

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 15. CURRICULUM AND INSTRUCTION**

SUBCHAPTER 27. READING SUFFICIENCY ACT

210:15-27-1. ~~Reading Sufficiency Act~~ Reading Sufficiency Plans and Summer Academy Reading Programs

(a) Each public school district will develop a district reading sufficiency plan that includes a plan for each site. The district and site reading plans plan will become a part of each district's Comprehensive Local Education Plan and must be updated annually and electronically submitted to and approved by the Office of Instruction of the State Department of Education as part of the requirements for receiving accreditation, provided that electronic submission and approval of annual updates to the district plan shall not be required if:

- (1) The last plan submitted by the school district was approved; and
- (2) Expenditures for the district's reading program include only expenses relating to:
 - (A) Individual and small group tutoring;
 - (B) Purchase of and training in the use of screening and assessment measures;
 - (C) Summer school programs; or
 - (D) Saturday school programs.

(b) If any expenditure for the district's reading program is deleted or changed or if any other type of expenditure for the district's reading program is implemented, the school district shall be required to submit the latest annual update for approval. Notwithstanding the provisions of (a)(1) and (2) of this Section, if a district has one or more schools that are not achieving the annual improvement goals as outlined in the Reading Sufficiency Act, or if a district has one or more schools designated as a school in need of improvement, the district shall submit its district reading sufficiency plan for approval.

~~(b)(c)~~ Each school district and each school site shall submit to the State Department of Education the information to be used for the required Reading Sufficiency Act Annual Reading Report Card: by the Submission-submission deadline date to be determined by the Office of Instruction of the State Department of Education.

~~(c)(d)~~ Each school district will submit to the State Department of Education, the number of students in kindergarten, first, second and third grades found to be in need of remediation in reading based on screening instruments approved by the State Board of Education: by the Submission-submission deadline date to be determined by the Office of Instruction of the State Department of Education.

~~(d)(e)~~ Pursuant to the Reading Sufficiency Act, each school district which has any schools that are not achieving the required annual reading goal set forth in 70 O.S. § 1210.508B shall submit to the State Department of Education its annual improvement goals necessary to progress from the baseline established September 1, 2005, to achieving the reading goal for all third-grade students set forth at 70 O.S. 1210.508B(D). by July 1, 2008. These improvement goals shall be submitted to the State Board of Education: by the Submission-submission deadline date to be determined by the Office of Instruction of the State Department of Education.

~~(e)(f)~~ Contingent on the availability of appropriated funds designated for the Reading Sufficiency Act, the State Department of Education may award up to \$150.00 allocate funds to public school districts in accordance with the provisions of 70 O.S. § 1210.508D. for each currently enrolled first, second, and third grade student who is found to be in need of remediation in reading.

~~(f)(g)~~ Reading sufficiency funds allocated under this section pursuant to subsection (e)(f) of this Section must be used for expenses relating to individual and small group tutoring, purchase of and and/or development of instructional training in the use of screening assessment measures, summer school academy reading programs, and Saturday school programs, and any other reading program or professional development training contemplated as necessary by the districts to perform the goals of the Reading Sufficiency Act for students in the kindergarten, first, second, and third grades who have been identified by the elementary site as in need of a program of reading instruction.

~~(g) Each school district with one or more school sites identified for School Improvement shall submit its district reading sufficiency plan to the State Board of Education. Submission date to be determined by the Office of Instruction of the State Department of Education.~~

~~(h) The district reading sufficiency plan shall be submitted to the State Board of Education if the district has any schools that are not achieving the annual improvement goals as outlined in the Reading Sufficiency Act. Submission date to be determined by the Office of Instruction of the State Department of Education.~~

~~(i) Contingent on the availability of appropriated funds, the State Department of Education may award up to \$400.00 to public school districts for each eligible currently enrolled student who is found not to be reading at grade level and who subsequently participates in a summer academy reading program pursuant to the Reading Sufficiency Act.~~

~~(j)(h) Each district will submit the number of eligible students who may participate in an approved summer academy reading program based on results from an approved assessment as outlined in the Reading Sufficiency Act: by the Submission submission deadline date to be determined by the Office of Instruction of the State Department of Education.~~

~~(k) Reading Sufficiency funds allocated from the student count in (j) may be used for expenses relating to any approved reading programs for participating eligible students.~~

