

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 123

By: Dossett

4
5
6 AS INTRODUCED

7 An Act relating to the Reading Sufficiency Act;
8 amending 70 O.S. 2011, Section 1210.508C, as last
9 amended by Section 7, Chapter 360, O.S.L. 2016 (70
10 O.S. Supp. 2016, Section 1210.508C), which relates to
11 programs of reading instruction; providing for
12 individualized remediation to be provided to certain
13 third grade students; removing language exempting
14 certain students from retention; removing language
15 regarding a student portfolio; removing language
16 requiring certain students to be retained; removing
17 language regarding probationary promotion; removing
18 language requiring school districts to report certain
19 information on students promoted to the fourth grade;
20 removing language regarding the use of certain scores
21 to determine promotion and retention; removing
22 language regarding midyear promotion; removing
23 language providing for good-cause exemptions;
24 allowing intensive reading instruction to be offered
during an altered instructional day to certain
students; removing language regarding the process to
request a good-cause exemption; modifying the focus
of the Reading Enhancement and Acceleration
Development Initiative; removing information to be
included in certain report; amending 70 O.S. 2011,
Section 1210.508D, as amended by Section 2, Chapter
171, O.S.L. 2012 (70 O.S. Supp. 2016, Section
1210.508D), which relates to funding for the Reading
Sufficiency Act; removing language including certain
retained students in calculation of funding need;
modifying reference to certain commission; amending
70 O.S. 2011, Section 1210.508E, as amended by
Section 3, Chapter 171, O.S.L. 2012 (70 O.S. Supp.
2016, Section 1210.508E), which relates to parental
notification; allowing rather than requiring certain
students to be retained; modifying reference to

1 certain commission; amending Section 3, Chapter 344,
2 O.S.L. 2014 (70 O.S. Supp. 2016, Section 1210.508G),
3 which relates to a study of reading instruction;
4 modifying purpose of study; providing an effective
5 date; and declaring an emergency.

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

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

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

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

22 3. Classroom assistants, which may include parents,
23 grandparents, or other volunteers, shall be provided in kindergarten
24

1 classes to assist with the screening of students if a teacher aide
2 is not already employed to assist in a kindergarten classroom.

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

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

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

22 C. The State Board of Education shall approve screening
23 instruments for use at the beginning and end of the school year, for
24 monitoring of progress, and for measurement of reading skills at the

1 end of the school year as required in subsections A and B of this
2 section; provided, at least one of the screening instruments shall
3 meet the following criteria:

4 1. Assess for phonemic awareness, phonics, reading fluency~~r~~ and
5 comprehension;

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

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

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

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

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

1 a. ~~sufficient~~

2 1. Sufficient additional in-school instructional time for the
3 acquisition of phonemic awareness, phonics, reading fluency,
4 vocabulary~~7~~ and comprehension~~7~~;

5 b. ~~if~~

6 2. If necessary, tutorial instruction after regular school
7 hours, on Saturdays and during summer; however, such instruction may
8 not be counted toward the one-hundred-eighty-day or one-thousand-
9 eighty-hour school year required in Section 1-109 of this title~~7~~;
10 and

11 c. ~~assessments~~

12 3. Assessments identified for diagnostic purposes and periodic
13 monitoring to measure the acquisition of reading skills including,
14 but not limited to, phonemic awareness, phonics, reading fluency,
15 vocabulary~~7~~ and comprehension, as identified in the student's
16 program of reading instruction.

17 2. E. A student ~~enrolled~~ who is:

18 1. Enrolled in first ~~or~~, second or third grades ~~who~~ and has
19 been assessed as provided for in subsection B of this section and
20 found not to be reading at the corresponding grade level~~7~~; or

21 2. Enrolled in the third grade and has been assessed using the
22 statewide third-grade assessment administered pursuant to Section
23 1210.508 of this title and found not to be reading at grade level
24 based on the reading comprehension and vocabulary scores only shall

1 be entitled to individualized remediation in reading until the
2 student is determined by the results of a screening instrument to be
3 reading on grade level. The program of reading instruction for each
4 student shall be developed by a Student Reading Proficiency Team and
5 shall include individualized remediation. Each team shall be
6 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 ~~F.~~ F. The program of reading instruction shall continue until
16 the student is determined by the results of approved reading
17 assessments to be reading on grade level.

18 ~~F.~~ G. 1. Every school district shall adopt⁷ and implement a
19 district reading sufficiency plan which has had input from school
20 administrators, teachers⁷ 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 ~~§~~ Q of this
18 section.

