

1 **SENATE FLOOR VERSION**

2 April 12, 2023

3 ENGROSSED HOUSE
4 BILL NO. 2672

By: Baker and West (Tammy) of
the House

5 and

6 Pugh of the Senate

7
8
9 [schools - professional development programs -
10 Reading Sufficiency Act - reading sufficiency plan
11 updates - report - funding - literacy instructional
12 team - effective date -

emergency]

13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 70 O.S. 2021, Section 6-194, as
16 amended by Section 1, Chapter 211, O.S.L. 2022 (70 O.S. Supp. 2022,
17 Section 6-194), is amended to read as follows:

18 Section 6-194. A. The district boards of education of this
19 state shall establish professional development programs for the
20 certified teachers and administrators of the district. Programs
21 shall be adopted by each board based upon recommendations of a
22 professional development committee appointed by the board of
23 education for the district. For the fiscal years ending June 30,
24 2011, and June 30, 2012, a school district board of education may

1 elect not to adopt and offer a professional development program for
2 certified teachers and administrators of the district. If a school
3 district elects not to adopt and offer a professional development
4 program, the district may expend any monies allocated for
5 professional development for any purpose related to the support and
6 maintenance of the school district as determined by the board of
7 education of the school district.

8 B. Each professional development committee shall include
9 classroom teachers, administrators, school counselors or licensed
10 mental health providers, and parents, guardians or custodians of
11 children in the school district and shall consult with a higher
12 education faculty. A majority of the members of the professional
13 development committee shall be composed of classroom teachers. The
14 teacher members shall be selected by a designated administrator of
15 the school district from a list of names submitted by the teachers
16 in the school district. The members selected shall be subject to
17 the approval of a majority vote of the teachers in the district.

18 C. In developing program recommendations, each professional
19 development committee shall annually utilize a data-driven approach
20 to analyze student data and determine district and school
21 professional development needs. The professional development
22 programs adopted shall be directed toward development of
23 competencies and instructional strategies in the core curriculum
24 areas for the following goals:

- 1 1. Increasing the academic performance data scores for the
- 2 district and each school site;
- 3 2. Closing achievement gaps among student subgroups;
- 4 3. Increasing student achievement as demonstrated on state-
- 5 mandated tests and the ACT;
- 6 4. Increasing high school graduation rates; and
- 7 5. Decreasing college remediation rates.

8 Each program may also include components on classroom management
9 and student discipline strategies, outreach to parents, guardians or
10 custodians of students, special education, and racial and ethnic
11 education, which all personnel defined as teachers in Section 1-116
12 of this title shall be required to complete on a periodic basis.
13 The State Board of Education shall provide guidelines to assist
14 school districts in developing and implementing racial and ethnic
15 education components into professional development programs.

16 D. At a minimum of once an academic year a program shall be
17 offered which includes the following:

- 18 1. Training on recognition of child abuse and neglect;
- 19 2. Recognition of child sexual abuse;
- 20 3. Proper reporting of suspected abuse; and
- 21 4. Available resources.

22 E. One time per year, beginning in the 2009-2010 school year,
23 training in the area of autism shall be offered and all resident
24 teachers of students in early childhood programs through grade three

1 shall be required to complete the autism training during the
2 resident year and at least one time every three (3) years
3 thereafter. All other teachers and education support professionals
4 of students in early childhood programs through grade three shall be
5 required to complete the autism training at least one time every
6 three (3) years. The autism training shall include a minimum
7 awareness of the characteristics of autistic children, resources
8 available and an introduction to positive behavior supports to
9 challenging behavior. Each adopted program shall allow school
10 counselors to receive at least one-third (1/3) of the hours or
11 credit required each year through programs or courses specifically
12 designed for school counselors.

13 Districts are authorized to utilize any means for professional
14 development that is not prohibited by law including, but not limited
15 to, professional development provided by the district, any state
16 agency, institution of higher education, or any private entity.