~~(l)(i) Summer academy reading programs for students shall be courses that:~~

- ~~(1) provide at least four (4) weeks of tutoring a half (1/2) day each day for four days;~~
- ~~(2) incorporate the content of a reading program that meets the criteria set forth in the Reading Sufficiency Act; and~~
- ~~(3) are taught by teachers who have successfully completed a professional development institute or program in reading as prescribed by the statutory provisions of the Reading Sufficiency Act; and~~
- ~~(4) include only eligible students not reading at grade level based on results from an assessment approved by the State Board of Education.~~

~~(j) School districts observing a continuous learning calendar may request to implement a summer academy reading program on an alternative schedule throughout the extended school year (e.g., during intersession breaks) by submitting a proposed alternative summer academy reading program schedule to the State Department of Education for approval prior to the deadline established by the Office of Instruction of the State Department of Education, provided that any proposed alternative schedule must meet the requirements set forth in (i) of this Section.~~

~~(m)(k) Superintendents of districts will sign and submit an assurance statement that their reading program(s) meet the requirements of the Reading Sufficiency Act prior to receipt of funding.~~

~~(l) Upon completion of a Summer Academy Reading Program pursuant to 70 O.S. § 1210.508E, a student may demonstrate successful completion of the required competencies for reading necessary for promotion to fourth grade upon the student's completion of either:~~

- ~~(1) A student portfolio in accordance with the criteria set forth in 210:15-27-2(b)(4); or~~
- ~~(2) An acceptable level of performance on an alternative reading assessment in accordance with the criteria set forth in 210:15-27-2(b)(3)(A).~~

210:15-27-2. Alternative standardized reading assessments and use of student portfolio for good cause exemptions for promotion under the Reading Sufficiency Act

(a) Beginning with the 2013-2014 school year, students who score at the Unsatisfactory level on the Reading portion of the ~~Grade 3~~ third grade criterion-referenced test(s) may only be promoted to fourth grade ~~four~~ if the student qualifies for a good cause ~~or other statutory exemption~~ pursuant to 70 O.S. § 1210.508C.

(b) Good cause exemptions shall be limited to the six (6) statutory exemptions outlined in 70 O.S. § 1210.508C, ~~Section (K)~~ as follows:-

- ~~(1) Completion of transitional grades shall be considered a previous retention for purposes of 70 O.S. § 508C, Section (K). A transitional grade consists of subject area curriculum selected from two consecutive grade levels to provide differentiated instruction needed for a student to master appropriate skills required for promotion. Students with limited English proficiency~~

may be granted a good cause exemption for promotion to the fourth grade pursuant to 70 O.S. § 1210.508C(K)(1). To qualify for this exemption, the student must:

- (A) Be identified as Limited-English Proficient (LEP)/English Language Learner (ELL) on a screening tool approved by the Oklahoma State Department of Education Office of Bilingual/Migrant Education and have a Language Instruction Educational Plan (LIEP) in place prior to the administration of the third grade criterion referenced test; and
- (B) The student must have had less than two (2) years of instruction in an English Language Learner (ELL) program.

(2) Students with disabilities who are assessed with alternate achievement standards (AA-AAS) under the Oklahoma School Testing Program (OSTP) with the Oklahoma Alternative Assessment Program (OAAP) qualify for the good cause exemption pursuant to 70 O.S. § 1210.508C(K)(2). To qualify for this exemption, the student must meet all of the following criteria:

- (A) The student must be identified as needing special education services prior to the administration of the third grade criterion referenced test;
- (B) The student must have an Individualized Education Program (IEP) in place prior to the administration of the third grade criterion referenced test; and
- (C) The student's IEP must: ~~(ii)~~ direct that the student is to be assessed with alternate achievement standards through the Oklahoma Alternative Assessment Program (OAAP) based upon the OSDE Criteria Checklist for Assessing Students with Disabilities on State Assessments.

~~(e)~~(3) Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment may be granted a good cause exemption for promotion to the fourth grade pursuant to 70 O.S. § 1210.508C(K)(3). To promote a student using an alternative standardized reading assessment, the following criteria shall apply:

~~(1)~~(A) The student must score an acceptable level of performance on an approved alternative standardized reading assessment. The following are approved alternative standardized reading assessments that may be used to justify a good cause promotion pursuant to 70 O.S. § 1210.508C(K)(3). The listed score constitutes an acceptable level of performance, and the student must score at or above the following percentiles:

- ~~(A)~~(i) Stanford Achievement Test, Tenth Edition, (SAT 10) – 45th Percentile
- ~~(B)~~(ii) Iowa Test of Basic Skills (ITBS) Complete Battery Form A, C or E, Level 9, Reading Comprehension – 45th Percentile
- ~~(C)~~(iii) Iowa Test of Basic Skills (ITBS) Core Battery, Form A, C, or E, Level 9, Reading Comprehension – 45th Percentile
- ~~(D)~~(iv) ~~Terranova~~ TerraNova, Third Edition Complete Battery Level 13, Reading – 45th Percentile

~~(2)~~(B) Alternative standardized reading assessments may only be administered following the administration of the Reading portion of the ~~Grade 3~~ third grade criterion-referenced test(s). The spring test form of the exam shall be administered.

