90) minutes of daily, uninterrupted, scientific-research-  
2 based reading instruction. Retained students shall be provided  
3 other strategies prescribed by the school district, which may  
4 include, but are not limited to:

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

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

22 4. Implement a policy for the midyear promotion of a retained  
23 student who can demonstrate that the student is a successful and  
24 independent reader, is reading at or above grade level, and is ready

1 to be promoted to the fourth grade. Tools that school districts may  
2 use in reevaluating any retained student may include subsequent  
3 assessments, alternative assessments, and portfolio reviews, in  
4 accordance with rules of the State Board of Education. Retained  
5 students may only be promoted midyear prior to November 1 and only  
6 upon demonstrating a level of proficiency required to score at the  
7 proficient level on the statewide third-grade assessment  
8 administered pursuant to Section 1210.508 of this title, or upon  
9 demonstrating proficiency in reading at the third-grade level  
10 through a screening instrument administered pursuant to subsection B  
11 of this section, and upon showing progress sufficient to master  
12 appropriate fourth-grade-level skills, as determined by the school.  
13 A midyear promotion shall be made only upon agreement of the parent  
14 or guardian of the student and the school principal;

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

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

21 a. supplemental tutoring in scientific-research-based  
22 reading services in addition to the regular reading  
23 block, including tutoring before or after school,

24

- 1           b. a parent-guided "Read at Home" assistance plan, as  
2           developed by the State Department of Education, the  
3           purpose of which is to encourage regular parent-guided  
4           home reading, or  
5           c. a mentor or tutor with specialized reading training.

6           O. Beginning with the 2011-2012 school year, each school  
7           district shall establish a Reading Enhancement and Acceleration  
8           Development (READ) Initiative. The focus of the READ Initiative  
9           shall be to prevent the retention of third-grade students by  
10          offering intensive accelerated reading instruction to third-grade  
11          students who failed to meet standards for promotion to fourth grade  
12          and to kindergarten through third-grade students who are exhibiting  
13          a 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, fluency, vocabulary, and  
18          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, fluency, vocabulary, and comprehension,  
6 c. provides a scientific-research-based and reliable  
7 assessment,  
8 d. provides initial and ongoing analysis of the reading  
9 progress of each student,  
10 e. is implemented during regular school hours,  
11 f. provides a curriculum in core academic subjects to  
12 assist the student in maintaining or meeting  
13 proficiency levels for the appropriate grade in all  
14 academic subjects,  
15 g. establishes at each school, where applicable, an  
16 Intensive Acceleration Class for retained third-grade  
17 students who subsequently score below the proficient  
18 level on the reading portion of the statewide  
19 assessment administered pursuant to Section 1210.508  
20 of this title. The focus of the Intensive  
21 Acceleration Class shall be to increase the reading  
22 level of a child at least two grade levels in one (1)  
23 school year. The Intensive Acceleration Class shall:  
24

- (1) be provided to any student in the third grade who scores below the proficient level on the reading portion of the statewide assessments and who was retained in the third grade the prior year because of scoring below the proficient level on the reading portion of the statewide assessments,
- (2) have a reduced teacher-student ratio,
- (3) provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the fourth-grade state standards in other core subject areas,
- (4) use a reading program that is scientific-research-based and has proven results in accelerating student reading achievement within the same school year,
- (5) provide intensive language and vocabulary instruction using a scientific-research-based program, including use of a speech-language therapist,
- (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

1 Department, outlining the progress of students in  
2 the class at the end of the first semester,

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

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

18 P. In addition to the requirements set forth in this section,  
19 each school district board of education shall annually report to the  
20 parent or guardian of each student in the district the progress of  
21 the student toward achieving state and district expectations for  
22 proficiency in reading, writing, science, and mathematics. The  
23 school district board of education shall report to the parent or  
24 guardian of each student the results on statewide assessments

1 administered pursuant to Section 1210.508 of this title. The  
2 evaluation of the progress of each student shall be based upon  
3 classroom work, observations, tests, district and state assessments,  
4 and other relevant information. Progress reporting shall be  
5 provided to the parent or guardian in writing.

