

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB346 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Sally Kern _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 346

By: Jolley, Ford, Stanislawski
and Brecheen of the Senate

7 and

8 Kern of the House

9
10 PROPOSED COMMITTEE SUBSTITUTE

11 An Act relating to schools; amending 70 O.S. 2001,
12 Sections 1210.508C, as last amended by Section 3,
13 Chapter 431, O.S.L. 2005, 1210.508D, as last amended
14 by Section 1, Chapter 387, O.S.L. 2008 and 1210.508E,
15 as last amended by Section 2, Chapter 387, O.S.L.
16 2008 (70 O.S. Supp. 2010, Sections 1210.508C,
17 1210.508D and 1210.508E), which relate to the Reading
18 Sufficiency Act; modifying the program of reading
19 instruction requirements for certain students;
20 deleting certain recommendation authorization;
21 providing for retention of certain third-grade
22 students with a reading deficiency as measured by the
23 results of a certain test; requiring certain
24 notification of parents; specifying notification;
prohibiting social promotion of a student; allowing
exemption from mandatory retention for good cause;
listing good cause criteria; providing for requests
for certain promotion exemption; requiring school
districts to conduct a review of certain programs of
reading instruction; stating contents of the review;
requiring a portfolio for retained students;
requiring certain reading instruction and services be
provided to certain retained students; listing other
strategies that may be provided to retained students;
requiring certain written notification be provided to
the parents or guardians of retained students;
directing school districts to implement a midyear

1 promotion policy for retained students; specifying
2 criteria for a midyear promotion; requiring that a
3 high-performing teacher be provided to retained
4 students; providing for additional instructional
5 options; directing school districts to establish a
6 Reading Enhancement and Acceleration Development
7 (READ) Initiative; stating focus of a READ
8 Initiative; specifying criteria of a READ Initiative;
9 listing certain specifications for a state-approved
10 reading curriculum; providing for an Intensive
11 Acceleration Class in certain circumstances;
12 specifying criteria for an Intensive Acceleration
13 Class; providing for certain reports to the State
14 Board of Education; providing for a transitional
15 instructional setting option for certain retained
16 students; stating goal of a transitional
17 instructional setting; requiring school districts to
18 report certain progress and testing information to
19 parents and guardians in writing; requiring school
20 districts to publish and report to the State Board of
21 Education certain information annually; requiring the
22 State Department of Education to establish a uniform
23 reporting format and to annually compile and report
24 certain information; directing the Department to
provide certain technical assistance; adding category
of students eligible for reimbursement; modifying
authority of a teacher to recommend participation in
a certain summer academy or other program; requiring
retention of a student who fails to complete certain
competencies; providing an effective date; and
declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 1210.508C,
as last amended by Section 3, Chapter 431, O.S.L. 2005 (70 O.S.
Supp. 2010, Section 1210.508C), is amended to read as follows:

Section 1210.508C A. 1. Each student enrolled in kindergarten
in a public school in this state shall be screened for reading

1 skills including, but not limited to, phonological awareness, letter
2 recognition, and oral language skills as identified in the Priority
3 Academic Student Skills (PASS) adopted by the State Board of
4 Education. A screening instrument approved by the State Board shall
5 be utilized for the purposes of this section.

6 2. For those kindergarten children at risk for reading
7 difficulties, teachers shall emphasize reading skills as identified
8 in the PASS, monitor progress throughout the year and measure year-
9 end reading progress.

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

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

20 2. Any student who is assessed and found not to be reading at
21 the appropriate grade level shall be provided a program of reading
22 instruction designed to enable the student to acquire the
23 appropriate grade level reading skills. Beginning with students
24 entering the first grade in the 2011-2012 school year, the program

1 of reading instruction shall include provisions of the READ
2 Initiative adopted by the school district as provided for in
3 subsection N of this section. If a student is found not to be
4 reading at the appropriate grade level and teachers, in
5 collaboration with others, are concerned that undiagnosed health
6 problems may affect the ability of the student to read, the school
7 district may make a recommendation to the parents or legal guardians
8 for medical evaluation without being liable for cost of the
9 evaluation or any associated costs.

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

14 C. The State Board of Education shall approve no more than
15 three screening instruments for use at the beginning of the school
16 year, for monitoring of progress, and for measurement of reading
17 skills at the end of the school year as required in subsections A
18 and B of this section; provided, one of the screening instruments
19 shall be recommended by the Oklahoma Commission for Teacher
20 Preparation. The State Board shall also determine other comparable
21 reading assessments for diagnostic purposes and for periodic and
22 post assessments to be used for students at risk of reading failure.
23 The State Board shall ensure that any assessments approved are in
24 alignment with the PASS.