~~(3)~~(C) An approved alternative standardized reading assessment may be administered at any time prior to the start of the next academic year, if there are at least thirty ~~calendar~~ calendar days between administrations and different test forms are administered.

~~(d)~~(4) Students who can demonstrate evidence through a student portfolio that the student has mastered state standards beyond the retention level and that the student is reading on grade level or higher may be granted a good cause exemption pursuant to 70 O.S. § 1210.508C(K)(4). To promote a student using a student portfolio as a good cause exemption there must be evidence that demonstrates the student's mastery of state standards beyond the retention level and that the student is reading on grade level or higher. To promote a student through the use of a student portfolio, the following criteria shall apply:

~~(1)~~(A) The student portfolio shall include evidence demonstrating ~~demonstration~~ of the student's mastery of the Oklahoma state standards in reading equal to grade level performance on the Reading portion of the statewide third grade ~~Grade 3~~ criterion-referenced test(s). Such evidence shall be documented through an organized collection of

work representing the student's mastery of such standards, including a demonstration of mastery of all of the following essential components of reading:-

- (i) Phonological awareness;
- (ii) Phonics (i.e., The student demonstrates awareness of letter-sound correspondence for consonants, vowels, and consonant diagraphs, syllable types, and two to three syllable words);
- (iii) Vocabulary (i.e., The student demonstrates ability to determine the meaning of general academic-specific and domain-specific words and phrases in a text relevant to a grade three topic or subject area);
- (iv) Automaticity/Fluency (i.e., The student demonstrates timed letter and word identification, sight words, modeled paragraph reading);
- (v) Comprehension (i.e., The student demonstrates ability to read and comprehend informational text independently and proficiently); and
- (vi) Spelling/Writing (i.e., The student demonstrates proficiency in spelling and writing through spelling tests and writing samples).

~~(2) A student portfolio created to serve as the basis for a good cause exemption must meet the following criteria:~~

- ~~(A) Consist only of grade level work selected by the student's Reading teacher;~~
- ~~(B) Be an accurate representation of the student's reading achievement level, and only include work that has been independently produced in the third grade by the student in the classroom of the student's Reading teacher;~~
- ~~(C)(B) The student portfolio shall include~~ Include clear evidence that the standards assessed by the Reading portion of the ~~Grade 3 statewide~~ third grade criterion-referenced test(s) have been met. Clear evidence must include multiple choice items and passages that are 50% literary text and 50% expository text that are between 200-600 words, with an average of 350 words. Such evidence could consist of:
 - (i) Chapter or unit tests from the district's adopted core reading curriculum that are aligned with the Oklahoma State Standards; or
 - (ii) Teacher-prepared assessments.
- ~~(D)(C) Each standard and objective assessed by the Grade 3 Reading portion of the~~ third grade criterion-referenced test(s) must include a minimum of four (4) work samples of mastery whereby the student attained a grade of 70% or above. Demonstrating mastery of each objective for each standard is required.
- (D) The student portfolio shall include copies of the screening assessments and benchmark/progress monitoring assessments administered pursuant to 70 O.S. 1210.508C(B) and (C), as well as a copy of the student's Academic Progress Plan.
- (E) The student portfolio shall be ~~Be~~ signed by the certified classroom teacher responsible for the student's Reading instruction and the principal of the school, ~~both~~ attesting that:

- (i) The ~~the~~ portfolio is an accurate assessment of the student's reading achievement level;
- (ii) The portfolio includes only work that has been independently produced by the student in the third grade, including programs of reading instruction provided after regular school hours, on Saturdays, and during the summer following the student's third grade year; and
- (iii) that the The student possesses required reading skills to be promoted to fourth grade.