19 ~~G. H.~~ 1. For any third-grade student found not to be reading
20 at grade level as determined by reading assessments administered
21 pursuant to this section, a new program of reading instruction,
22 including provisions of the READ Initiative adopted by the school
23 district as provided for in subsection ~~Θ~~ M of this section, shall be
24 developed and implemented as specified in this section. If

1 possible, a fourth-grade teacher shall be involved in the
2 development of the program of reading instruction. In addition to
3 other requirements of the Reading Sufficiency Act, the plan may
4 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 this section. Upon~~
10 ~~demonstrating the proficiency through the screening, the district~~
11 ~~shall provide notification to the parent(s) and/or guardian(s) of~~
12 ~~the student that they have satisfied the requirements of the Reading~~
13 ~~Sufficiency Act and will not be subject to retention pursuant to~~
14 ~~this section.~~

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

23 ~~3. If a student has not yet satisfied the proficiency~~
24 ~~requirements of this section prior to the completion of third grade~~

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

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

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

4 ~~(3) a teacher in reading who teaches in the~~
5 ~~subsequent grade level, and~~

6 ~~(4) a certified reading specialist.~~

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

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

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

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

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

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

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

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

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

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

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

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

6 ~~6.~~ 5. The grade-level performance scores of the student;

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~L. A student who is otherwise promoted as provided for in~~
2 ~~subsection H of this section or is promoted for good cause as~~
3 ~~provided for in subsection K of this section shall:~~

4 1. Enrolled in first, second or third grades and has been
5 assessed as provided for in subsection B of this section and found
6 not to be reading at the corresponding grade level; or

7 2. Enrolled in third grade and has been assessed using the
8 statewide third-grade assessment administered pursuant to Section
9 1210.508 of this title and found not to be reading at grade level

10 based on the reading comprehension and vocabulary scores only may be
11 provided intensive reading instruction during an altered
12 instructional day that includes specialized diagnostic information
13 and specific reading strategies for each student. 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 ~~M. Requests to exempt students from the retention requirements~~
18 ~~based on one of the good-cause exemptions as described in subsection~~
19 ~~K 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 team as described in subsection H of this section. If the~~
6 ~~principal determines that the student meets one of the good-cause~~
7 ~~exemptions and should be promoted based on the documentation~~
8 ~~provided, the principal shall make a recommendation in writing to~~
9 ~~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 ~~N. L.~~ Each school district shall:

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

22 2. Provide to students who have been ~~retained as set forth in~~
23 ~~subsection H of this section~~ identified pursuant to subsection E of
24 this section with intensive interventions in reading, intensive

1 instructional services and supports to remediate the identified
2 areas of reading deficiency, including a minimum of ninety (90)
3 minutes of daily, uninterrupted, scientific-research-based reading
4 instruction. ~~Retained students shall be provided other~~ Other
5 strategies may be 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 H of~~
18 ~~this section that the student has not met the proficiency level~~
19 ~~required for promotion and was not otherwise promoted and the~~
20 ~~reasons the student is not eligible for a good-cause exemption~~
21 identified pursuant to subsection E of this section. The
22 notification shall include a description of proposed interventions
23 and intensive instructional supports that will be provided to the
24 student to remediate the identified areas of reading deficiency;

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

19 5. Provide students who ~~are retained~~ have been identified
20 pursuant to subsection E of this section with a high-performing
21 teacher who can address the needs of the student, based on student
22 performance data and above-satisfactory performance appraisals; and

23 6. In addition to required reading enhancement and acceleration
24 strategies, provide students who ~~are retained~~ have been identified

1 pursuant to subsection E of this section with at least one of the
2 following instructional options:

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

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

19 1. Be provided to all kindergarten through third-grade students
20 ~~at risk of retention~~ who are found to have a reading deficiency and
21 are not reading at the appropriate grade level as identified by the
22 assessments administered pursuant to the Reading Sufficiency Act.
23 The assessment used shall measure phonemic awareness, phonics,
24 fluency, vocabulary, and comprehension;

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

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

- 5 a. assists students assessed as exhibiting a reading
6 deficiency in developing the ability to read at grade
7 level,
- 8 b. provides skill development in phonemic awareness,
9 phonics, fluency, vocabulary, and comprehension,
- 10 c. provides a scientific-research-based and reliable
11 assessment,
- 12 d. provides initial and ongoing analysis of the reading
13 progress of each student,
- 14 e. is implemented during regular school hours,
- 15 f. provides a curriculum in core academic subjects to
16 assist the student in maintaining or meeting
17 proficiency levels for the appropriate grade in all
18 academic subjects,
- 19 g. establishes at each school, where applicable, an
20 Intensive Acceleration Class for retained third-grade
21 students who subsequently score below the proficient
22 level on the reading portion of the statewide
23 assessment administered pursuant to Section 1210.508
24 of this title. The focus of the Intensive