17 F. One time per year, beginning in the 2020-2021 school year, a
18 dyslexia awareness program shall be offered. Beginning in the 2023-
19 2024 school year, the program shall include information and training
20 in dysgraphia. At a minimum, the program shall be approved by the
21 State Department of Education and include:

22 1. Training in awareness of dyslexia characteristics in
23 students;

24

1 2. Training in effective classroom instruction to meet the
2 needs of students with dyslexia; and

3 3. Available dyslexia resources for teachers, students and
4 parents.

5 G. Except as otherwise provided for in this subsection, each
6 certified teacher in this state shall be required by the district
7 board of education to meet the professional development requirements
8 established by the board, or established through the negotiation
9 process. Except as otherwise provided for in this subsection, the
10 professional development requirements established by each board of
11 education shall require every teacher to annually complete a minimum
12 number of the total number of points required to maintain
13 employment. Failure of any teacher to meet district board of
14 education professional development requirements may be grounds for
15 nonrenewal of such teacher's contract by the board. Such failure
16 may also be grounds for nonconsideration of salary increments
17 affecting the teacher. For the fiscal years ending June 30, 2011,
18 and June 30, 2012, a certified teacher shall not be required to
19 complete any points of the total number of professional development
20 points required. Provided, a teacher may elect to complete some or
21 all of the minimum number of points required for the two (2) fiscal
22 years and any points completed shall be counted toward the total
23 number of points required to maintain employment. If a teacher does
24 not complete some or all of the minimum number of points required

1 for one (1) or both fiscal years, the total number of points
2 required to maintain employment shall be adjusted and reduced by the
3 number of points not completed.

4 H. Each district shall annually submit a report to the State
5 Department of Education on the district level professional
6 development needs, activities completed, expenditures, and results
7 achieved for each school year by each goal as provided in subsection
8 C of this section. If a school district elects not to adopt and
9 offer a professional development program as provided for in
10 subsection A of this section, the district shall not be required to
11 submit an annual report as required pursuant to this subsection but
12 shall report to the State Department of Education its election not
13 to offer a program and all professional development activities
14 completed by teachers and administrators of the school district.

15 I. Subject to the availability of funds, the Department shall
16 develop an online system for reporting as required in subsection H
17 of this section. The Department shall also make such information
18 available on its website.

19 SECTION 2. AMENDATORY 70 O.S. 2021, Section 1210.508C,
20 is amended to read as follows:

21 Section 1210.508C A. 1. Each student enrolled in kindergarten
22 in a public school in this state shall be screened at the beginning,
23 middle and end of each school year for reading skills including, but
24 not limited to, phonemic awareness, letter recognition, and oral

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

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

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

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

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

24

1 C. Any student enrolled in first, second or third grade who is
2 assessed and who is not meeting grade-level targets in reading shall
3 be provided a program of reading instruction designed to enable the
4 student to acquire the appropriate grade level reading skills. The
5 program of reading instruction shall include provisions of the READ
6 Initiative adopted by the school district as provided for in
7 subsection P of this section. Throughout the year progress
8 monitoring shall continue, and diagnostic assessment, if determined
9 appropriate, shall be provided. Year-end reading skills shall be
10 measured to determine reading success.

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

- 17 1. Assess for phonemic awareness, phonics, reading fluency,
18 vocabulary and comprehension;
- 19 2. Document the validity and reliability of each assessment;
- 20 3. Can be used for identifying students who are at risk for
21 reading deficiency and progress monitoring throughout the school
22 year;
- 23 4. Can be used to assess students with disabilities and English
24 language learners; and

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

9 E. 1. The program of reading instruction required in
10 subsections A and B of this section shall align with the subject
11 matter standards adopted by the State Board of Education and shall
12 include provisions of the READ Initiative adopted by the school
13 district as provided for in subsection P of this section. A program
14 of reading instruction may include, but is not limited to:

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

1 reading skills including, but not limited to, phonemic
2 awareness, phonics, reading fluency, vocabulary, and
3 comprehension, as identified in the student's program
4 of reading instruction.

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

- 15 a. the parent or guardian of the student,
- 16 b. the teacher assigned to the student who had
17 responsibility for reading instruction in that
18 academic year,
- 19 c. a teacher who is responsible for reading instruction
20 and is assigned to teach in the next grade level of
21 the student, and
- 22 d. a certified reading specialist, if one is available.

