



Oklahoma State Department of Education
Non-Regulatory Guidance
HB 2625

May 2014

INTRODUCTION

HB 2625 significantly amends the manner in which local school districts will implement the provisions of the Reading Sufficiency Act (RSA) for the 2013-2014 and 2014-2015 school years. The Department is issuing the following guidance to address questions and concerns relating to the new provisions and to provide guidance to assist local school districts in implementing applicable exemptions.

The amendments to Title 70, Section 1210.508C, as implemented by HB 2625 provide additional opportunities for students to meet performance expectations necessary for promotion to the fourth grade. Most significantly, the bill amends the criteria necessary for promotion to the fourth grade by establishing additional, alternative options for promotion.

For the 2013-2014 and 2014-2015 school years, third-grade students subject to the requirements of the RSA may qualify for automatic promotion to the fourth grade in four ways:

- 1. Demonstration of Third Grade Level Proficiency on a Benchmark Assessment**
- 2. Qualification Through the Use of a Student Portfolio**
- 3. Scoring Limited Knowledge on the OCCT**
- 4. Application of the Good-Cause Exemptions**

I. Demonstration of Third Grade Level Proficiency on a Benchmark Assessment

One key component of the Reading Sufficiency Act (RSA) that remains unchanged by the implementation of HB 2625 is the use of benchmark assessment to determine whether students enrolled in kindergarten through the third grade are reading at grade level. The law still requires that each student enrolled in kindergarten, first, second and third grade be assessed at the beginning, middle, and the end of each academic school year using a screening instrument approved by the State Board of Education (SBE). The SBE previously approved the thirteen benchmark assessments listed below to be used for screening purposes.

The amendments to the RSA law provide that any student *who demonstrates proficiency in reading at a third-grade level* through one of the screening/benchmark instruments listed below will be exempt from the retention requirements of the RSA. The demonstration of proficiency must be at a third-grade level and meet the acquisition of reading skills criteria for the designated screening instrument at a third-grade level. The requisite score for each screening assessment below denotes the level at which a student must score to demonstrate a third grade level proficiency in reading.

Screening/Benchmark Assessment¹

Requisite Performance Level

aimsweb

Children's Progress Academic Assessment (CPAA)

DIBELS Next

Developmental Reading Assessment, Second Edition, Plus
easyCBM

Group Assessment and Diagnostic Evaluation (GRADE)

iREADY

Literacy First

40th Percentile

40th Percentile

At or above Benchmark on
the Composite Score of 330
Level 30

40th Percentile

40th Percentile

40th Percentile

All Prerequisite phonological,
high frequency word
assessments, comprehension,
and phonics

- 50th Percentile with 3's
or 4's on

Multidimensional
Fluency Scale Using
Third Grade Level
Passage 1

- DER Intermediate
Comprehension
Assessment Mastery of
Basic Signal Words,
Questioning, Fiction:
Predicting, and Story
Elements

Measures of Academic Progress (MAP)

mCLASS: Dibels Next

40th Percentile

At or above minimum
Benchmark Composite Score
of 330

STAR Early Learning Enterprise, Renaissance Learning, Inc.

Woodcock Reading Mastery Tests, Third Edition

40th Percentile

Requisite Score of 489 on
Total Reading Cluster

Once a student has demonstrated proficiency in reading at a third grade level and meets acquisition criteria, he or she shall be exempted from the retention requirements. If a student demonstrates a subsequent deficiency in reading (after having been exempted from retention requirements), RSA does contain additional requirements and/or services for which the district will be required to provide. These requirements apply even though the student has been exempted from the retention requirements of RSA.

¹ Note: Star Early Literacy and Measures of Academic Progress for Primary Grades have been approved by the SBE for screening use, but are not appropriate for use at the third grade.

If a student meets the criteria necessary to be exempted from retention requirements, the school district must provide written notification to the student's parents or legal guardian that he or she has satisfied the requirements of the RSA and will not be subject to retention. The district should maintain a copy of all screening/benchmark assessments, the APP Plan, and all parental correspondence in the student's cumulative file.

II. Qualification Through the Use of a Student Portfolio

Once a local school district has administered benchmark/screening assessments, as referenced in the previous section, it will have sufficient information to identify students with a significant reading deficiency. (This includes any student scoring below proficiency at a third-grade level on a screening/benchmark assessment approved by the SBE.) Amendments to the RSA now require the school district to "immediately" begin compiling a student portfolio, as outlined in subsection K of the statute, for any student who scores below proficient (at a third-grade level) on a screening/benchmark assessment. The student portfolio must meet the requirements established by the SBE in administrative rules OAC 210:15-27-2.