1 D. The program of reading instruction required in subsection B
2 of this section shall align with the PASS, shall include provisions
3 of the READ Initiative adopted by the school district as provided
4 for in subsection N of this section beginning with students entering
5 the first grade in the 2011-2012 school year and may include, but is
6 not limited to:

7 1. Sufficient additional in-school instructional time for the
8 acquisition of phonological awareness, phonics, spelling, reading
9 fluency, vocabulary, and comprehension;

10 2. If necessary, tutorial instruction after regular school
11 hours, on Saturdays and during summer; however, such instruction may
12 not be counted toward the one-hundred-eighty-day school year
13 required in Section 1-109 of this title; and

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

19 E. The program of reading instruction shall continue until the
20 student is determined by the results of approved reading assessments
21 to be reading on grade level.

22 F. 1. Every school district shall adopt, implement, and
23 annually update a district reading sufficiency plan which has had
24 input from school administrators, teachers, and parents and if

1 possible a reading specialist, and which shall be submitted to and
2 approved by the State Board of Education as a part of each
3 district's Comprehensive Local Education Plan. The district reading
4 sufficiency plan shall include a plan for each site which includes
5 an analysis of the data provided by the Oklahoma School Testing
6 Program and other reading assessments utilized as required in this
7 section, and which outlines how each school site will comply with
8 the provisions of the Reading Sufficiency Act.

9 2. Each school site shall establish a committee, composed of
10 educators, which if possible shall include a certified reading
11 specialist, to develop the required programs of reading instruction.
12 A parent or guardian of the student shall be included in the
13 development of the program of reading instruction for that student.

14 3. 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 H R of this
18 section.

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

1 grade teacher shall be involved in the development of the program of
2 reading instruction. In addition to other requirements of the
3 Reading Sufficiency Act, the plan may include specialized tutoring
4 ~~and may include a recommendation as to whether the student should be~~
5 ~~retained in the third grade at the close of that year. The parent~~
6 ~~or guardian of the student shall be included in the retention~~
7 ~~consideration.~~

8 H. Beginning with students entering the first grade in the
9 2011-2012 school year, if the reading deficiency of a student, as
10 identified based on assessments administered as provided for in
11 subsection B of this section, is not remedied by the end of third
12 grade, as demonstrated by scoring at the unsatisfactory level on the
13 reading portion of the third-grade criterion-referenced test
14 administered pursuant to Section 1210.508 of this title, the student
15 shall be retained in the third grade.

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

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

23 2. A description of the current services that are provided to
24 the student;

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

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

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

10 6. That while the results of the criterion-referenced test
11 administered pursuant to Section 1210.508 of this title are the
12 initial determinant, it is not the sole determiner of promotion and
13 that portfolio reviews and assessments are available; and

14 7. The specific criteria and policies of the school district
15 for midyear promotion implemented as provided for in paragraph 4 of
16 subsection M of this section.

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

19 K. For those students who do not meet the academic requirements
20 for promotion, a school district may promote the student for good
21 cause only. Good-cause exemptions for promotion shall be limited to
22 the following:

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

1 2. Students with disabilities whose individualized education
2 plan (IEP), consistent with state law, indicates that participation
3 in the statewide criterion-referenced tests administered pursuant to
4 Section 1210.508 of this title is not appropriate;

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

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

11 5. Students with disabilities who participate in the statewide
12 criterion-referenced tests and who have an individualized education
13 plan that reflects that the student has received intensive
14 remediation in reading for more than two (2) years but still
15 demonstrates a deficiency in reading and was previously retained in
16 kindergarten, first grade, second grade, or third grade; and

17 6. Students who have received intensive remediation in reading
18 through a program of reading instruction for two (2) or more years
19 but still demonstrate a deficiency in reading and who were
20 previously retained in kindergarten, first grade, second grade, or
21 third grade for a total of two (2) years. A student who is
22 promoted as provided for in this paragraph shall be provided
23 intensive reading instruction during an altered instructional day
24 that includes specialized diagnostic information and specific

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

5 L. In addition to the good-cause exemptions as set forth in
6 subsection K of this section, requests to exempt students from the
7 academic requirements for promotion to the next grade shall only be
8 made upon documentation submitted from the teacher of the student to
9 the school principal that indicates that the promotion of the
10 student is appropriate and is based upon the record of the student.
11 In order to minimize paperwork requirements, documentation shall
12 consist only of a student portfolio.