1 F. The program of reading instruction shall continue until the
2 student is determined by the results of approved reading assessments
3 to be meeting grade-level targets.

4 G. 1. Every school district shall adopt, and implement a
5 district reading sufficiency plan which has had input from school
6 administrators, teachers, and parents and if possible a reading
7 specialist, and which shall be submitted electronically to and
8 approved by the State Board of Education. The plan shall be updated
9 annually. ~~School districts shall not be required to electronically
10 submit the annual updates to the Board if the last plan submitted to
11 the Board was approved and expenditures for the program include only
12 expenses relating to individual and small group tutoring, purchase
13 of and training in the use of screening and assessment measures,
14 summer school programs and Saturday school programs. If any
15 expenditure for the program is deleted or changed or any other type
16 of expenditure for the program is implemented, the school district
17 shall be required to submit the latest annual update to the Board
18 for approval.~~ The district reading sufficiency plan shall include a
19 plan for each site which includes an analysis of the data provided
20 by the Oklahoma School Testing Program and other reading assessments
21 utilized as required in this section, and which outlines how each
22 school site will comply with the provisions of the Reading
23 Sufficiency Act. Each year, on or before October 1, a school
24

1 district shall report to the Board for students enrolled in
2 prekindergarten, kindergarten, first, second, and third grades:

3 a. the number of retained students,

4 b. the number of times a student has been retained, and

5 c. the number of students in transitional classrooms.

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

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

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

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

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

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

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

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

14 5. a. A student not eligible for automatic promotion as
15 provided for under paragraph 3 of this subsection and
16 who does not meet the criteria established by the
17 Commission for Educational Quality and Accountability
18 on the reading portion of the statewide third-grade
19 assessment administered pursuant to Section 1210.508
20 of this title may be evaluated for probationary
21 promotion by the Student Reading Proficiency Team
22 which was created for the student pursuant to
23 subsection E of this section.

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1 b. The student shall be promoted to the fourth grade if
2 the team members unanimously recommend probationary
3 promotion to the school principal and the school
4 district superintendent and the principal and
5 superintendent approve the recommendation that
6 promotion is the best option for the student. If a
7 student is allowed a probationary promotion, the team
8 shall continue to review the reading performance of
9 the student and repeat the requirements of this
10 paragraph each academic year until the student
11 demonstrates grade-level reading proficiency, as
12 identified through a screening instrument which meets
13 the acquisition of reading skills criteria pursuant to
14 subsection B of this section, for the corresponding
15 grade level in which the student is enrolled or
16 transitions to a locally designed remediation plan
17 after the fifth grade which shall have the goal of
18 ensuring that the student is on track to be college
19 and career ready.

20 6. Beginning with the 2017-2018 school year, students who do
21 not meet the performance criteria established by the Commission for
22 Educational Quality and Accountability on the reading portion of the
23 statewide third-grade assessment administered pursuant to Section
24 1210.508 of this title, who are not subject to a good cause

1 exemption as provided in subsection L of this section, and who do
2 not qualify for promotion or probationary promotion as provided in
3 this subsection, shall be retained in the third grade and provided
4 intensive instructional services and supports as provided for in
5 subsection O of this section.

6 7. Each school district shall annually report to the State
7 Department of Education the number of students promoted to the
8 fourth grade pursuant to this subsection and the number of students
9 promoted to a subsequent grade pursuant to the provisions in
10 paragraph 5 of this subsection. The State Department of Education
11 shall publicly report the aggregate and district-specific number of
12 students promoted on their website and shall provide electronic
13 copies of the report to the Governor, Secretary of Education,
14 President Pro Tempore of the Senate, Speaker of the House of
15 Representatives, and to the respective chairs of the committees with
16 responsibility for common education policy in each legislative
17 chamber.

18 J. The parent of any student who is found to have a reading
19 deficiency and is not meeting grade-level reading targets and has
20 been provided a program of reading instruction as provided for in
21 subsection B of this section shall be notified in writing of the
22 following:

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

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

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

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

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

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

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

19 8. The specific criteria and policies of the school district
20 for midyear promotion implemented as provided for in paragraph 4 of
21 subsection O of this section.

