

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 441

By: Quinn

4  
5  
6 AS INTRODUCED

7 An Act relating to the school calendar; amending 70  
8 O.S. 2011, Section 1-109, as last amended by Section  
9 1, Chapter 6, O.S.L. 2016 (70 O.S. Supp. 2018,  
10 Section 1-109), which relates to the length of the  
11 school year; removing language allowing school to be  
12 in session for certain number of hours; removing  
13 language establishing criteria for certain extended-  
14 day schedule; amending 70 O.S. 2011, Section 1-111,  
15 as last amended by Section 1, Chapter 135, O.S.L.  
16 2016 (70 O.S. Supp. 2018, Section 1-111), which  
17 relates to the school day; removing language allowing  
18 a district board of education to extend the length of  
19 certain school days; amending 70 O.S. 2011, Section  
20 1210.508C, as last amended by Section 1, Chapter 213,  
21 O.S.L. 2017 (70 O.S. Supp. 2018, Section 1210.508C),  
22 which relates to the Reading Sufficiency Act;  
23 removing reference to certain year; amending 70 O.S.  
24 2011, Section 4516, which relates to a continuous  
25 school program; removing language allowing classes to  
26 be conducted for certain number of hours; updating  
27 statutory references; providing an effective date;  
28 and declaring an emergency.

29  
30 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

31 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-109, as  
32 last amended by Section 1, Chapter 6, O.S.L. 2016 (70 O.S. Supp.  
33 2018, Section 1-109), is amended to read as follows:  
34  
35

1 Section 1-109. A. For all public schools in Oklahoma, school  
2 shall actually be in session and classroom instruction offered:

3 ~~1. For~~ for not less than one hundred eighty (180) days; ~~or~~

4 ~~2. For not less than one thousand eighty (1,080) hours each~~  
5 ~~school year, if a district board of education adopts a school hours~~  
6 ~~policy and notifies the State Board of Education prior to October 15~~  
7 ~~of the applicable school year.~~

8 B. A school district may not count more than thirty (30) hours  
9 each school year that are used for attendance of professional  
10 meetings toward the one hundred eighty (180) days ~~or one thousand~~  
11 ~~eighty (1,080) hours~~ of classroom instruction time required in  
12 subsection A of this section.

13 C. Teachers off contract with an employing district shall not  
14 be required by the employing school district to attend professional  
15 meetings unless the teacher is paid additional compensation for the  
16 additional time. Teachers may be paid additional compensation for  
17 attending professional meetings in excess of their contract term.  
18 Subject to district board of education policy or collective  
19 bargaining agreement, additional paid professional days may be  
20 granted for individual teachers to attend or participate in  
21 professional meetings, staff development training, or National Board  
22 certification portfolio development as provided for in Section 6-  
23 204.2 of this title.

1 D. A school district may authorize parent-teacher conferences  
2 to be held during a regular school day. If authorized by the school  
3 district, parent-teacher conferences shall be counted as classroom  
4 instruction time for no more than six (6) hours per semester, for a  
5 total of twelve (12) hours per school year.

6 E. A school district may maintain school for less than a full  
7 school year only when conditions beyond the control of school  
8 authorities make the maintenance of the term impossible and the  
9 State Board of Education has been apprised and has expressed  
10 concurrence in writing.

11 ~~F. The State Board of Education shall establish criteria for an~~  
12 ~~extended day schedule for schools subject to paragraph 1 of~~  
13 ~~subsection A of this section. The criteria shall:~~

14 ~~1. Prescribe a lengthened school day within limits determined~~  
15 ~~not to be detrimental to quality instruction;~~

16 ~~2. Ensure that the schedule is equivalent in annual hours of~~  
17 ~~instruction to the one hundred eighty day school year specified in~~  
18 ~~paragraph 1 of subsection A of this section; and~~

19 ~~3. Be consistent with the provisions of this section and~~  
20 ~~Sections 1-111 and 1-112 of this title, but may result in fewer~~  
21 ~~annual days of instruction.~~

22 ~~G. Notwithstanding the provisions of subsection F of this~~  
23 ~~section, a school district board of education subject to paragraph 1~~  
24

1 ~~of subsection A of this section may adopt and implement an extended-~~  
2 ~~day schedule subject to the following requirements:~~