~~(e) To promote a student under 70 O.S. § 1210.508C (L), the student's teacher shall compile a student portfolio which demonstrates that the student should be exempted from the academic requirements of the Oklahoma Reading Sufficiency Act. The student portfolio shall indicate that promotion is appropriate based on the record of the student, as documented by a student portfolio.~~

~~(1) An exemption based on the record of the student shall exist only if the student has been evaluated for special education services and received a borderline deficiency Full Scale IQ or~~

~~General Intellectual Ability (GIA) score of seventy (70) to seventy nine (79) on an intellectual assessment listed in sub-section (1)(B).~~

~~(A) Student portfolios compiled pursuant to section (e) of this rule shall contain documentation of the intellectual assessment administered to the student and the respective score report. The intellectual assessment must be administered by a licensed psychologist, certified school psychologist, or certified psychometrist.~~

~~(B) The following intellectual assessments may be administered to justify an exemption under this section:~~

~~(i) WISC IV~~

~~(ii) Stanford Binet V~~

~~(iii) Woodcock Johnson III Normative Update~~

~~(C) An intellectual assessment may only be used to justify this exemption if administered in the current or previous school year of the Grade 3 criterion-referenced test administration. Prior intellectual assessments may not be relied upon as justification for this exemption.~~

~~(D) The standard error of measurement (SEM) shall not be considered for purposes of this section.~~

~~(2) The student portfolio shall be compiled by the student's Reading teacher and submitted to the school principal for approval. The portfolio shall be signed by the student's Reading teacher and the principal of the school, both attesting that the student meets the requirements of this section.~~

~~(3) The student's Reading teacher, in consultation with the school principal, shall determine whether the student qualifies for an exemption pursuant to this rule.~~

(5) Students with disabilities who participate in the statewide criterion-referenced test and have an IEP may qualify for a good cause exemption pursuant to 70 O.S. § 1210.508C(K)(5). To qualify for this exemption, the student must meet the following criteria:

(A) The student must have been previously retained in kindergarten, first grade, second grade, or third grade; and

(B) The student's IEP must:

(i) Identify Reading as an area of education need for the student or identify some type of special education service in the area of Reading; and

(ii) Reflect that the student has received intensive remediation for more than two (2) years. Intensive remediation may include any type of program offering intensive reading instruction that is identified as appropriate by the IEP team.

(6) Students who demonstrate a reading deficiency and have been previously retained may qualify for a good cause exemption pursuant to 70 O.S. § 1210.508C(K)(6). To qualify for this exemption, the student must meet the following criteria:

(A) The student must have been previously retained in kindergarten, first grade, second grade, or third grade for a total of two (2) years; and

(B) The student must have received intensive reading instruction for two (2) or more years.

(c) Each student completion of a transitional grade between kindergarten and third grade shall be considered a previous retention for purposes of 70 O.S. § 1210.508C(K). A transitional grade consists of subject area curriculum selected from two consecutive grade levels to provide differentiated instruction needed for a student to master appropriate skills required for promotion.

~~(g)(d) Documentation shall be maintained in the student record of any student promoted on the basis of a good cause exemption listed in 70 O.S. § 1210.508C(K), Section (K), or student exemptions granted pursuant to sub-section (e) of this rule. Documentation shall include the student's criterion-referenced test score; and any documentation relied upon to grant a good cause exemption or exemption pursuant to (e)(b) of this rule Section.~~

~~(f)(e) Any student promoted on the basis of a good cause exemption listed in 70 O.S. 1210.508C(K), Section (K), or exempted from academic requirements pursuant to sub-section (e) of this rule should continue to receive intensive reading instruction and intensive instructional~~

services and supports through the continued implementation of an Academic Progress Plan (APP) to remedy the reading deficiency.

(f) Each student's APP required under this section shall be documented on a form approved by the Office of Instruction of the State Department of Education, and shall include, but not be limited to, the following information:

- (1) Identification of assessments used for diagnostic purposes and periodic monitoring;
- (2) The results of the assessment(s) used to identify the reading deficiency;
- (3) A list of the developmental reading skill areas targeted for improvement (i.e., comprehension, phonics, phonological awareness, spelling, reading fluency, or vocabulary);
- (4) A description of the supplemental and/or remedial services and supports provided to the student in accordance with the provisions of 70 O.S. § 1210.508C(N)(2);
- (5) A description of parental involvement strategies; and
- (6) Identification of any collaborative services provided to the child in order to facilitate the APP (i.e., Title I, IDEA, ELL/Title III).