22 K. No student may be assigned to a grade level based solely on
23 age or other factors that constitute social promotion.

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1 L. For those students who do not meet the academic requirements
2 for promotion and who are not otherwise promoted as provided for in
3 subsection I of this section, a school district may promote the
4 student for good cause only. Good-cause exemptions for promotion
5 shall be limited to the following:

6 1. English language learners who have had less than two (2)
7 years of instruction in an English language learner program;

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

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

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

18 5. Students with disabilities who participate in the statewide
19 assessments administered pursuant to Section 1210.508 of this title
20 and who have an individualized education program that reflects that
21 the student has received intensive remediation in reading and has
22 made adequate progress in reading pursuant to the student's
23 individualized education program;

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

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

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

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

20 1. Documentation submitted from the teacher of the student to
21 the school principal that indicates the student meets one of the
22 good-cause exemptions and promotion of the student is appropriate.
23 In order to minimize paperwork requirements, the documentation shall
24 consist only of the alternative assessment results or student

1 portfolio work and the individual education plan (IEP), as
2 applicable;

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

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

12 0. Each school district shall:

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

23 2. Provide to students who have been retained as set forth in
24 subsection I of this section with intensive interventions in

1 reading, intensive instructional services and supports to remediate
2 the identified areas of reading deficiency, including a minimum of
3 ninety (90) minutes of daily, uninterrupted, scientific-research-
4 based reading instruction. Retained students shall be provided
5 other strategies prescribed by the school district, which may
6 include, but are not limited to:

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

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

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

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

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

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

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

1. Be provided to all kindergarten through third-grade students at risk of retention as identified by the assessments administered pursuant to the Reading Sufficiency Act. The assessment used shall measure phonemic awareness, phonics, reading fluency, vocabulary, and comprehension;
2. Be provided during regular school hours in addition to the regular reading instruction;

1 3. Provide a reading curriculum that, at a minimum, meets the
2 following specifications:

- 3 a. assists students assessed as exhibiting a reading
4 deficiency in developing the ability to read at grade
5 level,
- 6 b. provides skill development in phonemic awareness,
7 phonics, reading fluency, vocabulary, and
8 comprehension,
- 9 c. provides a scientific-research-based and reliable
10 assessment,
- 11 d. provides initial and ongoing analysis of the reading
12 progress of each student, and
- 13 e. is implemented during regular school hours;

14 4. Establish at each school, where applicable, an Intensive
15 Acceleration Class for retained third-grade students who
16 subsequently do not meet the performance criteria established by the
17 Commission for Educational Quality and Accountability on the reading
18 portion of the statewide assessment administered pursuant to Section
19 1210.508 of this title. The focus of the Intensive Acceleration
20 Class shall be to increase the reading level of a child at least two
21 grade levels in one (1) school year. The Intensive Acceleration
22 Class shall:

- 23 a. be provided to any student in the third grade who does
24 not meet the performance criteria established by the

1 Commission for Educational Quality and Accountability
2 on the reading portion of the statewide assessments
3 and who was retained in the third grade the prior year
4 because of not meeting the performance criteria on the
5 reading portion of the statewide assessments,

6 b. have a reduced teacher-student ratio,

7 c. provide uninterrupted reading instruction for the
8 majority of student contact time each day and
9 incorporate opportunities to master the fourth-grade
10 state standards in other core subject areas,

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

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

17 f. include weekly progress monitoring measures to ensure
18 progress is being made;

19 5. Provide reports to the State Board of Education, upon
20 request, on the specific intensive reading interventions and
21 supports implemented by the school district. The State
22 Superintendent of Public Instruction shall annually prescribe the
23 required components of the reports; and
24

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

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

12 a. the provisions of this section relating to public
13 school student progression and the policies and
14 procedures of the school district on student retention
15 and promotion,

16 b. the number and percentage of all students in grade
17 three that did not meet the performance criteria
18 established by the Commission for Educational Quality
19 and Accountability on the reading portion of the
20 statewide assessment administered pursuant to Section
21 1210.508 of this title,

22 c. by grade, the number and percentage of all students
23 retained in grades three through ten,
24

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

4 e. any revisions to the policies of the school district
5 on student retention and promotion from the prior
6 year.