1 Acceleration Class shall be to increase the reading
2 level of a child at least two grade levels in one (1)
3 school year. The Intensive Acceleration Class shall:
4 (1) be provided to any student in the third grade who
5 scores below the proficient level on the reading
6 portion of the statewide assessments ~~and who was~~
7 ~~retained in the third grade the prior year~~
8 ~~because of scoring below the proficient level on~~
9 ~~the reading portion of the statewide assessments,~~
10 (2) have a reduced teacher-student ratio,
11 (3) provide uninterrupted reading instruction for the
12 majority of student contact time each day and
13 incorporate opportunities to master the ~~fourth-~~
14 ~~grade~~ state standards in other core subject
15 areas,
16 (4) use a reading program that is scientific-
17 research-based and has proven results in
18 accelerating student reading achievement within
19 the same school year,
20 (5) provide intensive language and vocabulary
21 instruction using a scientific-research-based
22 program, including use of a speech-language
23 therapist,
24

1 (6) include weekly progress monitoring measures to
2 ensure progress is being made, and

3 (7) provide reports to the State Department of
4 Education, in the manner described by the
5 Department, outlining the progress of students in
6 the class at the end of the first semester,

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

13 i. provide to a student who has been ~~retained in the~~
14 ~~third grade~~ identified pursuant to subsection E of
15 this section and has received intensive instructional
16 services but is still ~~not ready for grade promotion~~
17 identified as having a significant reading deficiency,
18 as determined by the school district, the option of
19 being placed in a transitional instructional setting.
20 A transitional setting shall specifically be designed
21 to produce learning gains sufficient to meet ~~fourth-~~
22 ~~grade~~ performance standards for the next grade level
23 while continuing to remediate the areas of reading
24 deficiency.

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

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

17 a. the provisions of this section relating to public
18 school student progression and the policies and
19 procedures of the school district on student retention
20 and promotion,

21 b. by grade, the number and percentage of all students in
22 grades three through ten performing below the
23 proficient level on the reading portion of the
24

1 statewide assessment administered pursuant to Section
2 1210.508 of this title,

3 c. by grade, the number and percentage of all students
4 retained in grades three through ten, and

5 ~~d. information on the total number and percentage of~~
6 ~~students who were promoted for good cause, by each~~
7 ~~category of good cause as specified above, and~~

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

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

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

23 ~~S.~~ Q. On or before December 1 of each year, the State
24 Department of Education shall issue to the Governor and members of

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

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

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

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

19 4. The number and percentage of students scoring at each
20 performance level on the reading portion of the statewide third-
21 grade assessment administered pursuant to Section 1210.508 of this
22 title;

23 5. The amount of funds for reading remediation received by each
24 district;

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

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

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

9 ~~F. R.~~ Copies of the results of the assessments administered
10 shall be made a part of the permanent record of each student.

11 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.508D,
12 as amended by Section 2, Chapter 171, O.S.L. 2012 (70 O.S. Supp.
13 2016, Section 1210.508D), is amended to read as follows:

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

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

10 B. The State Board of Education shall promulgate rules for the
11 administration of reimbursements.

12 C. If a teacher attends and completes a professional
13 development institute in elementary reading approved by the ~~Oklahoma~~
14 ~~Commission for Teacher Preparation~~ Commission for Educational
15 Quality and Accountability during the summer or when school is not
16 in session, the teacher may receive a stipend equal to the amount of
17 the cost for a substitute teacher, based on the amount of funds
18 allocated.

19 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.508E,
20 as amended by Section 3, Chapter 171, O.S.L. 2012 (70 O.S. Supp.
21 2016, Section 1210.508E), is amended to read as follows:

22 Section 1210.508E. A. If a teacher determines that a third-
23 grade student is not reading at grade level by the end of the second
24

1 quarter of the school year, the parent or guardian of the student
2 shall be notified of:

- 3 1. The reading level of the student;
- 4 2. The program of reading instruction for the student as
5 required pursuant to the Reading Sufficiency Act; and
- 6 3. The potential need for the student to participate in a
7 summer academy or other program designed to assist the student in
8 attaining grade-level reading skills.