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

- 10 a. the provisions of this section relating to public  
11 school student progression and the policies and  
12 procedures of the school district on student retention  
13 and promotion,
- 14 b. by grade, the number and percentage of all students in  
15 grades three through ten performing below the  
16 proficient level on the reading portion of the  
17 statewide assessment administered pursuant to Section  
18 1210.508 of this title,
- 19 c. by grade, the number and percentage of all students  
20 retained in grades three through ten,
- 21 d. information on the total number and percentage of  
22 students who were promoted for good cause, by each  
23 category of good cause as specified above, and  
24

1 e. any revisions to the policies of the school district  
2 on student retention and promotion from the prior  
3 year.

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

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

16 S. On or before December ~~4~~ 31 of each year, the State  
17 Department of Education shall issue to the Governor, the President  
18 Pro Tempore of the Senate, the Speaker of the House of  
19 Representatives and members of the Senate and House of  
20 Representatives Education Committees a Reading Report Card for the  
21 state and each school district and elementary site which shall  
22 include, but is not limited to, trend data detailing three (3) years  
23 of data, disaggregated by student subgroups to include economically  
24 disadvantaged, major racial or ethnic groups, students with



1 disabilities, and English language learners, as appropriate for the  
2 following:

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

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

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

14 4. The number and percentage of students scoring at each  
15 performance level on the reading portion of the statewide third-  
16 grade assessment administered pursuant to Section 1210.508 of this  
17 title;

18 5. The number of students tested, the number of students  
19 promoted through meeting proficiency on a screening instrument as  
20 provided for in subsection H of this section, the number of students  
21 promoted through each of the good-cause exemptions as provided for  
22 in subsection K of this section and the number of students retained  
23 and the number of students promoted through probationary promotion

1 as provided for in subsection H of this section for each elementary  
2 site;

3 6. Data tracking the progression of students promoted through  
4 each of the good-cause exemptions as provided for in subsection K of  
5 this section and students promoted through probationary promotion or  
6 students who are retained in third grade as provided for in  
7 subsection H of this section through the eighth grade. The data  
8 shall include but not be limited to information regarding whether  
9 students graduate on time;

10 7. The amount of funds for reading remediation received by each  
11 district;

12 ~~6.~~ 8. An evaluation and narrative interpretation of the report  
13 data analyzing the impact of the Reading Sufficiency Act on  
14 students' ability to read at grade level; and

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

17 10. Socioeconomic information, access to reading resources  
18 outside of school and screening for and identification of learning  
19 disabilities for students not reading at the appropriate grade level  
20 by third grade;

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



1 ENGROSSED HOUSE  
2 BILL NO. 1760

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

3 and

4 Smalley of the Senate  
5  
6  
7

8 An Act relating to schools; amending 70 O.S. 2011,  
9 Section 1210.508C, as last amended by Section 7,  
10 Chapter 360, O.S.L. 2016 (70 O.S. Supp. 2016, Section  
11 1210.508C), which relates to programs of reading  
12 instruction; removing sunset on probationary  
13 promotion; updating statutory citations; clarifying  
14 language; and providing an effective date.

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

16 SECTION 4. AMENDATORY 70 O.S. 2011, Section 1210.508C,  
17 as last amended by Section 7, Chapter 360, O.S.L. 2016 (70 O.S.  
18 Supp. 2016, Section 1210.508C), is amended to read as follows:

19 Section 1210.508C A. 1. Each student enrolled in kindergarten  
20 in a public school in this state shall be screened for reading  
21 skills including, but not limited to, phonemic awareness, letter  
22 recognition, and oral language skills as identified in the subject  
23 matter standards adopted by the State Board of Education. A  
24 screening instrument approved by the State Board shall be utilized  
for the purposes of this section.

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

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

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

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

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

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

11           1. Assess for phonemic awareness, phonics, reading fluency, and  
12 comprehension;

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

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

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

17           5. Accompanied by a data management system that provides  
18 profiles for students, class, grade level and school building. The  
19 profiles shall identify each student's instructional point of need  
20 and reading achievement level. The State Board shall also determine  
21 other comparable reading assessments for diagnostic purposes and for  
22 periodic and post assessments to be used for students at risk of  
23 reading failure. The State Board shall ensure that any assessments  
24

1 approved are in alignment with the subject matter standards adopted  
2 by the State Board of Education.