3 ~~1. The annual number of hours of instruction shall equal or~~  
4 ~~exceed one thousand eighty (1,080) hours, which is the equivalent of~~  
5 ~~one hundred eighty (180) days of instruction as specified in~~  
6 ~~subsection A of this section for six (6) hours each day as specified~~  
7 ~~in Section 1-111 of this title;~~

8 ~~2. The annual number of days of instruction shall equal or~~  
9 ~~exceed one hundred eighty (180) days as specified in subsection A of~~  
10 ~~this section;~~

11 ~~3. The schedule adopted shall be consistent with the provisions~~  
12 ~~of Sections 1-111 and 1-112 of this title, except that for not more~~  
13 ~~than one (1) day per week, a school day shall consist of not less~~  
14 ~~than five (5) hours devoted to academic instruction in a regular~~  
15 ~~classroom setting;~~

16 ~~4. The district shall hold a public hearing prior to the~~  
17 ~~adoption of an extended day schedule authorized pursuant to this~~  
18 ~~subsection; and~~

19 ~~5. The district shall document the impact on student~~  
20 ~~achievement as determined by the academic performance data score and~~  
21 ~~any other relevant factors that are a result of implementation of an~~  
22 ~~extended day schedule authorized pursuant to this subsection and~~  
23 ~~provide an annual report to the State Board of Education of the~~  
24 ~~results. If improvement in student achievement cannot be documented~~

1 ~~in the report, the district board of education shall revoke~~  
2 ~~authorization as provided by this subsection. If the district does~~  
3 ~~not revoke authorization after student achievement is not documented~~  
4 ~~in the report, the State Board of Education may deny accreditation~~  
5 ~~of any school in violation of this subsection.~~

6 ~~H. If subject to paragraph 2 of subsection A of this section, a~~  
7 ~~district board of education or designee may elect to close a school~~  
8 ~~during the school day for inclement weather purposes. In such an~~  
9 ~~event, the number of hours incurred in classroom instruction time~~  
10 ~~prior to school closure shall be counted toward the one thousand~~  
11 ~~eighty (1,080) hours per year requirement.~~

12 ~~F.~~ Nothing in this section shall be construed as affecting the  
13 right of an employing school district to require teachers as defined  
14 in Section 6-101.3 of this title to work in excess of the ~~one~~  
15 ~~thousand eighty (1,080) hours~~ one hundred eighty (180) days required  
16 for student instruction. In addition, nothing in this section shall  
17 be construed to affect the Fair Labor Standards Act status of any  
18 school district employee.

19 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1-111, as  
20 last amended by Section 1, Chapter 135, O.S.L. 2016 (70 O.S. Supp.  
21 2018, Section 1-111), is amended to read as follows:

22 Section 1-111. A. Except as otherwise provided for by law, a  
23 school day shall consist of not less than six (6) hours devoted to  
24 school activities. ~~A district board of education may elect to~~

1 ~~extend the length of one (1) or more school days to more than six~~  
2 ~~(6) hours and reduce the number of school days as long as the total~~  
3 ~~amount of classroom instruction time is not less than one thousand~~  
4 ~~eighty (1,080) hours per year as required pursuant to Section 1-109~~  
5 ~~of this title.~~

6 B. A school day for nursery, early childhood education,  
7 kindergarten, and alternative education programs shall be as  
8 otherwise defined by law or as defined by the State Board of  
9 Education. Except as otherwise provided for in this subsection, not  
10 more than one (1) school day shall be counted for attendance  
11 purposes in any twenty-four-hour period. Two (2) school days, each  
12 consisting of not less than six (6) hours, may be counted for  
13 attendance purposes in any twenty-four-hour period only if one of  
14 the school days is for the purpose of parent-teacher conferences  
15 held as provided for in Section 1-109 of this title.

16 C. Students absent from school in which they are regularly  
17 enrolled may be considered as being in attendance if the reason for  
18 such absence is to participate in scheduled school activities under  
19 the direction and supervision of a regular member of the faculty or  
20 to participate in an online course approved by the district board of  
21 education. The State Board of Education shall adopt rules to  
22 provide for the implementation of supplemental online courses which  
23 shall include, but not be limited to, provisions addressing the  
24 following:

1 1. Criteria for student admissions eligibility;

2 2. A student admission process administered through the  
3 district of residence, which provides the ability for the student to  
4 enroll in individual courses;