(g) For purposes of the Reading Sufficiency Act, a "program of reading instruction" shall be based upon a three-tiered Response to Intervention ("RtI") model, and shall include:

- (1) For students identified for Tier I intervention, a minimum of ninety (90) minutes of uninterrupted daily scientific-research-based reading instruction;
- (2) For students identified for Tier II intervention, at least thirty (30) to forty-five (45) minutes of additional uninterrupted daily scientific-research-based reading instruction in addition to the ninety (90) minutes of uninterrupted daily reading instruction provided under Tier I; and
- (3) For students identified for Tier III intervention, at least forty-five (45) to sixty (60) minutes of additional uninterrupted daily scientific-research-based reading instruction in addition to the ninety (90) minutes of uninterrupted daily reading instruction provided under Tier I.

210:15-27-3. Standards for mid-year promotion of retained third graders

(a) District school boards of education shall adopt and implement a policy for the mid-year promotion of any student retained in third grade due to a reading deficiency as required by 70 O.S. § 1210.508C. Such mid-year promotions of retained third grade students must occur during the first semester of the academic year, and must occur prior to November 1 of that academic year.

(b) To be eligible for mid-year promotion, a student must demonstrate by reasonable expectation that he or she:

- (1) Is a successful and independent reader as demonstrated by reading at or above grade level;
- (2) Has progressed sufficiently to master appropriate fourth grade reading skills; and
- (3) Has met any additional requirements, such as satisfactory achievement in other curriculum areas, as determined by the policies of the district school board.

(c) Standards that provide a reasonable expectation that the student has met the requirements of section (d) of this rule include demonstrating a level of proficiency required to score above the Unsatisfactory level on the Grade 3 criterion referenced test(s) and mastery of reading skills, consistent with the month of promotion to fourth grade, as presented in the scope and sequence of the school district's core reading program. Evidence of demonstrated mastery shall be shown by the following:

- (1) Successful completion of portfolio elements that meet state criteria in subsection (d) of this rule; or
- (2) Satisfactory performance on a subsequent alternative standardized assessment as specified in section (e) of this rule.

(d) To promote a student mid-year using a student portfolio as provided for in paragraph (c)(1) of this rule, there must be evidence of the student demonstrating a level of proficiency required to score above the Unsatisfactory level on the Oklahoma state standards as assessed by the Reading portion of the Grade 3 criterion-referenced test(s), and mastery of the Oklahoma state standards as assessed by the Reading portion of the Grade 4 criterion-referenced test(s), as specified in section (b) of this rule. The student portfolio must meet the following requirements:

- (1) Consist only of work selected by the student's Reading teacher;
- (2) Be an accurate representation of the student's reading achievement level, and only include work that has been independently produced by the student in the classroom of the student's Reading teacher;
- (3) Include evidence demonstrating a level of proficiency required to score above the Unsatisfactory level on the standards assessed by the Reading portion of the Grade 3 criterion-referenced test(s) by meeting all requirements set forth in 210:15-27-2(d);
- (4) Include evidence of beginning mastery of fourth grade state standards that are assessed by the Grade 4 Reading portion of the criterion-referenced test(s). Clear evidence must include multiple choice items and passages that are 50% literary text and 50% expository text that are between 200-600 words, with an average of 350 words. Such evidence could consist of:
 - (A) Chapter or unit tests from the district's adopted core reading curriculum that are aligned with the Oklahoma State Standards; or
 - (B) Teacher-prepared assessments;
- (5) Each standard and objective assessed by the Grade 4 Reading portion of the criterion-referenced test(s) must include a minimum of three (3) work samples of mastery whereby the student attained a grade of 70% or above. Demonstrating mastery of each objective for each standard is required; and
- (6) Be signed by the Reading teacher and the principal of the school, both attesting that the portfolio is an accurate assessment of the student's ability and that the student possesses the required reading skills to be promoted to fourth grade.

(e) To promote a student mid-year using an alternative standardized assessment as provided for in subsection (c)(2) of this rule, there must be evidence that the student scored at or above grade level on the reading portion of an alternative standardized reading assessment listed in OAC 210:15-27-2(c)(1), as

demonstrated by standard scores or percentiles consistent with the month of promotion to the fourth grade.

(f) The Academic Progress Plan (APP) for any retained third grade student who has been promoted mid-year to fourth grade must continue to be implemented for the entire academic year.

(g) A mid-year promotion shall only occur upon agreement of the parent or legal guardian of the student, and the principal of the school. Such decision should be made in consultation with the student's third and fourth grade teachers.

[Source: Added at 29 Ok Reg 976, eff 6-26-12]