The school district is required to notify the student's parent or legal guardian in writing of the deficiency and that he or she is not reading at the appropriate grade level. The school district's notification must meet the requirements of subsection (I) of the statute and must include the following:

1. That the student has been identified as having a substantial deficiency in reading;
2. A description of the current services being provided to the student;
3. A description of the supplemental instructional services and supports that will be provided to the student that are designed to remediate identified areas of deficiency;
4. That the student will not be promoted to the fourth grade if the deficiency is not remedied by the end of third grade (If the student does not qualify for a good-cause exemption, or if the student does not qualify for probationary promotion, or qualify through SARP, etc . . .);
5. Strategies for parents to use in helping their child succeed in reading;
6. That while results of statutorily required assessments are an initial determinant of promotion, tests are not the sole determiner of whether a student is promoted *and that student portfolio reviews and assessments are available and being utilized for the student*; and
7. The specific criteria and policies of the school district relating to mid-year promotion.

Any student qualifying for a student portfolio (and an APP) pursuant to the RSA (under this section) shall continue to receive intensive remediation through a program of reading instruction until he or she demonstrates proficiency at a third-grade level on a screening/benchmark instrument approved by the SBE. If a student for whom the school district is compiling a student portfolio later demonstrates third grade level proficiency on a subsequent screening/benchmark instrument, he or she shall be exempt from the retention requirements of the RSA. In this situation, the school district should document the APP, parental notifications,

previous screening/benchmark scores and existing student portfolio in the student's cumulative file.

III. Students Scoring Limited Knowledge on the OCCT

HB 2625 significantly amends the manner in which local school districts promote students who scored Limited Knowledge on the reading portion of the OCCT. The new language establishes specific criteria and steps that must be taken in order to “automatically promote” students performing within this grade band.

The law requires that the district provide written notice to the parent or legal guardian of students scoring limited knowledge on the OCCT that the student is not yet reading at grade level. Specifically, the parental notice must contain the following:

1. Provide the option for retention to the parent/legal guardian;
2. Contain the most recently identifiable grade level on which the student is actually proficient (i.e., the student's current proficiency/performance level);
3. Inform the parent/legal guardian of opportunities for summer reading programs, school/community-based reading tutoring programs, and vendors which provide reading tutoring; and
4. The right of the child to receive intensive remediation.

Students receiving a score of Limited Knowledge on the OCCT *shall* be entitled to intensive remediation in reading until the student demonstrates proficiency in reading *at the grade level in which the student is enrolled*. HB 2625 requires that the local school district implement an intensive remediation plan (APP) developed by Student Reading Proficiency Team.² The State Department of Education has developed a model IRP form for reference that is focused on ensuring parents and legal guardians are aware of the services that have been provided to the student. At a minimum, the IRP should:

1. Be clearly communicated to the parent/legal guardian;
2. Include provisions for monitoring of the student's progress;
3. Include documentation of the services that have been provided to the student (Includes information related to the intensive remediation provided to the student in grades k-2; include a description of the resources and materials used in intensive remediation; include a description of the reading supports utilized by the district; state whether the student will attend a summer academy reading program or other program offered by the district.); and
4. Include the signature of all members of the Student Reading Proficiency Team.

²The Student Reading Proficiency Team for purposes of providing intensive remediation to students who have scored Limited Knowledge on the OCCT shall be composed of: 1) Parent/legal guardian of student; 2) Teacher assigned to the student who was responsible for reading instruction; 3) Teaching in reading who teaches in the subsequent grade level; 4) The school site principal; and 5) A certified reading specialist, if **one is available**.

Continued monitoring by the Student Reading Proficiency Team will be necessary to ensure the provisions of the IRP are satisfied. Note also that the provisions of subsection (L), which requires students promoted pursuant to subsection (H) to be provided “intensive reading instruction during an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student.” These requirements apply to students who score Limited Knowledge on the OCCT.