5 3. A process by which students are not denied the opportunity  
6 to enroll in educationally appropriate courses by school districts.  
7 For the purposes of this section, "educationally appropriate" means  
8 any instruction that is not substantially a repeat of a course or  
9 portion of a course that the student has successfully completed,  
10 regardless of the grade of the student, and regardless of whether a  
11 course is similar to or identical to the instruction that is  
12 currently offered in the school district;

13 4. Creation of a system which provides ongoing enrollment  
14 access for students throughout the school year;

15 5. A grace period of fifteen (15) calendar days from the first  
16 day of an online course for student withdrawal from an online course  
17 without academic penalty;

18 6. Mastery of competencies for course completion rather than  
19 Carnegie units;

20 7. Student participation in extracurricular activities in  
21 accordance with school district eligibility rules and policies and  
22 any rules and policies of a private organization or association  
23 which provides the coordination, supervision, and regulation of the  
24 interscholastic activities and contests of schools;

1 8. Parent authorization for release of state test results to  
2 online course providers, on a form developed by the State Department  
3 of Education; and

4 9. A review process to identify and certify online course  
5 providers and a uniform payment processing system.

6 D. Each district board of education shall adopt policies and  
7 procedures that conform to rules for online courses as adopted by  
8 the State Board. Such policies shall include criteria for approval  
9 of the course, the appropriateness of the course for a particular  
10 student, authorization for full-time students to enroll in online  
11 courses, and establishing fees or charges. No district shall be  
12 liable for payment of any fees or charges for any online course for  
13 a student who has not complied with the district's policies and  
14 procedures. School districts shall not deny students the  
15 opportunity to enroll in educationally appropriate courses and shall  
16 provide an admissions process which includes input from the student,  
17 the parent or guardian of the student, and school faculty.

18 E. Districts shall require students enrolled in online courses  
19 to participate in the Oklahoma School Testing Program Act. Students  
20 participating in online courses from a remote site will be  
21 responsible for providing their own equipment and Internet access,  
22 unless the district chooses to provide the equipment. Credit may  
23 not be granted for such courses except upon approval of the State  
24 Board of Education and the district board of education.



1 F. The school day for kindergarten may consist of six (6) hours  
2 devoted to school activities.

3 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.508C,  
4 as last amended by Section 1, Chapter 213, O.S.L. 2017 (70 O.S.  
5 Supp. 2018, Section 1210.508C), is amended to read as follows:

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

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

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

22 B. 1. Each student enrolled in kindergarten, first, second and  
23 third grade of the public schools of this state shall be assessed at  
24 the beginning and end of each school year using a screening

1 instrument approved by the State Board of Education for the  
2 acquisition of reading skills including, but not limited to,  
3 phonemic awareness, phonics, reading fluency, vocabulary, and  
4 comprehension.

5 2. Any student who is assessed and found not to be reading at  
6 the appropriate grade level shall be provided a program of reading  
7 instruction designed to enable the student to acquire the  
8 appropriate grade level reading skills. The program of reading  
9 instruction shall include provisions of the READ Initiative adopted  
10 by the school district as provided for in subsection O of this  
11 section.

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

16 C. The State Board of Education shall approve screening  
17 instruments for use at the beginning and end of the school year, for  
18 monitoring of progress, and for measurement of reading skills at the  
19 end of the school year as required in subsections A and B of this  
20 section; provided, at least one of the screening instruments shall  
21 meet the following criteria:

22 1. Assess for phonemic awareness, phonics, reading fluency, and  
23 comprehension;

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

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

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

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

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

- 19 a. sufficient additional in-school instructional time for  
20 the acquisition of phonemic awareness, phonics,  
21 reading fluency, vocabulary, and comprehension,  
22 b. if necessary, tutorial instruction after regular  
23 school hours, on Saturdays and during summer; however,  
24 such instruction may not be counted toward the one-

1 hundred-eighty-day ~~or one-thousand-eighty-hour~~ school  
2 year required in Section 1-109 of this title, and

- 3 c. assessments identified for diagnostic purposes and  
4 periodic monitoring to measure the acquisition of  
5 reading skills including, but not limited to, phonemic  
6 awareness, phonics, reading fluency, vocabulary, and  
7 comprehension, as identified in the student's program  
8 of reading instruction.

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

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

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

4 F. 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.

1           2. The State Board of Education shall adopt rules for the  
2 implementation and evaluation of the provisions of the Reading  
3 Sufficiency Act. The evaluation shall include, but not be limited  
4 to, an analysis of the data required in subsection S of this  
5 section.