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

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

19 S. On or before January 31 of each year, the State Department
20 of Education shall issue to the Governor, the President Pro Tempore
21 of the Senate, the Speaker of the House of Representatives and
22 members of the Senate and House of Representatives Education
23 Committees a Reading Sufficiency Report which shall include, but is
24 not limited to, trend data detailing three (3) years of data,

1 disaggregated by student subgroups to include economically
2 disadvantaged, major racial or ethnic groups, students with
3 disabilities, and English language learners, as appropriate for the
4 following:

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

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

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

16 4. The number and percentage of students that meet or do not
17 meet the performance criteria established by the Commission for
18 Educational Quality and Accountability on the reading portion of the
19 statewide third-grade assessment administered pursuant to Section
20 1210.508 of this title;

21 5. The number of students tested, the number of students
22 promoted through meeting proficiency on a screening instrument as
23 provided for in subsection I of this section, the number of students
24 promoted through each of the good-cause exemptions as provided for

1 in subsection L of this section and the number of students retained
2 and the number of students promoted through probationary promotion
3 as provided for in subsection I of this section for each elementary
4 site;

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

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

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

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

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

22 11. The types of intensive remediation efforts being conducted
23 by school districts to identify best practices for students that are
24

1 not reading at the appropriate grade level and are not retained
2 under the provisions of this section; and

3 12. Any recommendations for improvements or amendments to the
4 Reading Sufficiency Act.

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

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

10 SECTION 3. AMENDATORY 70 O.S. 2021, Section 1210.508D,
11 is amended to read as follows:

12 Section 1210.508D A. Contingent on the provision of
13 appropriated funds designated for the Reading Sufficiency Act,
14 school districts may be allocated monies for each ~~enrolled~~
15 kindergarten student or first-, second- and third-grade student
16 based on the average daily attendance of those students from the
17 ~~current~~ previous school year, including any student who has been
18 retained in the third grade pursuant to Section 1210.508C of this
19 title, ~~who is found to be in need of remediation or intervention in~~
20 ~~reading~~. The allocation shall be distributed to each school
21 district upon approval of the reading sufficiency plan for the
22 school district by the State Department of Education and the
23 submittal of a child-count report to the Department that details the
24 ~~number of students identified as needing remediation or intervention~~

1 ~~in reading~~ average daily attendance numbers. To determine a per-
2 student allocation amount, the total amount of funds available for
3 allocation each year shall be divided by the total number of
4 students ~~in the state identified as in need of remediation or~~
5 ~~intervention in reading as provided for in Section 1210.508C of this~~
6 ~~title~~ based on the average daily attendance from the previous school
7 year. Each school district shall be allocated an amount equal to
8 the per-student allocation amount multiplied by the ~~number~~ average
9 daily attendance of ~~identified~~ students ~~enrolled~~ from the previous
10 school year in the school district.

11 1. School districts shall use monies generated by the Reading
12 Sufficiency Act only for instructional purposes and professional
13 development based on the plan submitted to the Department intended
14 to improve reading proficiency for students in kindergarten and
15 first, second, and third grades with particular emphasis on students
16 in kindergarten and first and second grade.

17 2. Each school district that has more than twenty percent (20%)
18 of its students in third grade who do not demonstrate sufficient
19 reading skills as established by the State Board of Education
20 according to the reading portion of the statewide assessment shall
21 receive monies generated by the Reading Sufficiency Act established
22 in this section only after the kindergarten and first, second, and
23 third grade reading program plan of the school district has been
24 submitted, reviewed, and approved by the Department. Additional

1 support for schools shall be defined in rules promulgated by the
2 Department. The Department shall give approval to a school district
3 before any portion of the monies generated by the Reading
4 Sufficiency Act may be distributed to the school district pursuant
5 to this subsection.

6 B. Beginning with the 2022-2023 school year, districts
7 receiving more than Two Thousand Five Hundred Dollars (\$2,500.00)
8 pursuant to subsection A of this section shall spend no less than
9 ten percent (10%) to provide professional development for teachers
10 teaching prekindergarten through grade five. The professional
11 development shall include training in the science of how students
12 learn to read as well as instructional materials required for
13 implementation.

