

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

SUBCHAPTER 27. READING SUFFICIENCY ACT

210:15-27-2. 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 third grade criterion-referenced test(s) may only be promoted to fourth grade if the student qualifies for a good cause 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 (K) as follows:

(1) 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 that meets the definition of a "language instruction educational program" set forth in 20 U.S.C. §7011.

(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 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.

(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:

(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:

(i) Stanford Achievement Test, Tenth Edition, (SAT 10) - 45th Percentile

(ii) Iowa Test of Basic Skills (ITBS) Complete Battery Form A, C or E, Level 9, Reading Comprehension - 45th Percentile

(iii) Iowa Test of Basic Skills (ITBS) Core Battery, Form A, C, or E, Level 9, Reading Comprehension - 45th Percentile

- (iv) TerraNova, Third Edition Complete Battery Level 13, Reading - 45th Percentile
- (B) Alternative standardized reading assessments may only be administered following the administration of the Reading portion of the third grade criterion-referenced test(s). The spring test form of the exam shall be administered.
- (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 (30)~~ twenty (20) calendar days between administrations and different test forms are administered.
- (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 through the use of a student portfolio, the following criteria shall apply:
- (A) The student portfolio shall include evidence demonstrating 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 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).
- (B) The student portfolio shall include clear evidence that the standards assessed by the Reading portion of the 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.
- (C) Each standard and objective assessed by the 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 signed by the certified classroom teacher responsible for the student's Reading instruction and the principal of the school, attesting that:
- (i) 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) The student possesses required reading skills to be promoted to fourth grade.
- (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.
- (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). 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 (b) of this Section.
- (e) Any student promoted on the basis of a good cause exemption listed in 70 O.S. 1210.508C(K) 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 (b) of this rule~~ Section 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~~ Section; or
 - (2) Satisfactory performance on a subsequent alternative standardized assessment as specified in ~~section (e) of this rule~~ Section.
- (d) To promote a student mid-year using a student portfolio as provided for in ~~paragraph (c)(1) of this rule~~ Section, 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~~ Section. The student portfolio must meet the following requirements:

- (1) Consist only of work selected by the student's Reading certified classroom teacher responsible for the student's Reading instruction;
 - (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 certified classroom teacher responsible for the student's Reading instruction;
 - (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)~~210:15-27-2(b)(4);
 - (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 certified classroom teacher responsible for the student's reading instruction 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 ~~sub-section (c)(2) of this rule~~ Section, 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(e)(1)~~ 210:15-27-2(b)(3)(A), as demonstrated by standard scores or percentiles consistent with the month of promotion to the fourth grade. Alternative assessments administered for the purpose of determining a student's eligibility for mid-year promotion must also comply with the requirements of 210:15-27-2(b)(3)(B)-(C) and the school district's policy for mid-year promotion, provided that alternative assessments administered for this purpose may be administered until November 1 of the school year.
- (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.