6           G. For any third-grade student found not to be reading at grade  
7 level as determined by reading assessments administered pursuant to  
8 this section, a new program of reading instruction, including  
9 provisions of the READ Initiative adopted by the school district as  
10 provided for in subsection O of this section, shall be developed by  
11 a Student Reading Proficiency Team and implemented as specified in  
12 subsection D of this section. In addition to other requirements of  
13 the Reading Sufficiency Act, the plan may include specialized  
14 tutoring.

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

1           2. If a third-grade student is identified at any point of the  
2 academic year as having a significant reading deficiency, which  
3 shall be defined as scoring below proficient on a screening  
4 instrument which meets the acquisition of reading skills criteria  
5 pursuant to subsection B of this section, the district shall  
6 immediately begin a student reading portfolio as provided by  
7 subsection K of this section and shall provide notice to the parent  
8 of the deficiency pursuant to subsection I of this section.

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

18           4.    a. For the 2016-2017 school year, a student not eligible  
19                   for automatic promotion as provided for in paragraph 3  
20                   of this subsection and who scores at the  
21                   unsatisfactory level on the reading portion of the  
22                   statewide third-grade assessment administered pursuant  
23                   to Section 1210.508 of this title may be evaluated for  
24                   probationary promotion by the Student Reading

1 Proficiency Team. Beginning with the 2017-2018 school  
2 year, a student not eligible for automatic promotion  
3 as provided for under paragraph 3 of this subsection  
4 and who scores below the proficiency level on the  
5 reading portion of the statewide third-grade  
6 assessment administered pursuant to Section 1210.508  
7 of this title may be evaluated for probationary  
8 promotion by the Student Reading Proficiency Team  
9 which was created for the student pursuant to  
10 subsection D of this section.

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



1 grade level in which the student is enrolled or  
2 transitions to the requirements set forth by the  
3 Achieving Classroom Excellence Act.

4 5. Beginning with the 2017-2018 school year, students who score  
5 below the proficient level on the reading portion of the statewide  
6 third-grade assessment administered pursuant to Section 1210.508 of  
7 this title, who are not subject to a good cause exemption as  
8 provided in subsection K of this section, and who do not qualify for  
9 promotion or probationary promotion as provided in this subsection,  
10 shall be retained in the third grade and provided intensive  
11 instructional services and supports as provided for in subsection N  
12 of this section.

13 6. Each school district shall annually report to the State  
14 Department of Education the number of students promoted to the  
15 fourth grade pursuant to this subsection and the number of students  
16 promoted to a subsequent grade pursuant to the provisions in  
17 paragraph 4 of this subsection. The State Department of Education  
18 shall publicly report the aggregate and district-specific number of  
19 students promoted on their website and shall provide electronic  
20 copies of the report to the Governor, Secretary of Education,  
21 President Pro Tempore of the Senate, Speaker of the House of  
22 Representatives, and to the respective chairs of the committees with  
23 responsibility for common education policy in each legislative  
24 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  
25

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;

6 6. 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 be provided  
4 intensive reading instruction during an altered instructional day  
5 that includes specialized diagnostic information and specific  
6 reading strategies for each student. The school district shall  
7 assist schools and teachers to implement reading strategies for the  
8 promoted students that research has shown to be successful in  
9 improving reading among low-performing readers.

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

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

20 2. The principal of the school shall review and discuss the  
21 documentation with the teacher and, if applicable, the other members  
22 of the Student Reading Proficiency Team as described in subsection D  
23 of this section. If the principal determines that the student meets  
24 one of the good-cause exemptions and should be promoted based on the

1 documentation provided, the principal shall make a recommendation in  
2 writing to the school district superintendent; and

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

5 N. Each school district shall:

6 1. Conduct a review of the program of reading instruction for  
7 all students who score below the proficient level on the reading  
8 portion of the statewide assessment administered pursuant to Section  
9 1210.508 of this title and did not meet the criteria for one of the  
10 good-cause exemptions as set forth in subsection K of this section.