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

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

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

1 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 of:

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

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

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



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

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

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

1 subsection D of this section. ~~If possible, a fourth-grade teacher~~  
2 ~~shall be involved in the development of the program of reading~~  
3 ~~instruction.~~ In addition to other requirements of the Reading  
4 Sufficiency Act, the plan may include specialized tutoring.

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

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

24

1 3. If a student has not yet satisfied the proficiency  
2 requirements of this section prior to the completion of third grade  
3 and still has a significant reading deficiency, as identified based  
4 on assessments administered as provided for in subsection B of this  
5 section, has not accumulated evidence of third-grade proficiency  
6 through a student portfolio as provided in subsection K of this  
7 section, or is not subject to a good-cause exemption as provided in  
8 subsection K of this section, then the student shall not be eligible  
9 for automatic promotion to fourth grade.

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

1 ~~"probationary promotion" by the Student Reading~~  
2 ~~Proficiency Team. The Student Reading Proficiency~~  
3 ~~Team shall be composed of:~~

- 4 ~~(1) the parent(s) and/or guardian(s) of the student,~~  
5 ~~(2) the teacher assigned to the student who had~~  
6 ~~responsibility for reading instruction in that~~  
7 ~~academic year,~~  
8 ~~(3) a teacher in reading who teaches in the~~  
9 ~~subsequent grade level, and~~  
10 ~~(4) a certified reading specialist which was created~~  
11 ~~for the student pursuant to subsection D of this~~  
12 ~~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 approve the recommendation that  
18 promotion is the best option for the student. If a  
19 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 5. Beginning with the 2016-2017 school year, students who score  
7 below the proficient level on the reading portion of the statewide  
8 third-grade assessment administered pursuant to Section 1210.508 of  
9 this title, who are not subject to a good-cause exemption as  
10 provided in subsection K of this section, and who do not qualify for  
11 promotion or "probationary promotion" as provided in this  
12 subsection, shall be retained in the third grade and provided  
13 intensive instructional services and supports as provided for in  
14 subsection N of this section.

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

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

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

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

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

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

20 2. A description of the current services that are provided to  
21 the student pursuant to a conjoint measurement model such that a  
22 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 of this section or is exempt for good cause as set  
8 forth in subsection K 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 of this section.

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

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

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

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

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

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

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

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

22 6. Students who have received intensive remediation in reading  
23 through a program of reading instruction for two (2) or more years  
24 but still demonstrate a deficiency in reading and who were



1 previously retained in prekindergarten for academic reasons,  
2 kindergarten, first grade, second grade, or third grade for a total  
3 of two (2) years; and

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

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

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

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

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

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

11           N. Each school district shall:

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

21           2. Provide to students who have been retained as set forth in  
22 subsection H of this section with intensive interventions in  
23 reading, intensive instructional services and supports to remediate  
24 the identified areas of reading deficiency, including a minimum of

1 ninety (90) minutes of daily, uninterrupted, scientific-research-  
2 based reading instruction. Retained students shall be provided  
3 other strategies prescribed by the school district, which may  
4 include, but are not limited to:

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

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

22 4. Implement a policy for the midyear promotion of a retained  
23 student who can demonstrate that the student is a successful and  
24 independent reader, is reading at or above grade level, and is ready

1 to be promoted to the fourth grade. Tools that school districts may  
2 use in reevaluating any retained student may include subsequent  
3 assessments, alternative assessments, and portfolio reviews, in  
4 accordance with rules of the State Board of Education. Retained  
5 students may only be promoted midyear prior to November 1 and only  
6 upon demonstrating a level of proficiency required to score at the  
7 proficient level on the statewide third-grade assessment  
8 administered pursuant to Section 1210.508 of this title, or upon  
9 demonstrating proficiency in reading at the third-grade level  
10 through a screening instrument administered pursuant to subsection B  
11 of this section, and upon showing progress sufficient to master  
12 appropriate fourth-grade-level skills, as determined by the school.  
13 A midyear promotion shall be made only upon agreement of the parent  
14 or guardian of the student and the school principal;

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

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

21 a. supplemental tutoring in scientific-research-based  
22 reading services in addition to the regular reading  
23 block, including tutoring before or after school,

24

- 1           b. a parent-guided "Read at Home" assistance plan, as  
2           developed by the State Department of Education, the  
3           purpose of which is to encourage regular parent-guided  
4           home reading, or  
5           c. a mentor or tutor with specialized reading training.