13 M. Beginning with the 2011-2012 school year, each school
14 district shall:

15 1. Conduct a review of the program of reading instruction for
16 all students who score at the unsatisfactory level on the reading
17 portion of the criterion-referenced test administered pursuant to
18 Section 1210.508 of this title and did not meet the criteria for one
19 of the good-cause exemptions as set forth in subsection K of this
20 section. The review shall address additional supports and services,
21 as described in this subsection, needed to remediate the identified
22 areas of reading deficiency. The school district shall require a
23 student portfolio to be completed for each retained student;
24

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

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

18 3. Provide written notification to the parent or guardian of
19 any student who is to be retained as set forth in subsection H of
20 this section that the student has not met the proficiency level
21 required for promotion and the reasons the student is not eligible
22 for a good-cause exemption. The notification shall include a
23 description of proposed interventions and intensive instructional
24

1 supports that will be provided to the student to remediate the
2 identified areas of reading deficiency;

3 4. Implement a policy for the midyear promotion of a retained
4 student who can demonstrate that the student is a successful and
5 independent reader, is reading at or above grade level, and is ready
6 to be promoted to the fourth grade. Tools that school districts may
7 use in reevaluating any retained student may include subsequent
8 assessments, alternative assessments, and portfolio reviews, in
9 accordance with rules of the State Board of Education. Retained
10 students may only be promoted midyear prior to November 1 and only
11 upon demonstrating a level of proficiency required to score above
12 the unsatisfactory level on the third-grade statewide criterion-
13 referenced test and upon showing progress sufficient to master
14 appropriate fourth-grade-level skills, as determined by the school.
15 A midyear promotion shall be made only upon agreement of the parent
16 or guardian of the student and the school principal;

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

20 6. In addition to required reading enhancement and acceleration
21 strategies, provide students who are retained with at least one of
22 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.

N. 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, fluency, vocabulary, and comprehension;

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

1 3. Provide a state-approved reading curriculum that, at a
2 minimum, meets the 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, fluency, vocabulary, and comprehension,

8 c. provides scientifically based and reliable assessment,

9 d. provides initial and ongoing analysis of the reading
10 progress of each student,

11 e. is implemented during regular school hours,

12 f. provides a curriculum in core academic subjects to
13 assist the student in maintaining or meeting
14 proficiency levels for the appropriate grade in all
15 academic subjects,

16 g. establishes at each school, where applicable, an
17 Intensive Acceleration Class for retained third-grade
18 students who subsequently score at the unsatisfactory
19 level on the reading portion of the statewide
20 criterion-referenced tests. The focus of the
21 Intensive Acceleration Class shall be to increase the
22 reading level of a child at least two grade levels in
23 one (1) school year. The Intensive Acceleration Class
24 shall:

- 1 (1) be provided to any student in the third grade who
2 scores at the unsatisfactory level on the reading
3 portion of the statewide criterion-referenced
4 tests and who was retained in the third grade the
5 prior year because of scoring at the
6 unsatisfactory level on the reading portion of
7 the statewide criterion-referenced tests,
8 (2) have a reduced teacher-student ratio,
9 (3) provide uninterrupted reading instruction for the
10 majority of student contact time each day and
11 incorporate opportunities to master the fourth-
12 grade state standards in other core subject
13 areas,
14 (4) use a reading program that is scientific-
15 research-based and has proven results in
16 accelerating student reading achievement within
17 the same school year,
18 (5) provide intensive language and vocabulary
19 instruction using a scientific-research-based
20 program, including use of a speech-language
21 therapist,
22 (6) include weekly progress monitoring measures to
23 ensure progress is being made, and
24

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

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

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

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

1 school district board of education shall report to the parent or
2 guardian of each student the results on each statewide criterion-
3 referenced test. The evaluation of the progress of each student
4 shall be based upon classroom work, observations, tests, district
5 and state assessments, and other relevant information. Progress
6 reporting shall be provided to the parent or guardian in writing.

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

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

15 b. by grade, the number and percentage of all students in
16 grades three through ten performing at the
17 unsatisfactory level on the reading portion of the
18 statewide criterion-referenced tests,

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

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

24

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

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

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

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

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

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

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

12 4. The number and percentage of students scoring at each
13 performance level on the third-grade criterion-referenced test in
14 reading;

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

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

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

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

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

3 SECTION 2. AMENDATORY 70 O.S. 2001, Section 1210.508D,
4 as last amended by Section 1, Chapter 387, O.S.L. 2008 (70 O.S.
5 Supp. 2010, Section 1210.508D), is amended to read as follows:

6 Section 1210.508D A. Contingent on the provision of
7 appropriated funds designated for the Reading Sufficiency Act,
8 school districts may be reimbursed in the amount of up to One
9 Hundred Fifty Dollars (\$150.00) for each enrolled first-, second-
10 and third-grade student of the current school year, including any
11 student who has been retained in the third grade pursuant to Section
12 1210.508C of this title, who is found to be in need of remediation
13 in reading. The reimbursement shall be for expenses incurred in
14 reading assessment and remediation at those grade levels pursuant to
15 the provisions of the Reading Sufficiency Act. School districts may
16 be reimbursed up to Four Hundred Dollars (\$400.00) for each student
17 completing the third grade, including any student who has been
18 retained in the third grade pursuant to Section 1210.508C of this
19 title, who is found not to be reading at the third-grade level and
20 who subsequently participates in a summer reading remediation
21 program. A school district which has ten or fewer students
22 participating in a summer reading remediation program may be
23 allocated a base amount of One Thousand Five Hundred Dollars
24 (\$1,500.00) for the program which shall be in addition to the per-

1 student reimbursement amount provided for in this subsection. The
2 State Board of Education shall promulgate rules for such a course
3 that specify at least four (4) weeks of tutoring a half (1/2) day
4 each day. The summer reading remediation programs shall be taught
5 by teachers who have successfully completed a professional
6 development institute in reading administered by the Oklahoma
7 Commission for Teacher Preparation or a scientifically-based reading
8 professional development program administered by the State Board of
9 Education.

10 B. In order to be reimbursed, school districts shall file a
11 claim with the State Department of Education at the end of each
12 school semester or prior to the end of the fiscal year in which the
13 remediation is provided. Claims from summer remediation provided in
14 July or August shall be filed with the first semester claim of the
15 subsequent school year. Claims shall be reimbursed in a timely
16 manner. The State Board of Education shall promulgate rules for the
17 administration of reimbursements.

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

24

1 SECTION 3. AMENDATORY 70 O.S. 2001, Section 1210.508E,
2 as last amended by Section 2, Chapter 387, O.S.L. 2008 (70 O.S.
3 Supp. 2010, Section 1210.508E), is amended to read as follows:

4 Section 1210.508E A. If a teacher determines that a third-
5 grade student is not reading at grade level by the end of the second
6 quarter of the school year, the parent or guardian of the student
7 shall be notified of:

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

14 B. A teacher who determines a third-grade student is unable to
15 meet competencies required for reading for completion of third grade
16 and promotion to fourth grade, ~~may have the authority~~ shall, after
17 consultation with the parent or guardian of the student, ~~to~~
18 recommend that the promotion of the student to the fourth grade is
19 contingent upon the participation in and successful completion of
20 the required competencies for reading by the student at a summer
21 academy or other program. If the student does not participate in
22 the summer academy or other program or does not successfully
23 complete the competencies in the summer academy or other program,
24

1 the student ~~may~~ shall be retained in the third grade as set forth in
2 Section 1210.508C of this title.

3 C. Summer academy programs shall be designed to ensure that
4 participating students successfully complete the competencies
5 necessary in reading for promotion to fourth grade and to enhance
6 next-grade readiness. A summer academy reading program shall be a
7 program that incorporates the content of a scientifically research_
8 based professional development program administered by the Oklahoma
9 Commission for Teacher Preparation or a scientifically based reading
10 program administered by the State Board of Education and is taught
11 by teachers who have successfully completed professional development
12 in the reading program or who are certified as reading specialists.

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

22 E. Subject to the availability of funds, beginning one (1) year
23 after implementation of this section, the requirements of subsection
24 B of this section shall be expanded to apply to fourth-grade student

1 promotion to fifth grade. Each year thereafter, the requirements
2 shall be expanded by one grade level until the requirements apply to
3 third-grade students through eighth-grade students. Summer academy
4 programs shall be designed for each grade level. Nothing in this
5 section shall prevent the State Board of Education or a school
6 district board of education from utilizing private, local, or
7 federal funds to implement this section.

8 F. The provisions of this section shall not apply to:

9 1. Students who have individualized education programs pursuant
10 to the Individuals with Disabilities Education Act (IDEA) and who
11 satisfy the annual goals of the individualized education program for
12 that student; and

13 2. Students who are English language learners who have been
14 determined not to be proficient in English as defined by a state-
15 designated English proficiency assessment. A third-grade student
16 who is an English language learner and is found not to be reading at
17 the third-grade level shall be eligible to participate in a summer
18 reading remediation program.

19 G. The State Board of Education shall adopt rules to implement
20 the provisions of this section which shall include requirements for
21 instructional time for summer school programs, teacher
22 qualifications, and evaluation of student achievement as a result of
23 summer academy programs or other optional programs.

24 SECTION 4. This act shall become effective July 1, 2011.

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

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6 53-1-7425 KB 04/04/11

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