11 The review shall address additional supports and services, as  
12 described in this subsection, needed to remediate the identified  
13 areas of reading deficiency. The school district shall require a  
14 student portfolio to be completed for each retained student;

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

- 23 a. small group instruction,
- 24 b. reduced teacher-student ratios,

- c. more frequent progress monitoring,
- d. tutoring or mentoring,
- e. transition classes containing third- and fourth-grade students,
- f. extended school day, week, or year, and
- g. summer reading academies as provided for in Section 1210.508E of this title, if available;

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

4. Implement a policy for the midyear promotion of a retained student who can demonstrate that the student is a successful and independent reader, is reading at or above grade level, and is ready to be promoted to the fourth grade. Tools that school districts may use in reevaluating any retained student may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Retained students may only be promoted midyear prior to November 1 and only upon demonstrating a level of proficiency required to score at the

1 proficient level on the statewide third-grade assessment  
2 administered pursuant to Section 1210.508 of this title, or upon  
3 demonstrating proficiency in reading at the third-grade level  
4 through a screening instrument administered pursuant to subsection B  
5 of this section, and upon showing progress sufficient to master  
6 appropriate fourth-grade-level skills, as determined by the school.  
7 A midyear promotion shall be made only upon agreement of the parent  
8 or guardian of the student and the school principal;

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

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

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

23 O. Beginning with the 2011-2012 school year, each school  
24 district shall establish a Reading Enhancement and Acceleration



1 Development (READ) Initiative. The focus of the READ Initiative  
2 shall be to prevent the retention of third-grade students by  
3 offering intensive accelerated reading instruction to third-grade  
4 students who failed to meet standards for promotion to fourth grade  
5 and to kindergarten through third-grade students who are exhibiting  
6 a reading deficiency. The READ Initiative shall:

7 1. Be provided to all kindergarten through third-grade students  
8 at risk of retention as identified by the assessments administered  
9 pursuant to the Reading Sufficiency Act. The assessment used shall  
10 measure phonemic awareness, phonics, fluency, vocabulary, and  
11 comprehension;

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

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

- 16 a. assists students assessed as exhibiting a reading  
17 deficiency in developing the ability to read at grade  
18 level,
- 19 b. provides skill development in phonemic awareness,  
20 phonics, fluency, vocabulary, and comprehension,
- 21 c. provides a scientific-research-based and reliable  
22 assessment,
- 23 d. provides initial and ongoing analysis of the reading  
24 progress of each student,

- 1 e. is implemented during regular school hours,
- 2 f. provides a curriculum in core academic subjects to
- 3 assist the student in maintaining or meeting
- 4 proficiency levels for the appropriate grade in all
- 5 academic subjects,
- 6 g. establishes at each school, where applicable, an
- 7 Intensive Acceleration Class for retained third-grade
- 8 students who subsequently score below the proficient
- 9 level on the reading portion of the statewide
- 10 assessment administered pursuant to Section 1210.508
- 11 of this title. The focus of the Intensive
- 12 Acceleration Class shall be to increase the reading
- 13 level of a child at least two grade levels in one (1)
- 14 school year. The Intensive Acceleration Class shall:
- 15 (1) be provided to any student in the third grade who
- 16 scores below the proficient level on the reading
- 17 portion of the statewide assessments and who was
- 18 retained in the third grade the prior year
- 19 because of scoring below the proficient level on
- 20 the reading portion of the statewide assessments,
- 21 (2) have a reduced teacher-student ratio,
- 22 (3) provide uninterrupted reading instruction for the
- 23 majority of student contact time each day and
- 24 incorporate opportunities to master the fourth-

1 grade state standards in other core subject  
2 areas,

3 (4) use a reading program that is scientific-  
4 research-based and has proven results in  
5 accelerating student reading achievement within  
6 the same school year,

7 (5) provide intensive language and vocabulary  
8 instruction using a scientific-research-based  
9 program, including use of a speech-language  
10 therapist,

11 (6) include weekly progress monitoring measures to  
12 ensure progress is being made, and

13 (7) provide reports to the State Department of  
14 Education, in the manner described by the  
15 Department, outlining the progress of students in  
16 the class at the end of the first semester,

17 h. provide reports to the State Board of Education, upon  
18 request, on the specific intensive reading  
19 interventions and supports implemented by the school  
20 district. The State Superintendent of Public  
21 Instruction shall annually prescribe the required  
22 components of the reports, and

23 i. provide to a student who has been retained in the  
24 third grade and has received intensive instructional

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

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

20 Q. 1. Each school district board of education shall annually  
21 publish on the school website, and report in writing to the State  
22 Board of Education by September 1 of each year, the following  
23 information on the prior school year:  
24

- 1 a. the provisions of this section relating to public  
2 school student progression and the policies and  
3 procedures of the school district on student retention  
4 and promotion,
- 5 b. by grade, the number and percentage of all students in  
6 grades three through ten performing below the  
7 proficient level on the reading portion of the  
8 statewide assessment administered pursuant to Section  
9 1210.508 of this title,
- 10 c. by grade, the number and percentage of all students  
11 retained in grades three through ten,
- 12 d. information on the total number and percentage of  
13 students who were promoted for good cause, by each  
14 category of good cause as specified above, and
- 15 e. any revisions to the policies of the school district  
16 on student retention and promotion from the prior  
17 year.