6           O. Beginning with the 2011-2012 school year, each school  
7           district shall establish a Reading Enhancement and Acceleration  
8           Development (READ) Initiative. The focus of the READ Initiative  
9           shall be to prevent the retention of third-grade students by  
10          offering intensive accelerated reading instruction to third-grade  
11          students who failed to meet standards for promotion to fourth grade  
12          and to kindergarten through third-grade students who are exhibiting  
13          a 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, fluency, vocabulary, and  
18          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, fluency, vocabulary, and comprehension,  
6 c. provides a scientific-research-based and reliable  
7 assessment,  
8 d. provides initial and ongoing analysis of the reading  
9 progress of each student,  
10 e. is implemented during regular school hours,  
11 f. provides a curriculum in core academic subjects to  
12 assist the student in maintaining or meeting  
13 proficiency levels for the appropriate grade in all  
14 academic subjects,  
15 g. establishes at each school, where applicable, an  
16 Intensive Acceleration Class for retained third-grade  
17 students who subsequently score below the proficient  
18 level on the reading portion of the statewide  
19 assessment administered pursuant to Section 1210.508  
20 of this title. The focus of the Intensive  
21 Acceleration Class shall be to increase the reading  
22 level of a child at least two grade levels in one (1)  
23 school year. The Intensive Acceleration Class shall:  
24

- (1) be provided to any student in the third grade who scores below the proficient level on the reading portion of the statewide assessments and who was retained in the third grade the prior year because of scoring below the proficient level on the reading portion of the statewide assessments,
- (2) have a reduced teacher-student ratio,
- (3) provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the fourth-grade state standards in other core subject areas,
- (4) use a reading program that is scientific-research-based and has proven results in accelerating student reading achievement within the same school year,
- (5) provide intensive language and vocabulary instruction using a scientific-research-based program, including use of a speech-language therapist,
- (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

1 Department, outlining the progress of students in  
2 the class at the end of the first semester,

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

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

18 P. In addition to the requirements set forth in this section,  
19 each school district board of education shall annually report to the  
20 parent or guardian of each student in the district the progress of  
21 the student toward achieving state and district expectations for  
22 proficiency in reading, writing, science, and mathematics. The  
23 school district board of education shall report to the parent or  
24 guardian of each student the results on statewide assessments



1 administered pursuant to Section 1210.508 of this title. The  
2 evaluation of the progress of each student shall be based upon  
3 classroom work, observations, tests, district and state assessments,  
4 and other relevant information. Progress reporting shall be  
5 provided to the parent or guardian in writing.

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

- 10 a. the provisions of this section relating to public  
11 school student progression and the policies and  
12 procedures of the school district on student retention  
13 and promotion,
- 14 b. by grade, the number and percentage of all students in  
15 grades three through ten performing below the  
16 proficient level on the reading portion of the  
17 statewide assessment administered pursuant to Section  
18 1210.508 of this title,
- 19 c. by grade, the number and percentage of all students  
20 retained in grades three through ten,
- 21 d. information on the total number and percentage of  
22 students who were promoted for good cause, by each  
23 category of good cause as specified above, and  
24

1 e. any revisions to the policies of the school district  
2 on student retention and promotion from the prior  
3 year.

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

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

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

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

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

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

12           4. The number and percentage of students scoring at each  
13 performance level on the reading portion of the statewide third-  
14 grade assessment administered pursuant to Section 1210.508 of this  
15 title;

16           5. The amount of funds for reading remediation received by each  
17 district;

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

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

23

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

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

6 SECTION 5. This act shall become effective November 1, 2017.

7 Passed the House of Representatives the 14th day of March, 2017.

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\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2017.

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Presiding Officer of the Senate

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