14 C. By June 30, 2022, the Department shall approve and publish a
15 list of professional development programs that are evidence-based
16 and directly address the cognitive science of how students learn to
17 read for which districts are permitted to use the funds received
18 under this section.

19 D. If a teacher attends and completes a professional
20 development institute in elementary reading approved by the Oklahoma
21 Commission for Teacher Preparation during the summer or when school
22 is not in session, the teacher may receive a stipend equal to the
23 amount of the cost for a substitute teacher, based on the amount of
24 funds allocated.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1210.508H of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Beginning with the 2023-2024 school year, the State
5 Department of Education shall retain no less than ten percent (10%)
6 of funds appropriated for the Reading Sufficiency Act to employ a
7 literacy instructional team to support school districts in
8 implementation of the requirements of Section 1210.508C of Title 70
9 of the Oklahoma Statutes. The Department shall provide technical
10 assistance for literacy instruction, dyslexia and related disorders,
11 and serve as a primary source of information and support for schools
12 in addressing the needs of students struggling with literacy,
13 dyslexia and related disorders. The Department shall develop
14 program implementation guidance for school districts to assist
15 schools in administering an effective kindergarten through third
16 grade evidence-based reading program plan. The guidance shall
17 include identifying and recommending appropriate program
18 expenditures, providing technical oversight and assistance for
19 annually updating reading program plans, selecting and adopting
20 evidence-based reading curricula, and providing and promoting
21 teacher professional development that is based on evidence-based
22 reading research.

23 B. The Department shall employ a literacy instructional team
24 with team members who are placed regionally across the state. The

1 literacy instructional teams shall assist general education and
2 special education teachers in recognizing educational needs to
3 improve literacy outcomes for all students including those with
4 dyslexia or identified with the risk characteristics associated with
5 dyslexia. The role of the literacy instructional team shall also
6 include increasing professional awareness and instructional
7 competencies to meet the educational needs of all students including
8 those with dyslexia or identified with risk characteristics
9 associated with dyslexia. The Department shall prioritize supports
10 and interventions, including enrollment in reading trainings and
11 professional development, for schools which have the highest
12 percentage of students who do not demonstrate sufficient reading
13 skills as established by the State Board of Education.

14 C. Literacy instructional team members employed by the
15 Department shall have training in:

- 16 1. The science of how students learn to read including
17 phonological awareness, phonics, fluency, vocabulary, comprehension,
18 writing, and language;
- 19 2. Foundation of multisensory, explicit, systematic, and
20 structured reading instruction;
- 21 3. Identification of and the appropriate interventions,
22 accommodations, and teaching techniques for struggling students;
- 23 4. The requirements of the Reading Sufficiency Act;
- 24 5. Special education laws and procedures; and

1 6. Appropriate interventions, accommodations, and assistive
2 technology supports for students with dyslexia or a related
3 disorder.

4 D. The literacy instructional team members employed by the
5 Department shall report to the Director of Reading Sufficiency and
6 have:

7 1. A minimum of five regional literacy leads, at least one who
8 shall be designated by the Department as a dyslexia specialist to
9 provide school districts with support and resources that are
10 necessary to assist students with dyslexia. The Department shall
11 give preference to educators applying for regional literacy lead
12 who:

- 13 a. have an endorsement or certification as a certified
14 structured literacy dyslexia specialist or certified
15 academic language therapist,
- 16 b. are knowledgeable of multitiered systems of support;
17 and
- 18 c. have been trained in the identification of and
19 intervention for dyslexia and related disorders,
20 including best practice interventions and treatment
21 models for dyslexia; and

22 2. A minimum of ten literacy specialists. The Department shall
23 give preference to educators applying for literacy specialist who:

- 24 a. have training in the science of reading,

- 1 b. are knowledgeable of multitiered systems of support,
2 and
3 c. have been trained in the identification of and
4 intervention for dyslexia and related disorders,
5 including best practice interventions and treatment
6 models for dyslexia.

7 SECTION 5. This act shall become effective July 1, 2023.

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

12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
13 April 12, 2023 - DO PASS
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