18 2. The State Department of Education shall establish a uniform  
19 format for school districts to report the information required in  
20 this subsection. The format shall be developed with input from  
21 school districts and shall be provided not later than ninety (90)  
22 days prior to the annual due date. The Department shall annually  
23 compile the information required, along with state-level summary  
24 information, and report the information to the public, the Governor,

1 the President Pro Tempore of the Senate, and the Speaker of the  
2 House of Representatives.

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

6 S. On or before December 31 of each year, the State Department  
7 of Education shall issue to the Governor, the President Pro Tempore  
8 of the Senate, the Speaker of the House of Representatives and  
9 members of the Senate and House of Representatives Education  
10 Committees a Reading Report Card for the state and each school  
11 district and elementary site which shall include, but is not limited  
12 to, trend data detailing three (3) years of data, disaggregated by  
13 student subgroups to include economically disadvantaged, major  
14 racial or ethnic groups, students with disabilities, and English  
15 language learners, as appropriate for the following:

16 1. The number and percentage of students in kindergarten  
17 through third grade determined to be at risk for reading  
18 difficulties compared to the total number of students enrolled in  
19 each grade;

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

23 3. The number and percentage of students in kindergarten  
24 through third grade who have successfully completed their program of

1 reading instruction and are reading on grade level as determined by  
2 the results of approved reading assessments;

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

7 5. The number of students tested, the number of students  
8 promoted through meeting proficiency on a screening instrument as  
9 provided for in subsection H of this section, the number of students  
10 promoted through each of the good-cause exemptions as provided for  
11 in subsection K of this section and the number of students retained  
12 and the number of students promoted through probationary promotion  
13 as provided for in subsection H of this section for each elementary  
14 site;

15 6. Data tracking the progression of students promoted through  
16 each of the good-cause exemptions as provided for in subsection K of  
17 this section and students promoted through probationary promotion or  
18 students who are retained in third grade as provided for in  
19 subsection H of this section through the eighth grade. The data  
20 shall include but not be limited to information regarding whether  
21 students graduate on time;

22 7. The amount of funds for reading remediation received by each  
23 district;

1 8. 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;

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

6 10. Socioeconomic information, access to reading resources  
7 outside of school and screening for and identification of learning  
8 disabilities for students not reading at the appropriate grade level  
9 by third grade;

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

14 12. Any recommendations for improvements or amendments to the  
15 Reading Sufficiency Act.

16 The State Department of Education may contract with an  
17 independent entity for the reporting and analysis requirements of  
18 this subsection.

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

21 SECTION 4. AMENDATORY 70 O.S. 2011, Section 4516, is  
22 amended to read as follows:

23 Section 4516. The board of education of any school district  
24 operating pursuant to the provisions of ~~this act~~ Section 4511 et



1 seq. of this title shall establish a school calendar whereby the  
2 teaching sessions and vacation periods during the school year are on  
3 a rotating basis.

4 Each selected school shall be closed for all students and  
5 employees on regular school holidays.

6 The schools and classes shall be conducted for a total of no  
7 less than one hundred eighty (180) days ~~or no less than one thousand~~  
8 ~~eighty (1,080) hours~~ during the academic year.

9 The provisions of all other laws relating to compulsory full-  
10 time education and the enrollment and attendance of pupils in the  
11 kindergarten, elementary and secondary grades shall be applicable  
12 with respect to the regular school days prescribed for the entire  
13 academic year established for the school at which a program pursuant  
14 to ~~this act~~ Section 4511 et seq. of this title is conducted, and to  
15 the attendance area established for such school.

16 SECTION 5. This act shall become effective July 1, 2019.

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

21  
22 57-1-1256 EB 1/16/2019 2:13:24 PM  
23  
24  
25