9 B. A teacher who determines a third-grade student is unable to
10 meet competencies required for reading for completion of third grade
11 ~~and promotion to fourth grade~~ may, after consultation with the
12 parent or guardian of the student, recommend that the promotion of
13 the student to the fourth grade is contingent upon the participation
14 in and successful completion of the required competencies for
15 reading by the student at a summer academy or other program. If the
16 student does not participate in the summer academy or other program
17 or does not successfully complete the competencies in the summer
18 academy or other program, the student ~~shall~~ may be retained in the
19 third grade ~~as set forth in Section 1210.508C of this title.~~

20 C. Summer academy programs shall be designed to ensure that
21 participating students successfully complete the competencies
22 necessary in reading for promotion to fourth grade and to enhance
23 next-grade readiness. A summer academy reading program shall be a
24 program that incorporates the content of a scientifically research-

1 based professional development program administered by the ~~Oklahoma~~
2 ~~Commission for Teacher Preparation~~ Commission for Educational
3 Quality and Accountability or a scientifically research-based
4 reading program administered by the State Board of Education and is
5 taught by teachers who have successfully completed professional
6 development in the reading program or who are certified as reading
7 specialists.

8 D. School districts may approve an option for students who are
9 unable to attend a summer academy. The optional program may
10 include, but is not limited to, an approved private provider of
11 instruction, approved computer- or Internet-based instruction, or an
12 approved program of reading instruction monitored by the parent or
13 guardian. School districts shall not be required to pay for the
14 optional program, but shall clearly communicate to the parent or
15 guardian the expectations of the program and any costs that may be
16 involved.

17 E. Subject to the availability of funds, beginning one (1) year
18 after implementation of this section, the requirements of subsection
19 B of this section may be expanded to apply to fourth-grade student
20 promotion to fifth grade. Each year thereafter, the requirements
21 may be expanded by one grade level until the requirements apply to
22 third-grade students through eighth-grade students. Summer academy
23 programs shall be designed for each grade level. Nothing in this
24 section shall prevent the State Board of Education or a school

1 district board of education from utilizing private, local, or
2 federal funds to implement this section.

3 F. The State Board of Education shall adopt rules to implement
4 the provisions of this section which shall include requirements for
5 instructional time for summer school programs, teacher
6 qualifications, and evaluation of student achievement as a result of
7 summer academy programs or other optional programs.

8 SECTION 4. AMENDATORY Section 3, Chapter 344, O.S.L.
9 2014 (70 O.S. Supp. 2016, Section 1210.508G), is amended to read as
10 follows:

11 Section 1210.508G. A. The State Department of Education shall
12 conduct a study of reading instruction and the ~~retention~~ remediation
13 of students in the third grade based on reading assessments
14 administered pursuant to Section 1210.508C of ~~Title 70 of the~~
15 ~~Oklahoma Statutes~~ this title. The purpose of the study shall be to
16 determine the reasons why some students in the state have not been
17 successful in acquiring the appropriate grade-level reading skills,
18 to identify the best practices available to help students become
19 successful readers and to implement those best practices in schools
20 statewide. The Department may contract with a higher education
21 institution or other entity or consultant to assist in the study,
22 contingent upon the availability of funding.

23 B. The State Department of Education shall:
24

1 1. Gather data and complete an assessment of the type of
2 reading instruction practices and methods currently being used by
3 school districts in the state;

4 2. Gather data on students who have been assessed pursuant to
5 Section 1210.508C of ~~Title 70 of the Oklahoma Statutes~~ this title
6 and have been found not to be reading at the appropriate grade level
7 by the third grade including, but not limited to:

- 8 a. socioeconomic information,
- 9 b. access to reading resources outside of school, and
- 10 c. screening for and identification of learning
11 disabilities; and

12 3. Address what intensive remediation efforts are being
13 conducted by the district to identify the best practices for
14 students that score limited knowledge ~~and are not retained by school~~
15 ~~districts~~ based on the reading comprehension and vocabulary scores
16 portion of the statewide third-grade assessment administered
17 pursuant to Section 1210.508 of this title.

18 C. After gathering and analyzing the data as provided for in
19 this section, the State Department of Education shall issue a report
20 no later than December 31, 2015, and each year thereafter, to the
21 Governor, the Speaker of the House of Representatives and the
22 President Pro Tempore of the Senate. In addition to other
23 information and recommendations, the report shall include
24 recommendations on legislative changes that need to be made to the

1 ~~third grade retention~~ requirements in the Reading Sufficiency Act
2 ~~and any other requirements in the act.~~

3 D. Following the issuance of the report required in subsection
4 C of this section, the compilation of best practices shall be
5 disseminated to all public schools.

6 E. Any student data contained in the report shall be aggregated
7 so that individual students cannot be identified.

8 SECTION 5. This act shall become effective July 1, 2017.

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

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