IV. Application of the Good-Cause Exemptions

HB 2625 does not amend any of the previously established Good-Cause Exemptions. (See subsection (K) of the statute and administrative rule 210: 15-27-2) The local school district should apply Good-Cause exemptions to determine whether promotion to the fourth grade is appropriate. (Note: HB 2497 was signed into law on 5/28/14. This allows districts to count retention in Pre-kindergarten as a previous retention if the retention was based on academic reasons. This will affect Good-Cause Exemptions #5 and #6.)

There are **four ways** in which a student may qualify for automatic promotion to the fourth grade:

1. Demonstration of Third Grade Level Proficiency on a Screening/Benchmark Assessment
2. Qualification Through the Use of a Student Portfolio
3. Scoring Limited Knowledge on the OCCT.
4. Application of the other Good-Cause Exemptions

If the student does not meet the requirements of one of these options, he or she is not eligible for automatic promotion to the fourth grade.

At this point, the student will either receive probationary promotion or be retained in the third grade.

See subsection (H)(4): District completes process before consideration of probationary promotion.

For the 2013-2014 and 2014-2015 school years, third-grade students subject to the requirements of the RSA may qualify for probationary promotion to the fourth grade if the following requirements are met.

- I. A student who does not qualify for automatic promotion to the fourth grade *may* be evaluated for probationary promotion by a Student Reading Proficiency Team.³
- II. If each member of the Student Reading Proficiency Team unanimously recommends the student for probationary promotion, the student shall be promoted to the fourth grade.
- III. Once the Student Reading Proficiency Team has made a unanimous recommendation, the recommendation shall be submitted to the superintendent of the school district for approval if promotion is the best option for the student.
- IV. If the student is allowed a probationary promotion, the Student Reading Proficiency Team shall continue to review the reading performance of the student and repeat the requirements of this paragraph *every school year* until the student demonstrates grade-level reading proficiency; that level of proficiency would be identified through a screening instrument for the corresponding grade level in which the student is enrolled or transitions to the requirements set forth by the Achieving Classroom Excellence Act (ACE).

Probationary promotion is *probationary* and contingent upon the Student Reading Proficiency Team's continued monitoring to determine whether the student is demonstrating grade-level proficiency. At any point, the Team may determine that retention is the best option for the student.

The district must document Student Reading Proficiency Team meetings to show appropriate evaluation/consideration of student performance and to document the continued unanimous recommendation of the members of the Team.

The RSA requires school districts to provide specific services to students who qualify for probationary promotion. See the following examples:

- Subsection (B)(2): Students found not to be reading at the appropriate grade level *shall* be provided a program of reading instruction designed to enable the student to acquire appropriate grade-level reading skills. (Program of reading instruction defined in administrative rule 210:15-27-2 and requires an APP)
- Subsection (B)(3): Throughout the year, progress monitoring shall continue. (4th grade screenings)
- Subsection (D): A program of reading instruction shall be provided and include provisions of the READ initiative adopted by the school district. This may include:
 - * Additional in-school instructional time;

³The Student Reading Proficiency Team for purposes of determining whether probationary promotion is appropriate shall be composed of: 1) Parent/legal guardian of student; 2) Teacher assigned to the student who was responsible for reading instruction; 3) Teaching in reading who teaches in the subsequent grade level; 4) The school site principal; and 5) A certified reading specialist (**membership is required**).

- * If necessary, tutorial instruction outside regular school hours, on Saturdays, and during the summer (Not counted toward 1080 hr/180 day school year); and
 - * Assessments identified for diagnostic purposes and periodic monitoring to measure the acquisition of reading skills.
- Subsection (E): A program of reading instruction shall continue until the student is determined to be reading on grade level. (Defined in administrative rule 210:15-27-2. Continues on APP/program of reading instruction until student demonstrates grade-level proficiency)
 - Subsection (L): The student shall be provided intensive reading instruction during an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student.
 - Subsection (L): The district must assist teachers and school sites to implement reading strategies shown to be successful in improving reading among low-performing students.
 - Subsection (N): Conduct a review of the program of reading instruction for all students who score unsatisfactory and do not meet criteria for any good-cause exemptions. The review conducted by the districts shall address supports and services.

Reporting Requirements

- Each school district will be required to report annually to the State Department of Education the number of students promoted pursuant to the guidelines set forth above. The reporting requirements will be a part of mandatory Plan reporting through the Single-Sign-On System.
- RSA reporting requirements will be updated to include the following mandatory reports:
 - The number of student exempted from RSA retention requirements by demonstrating proficiency in reading at the third-grade level through a screening/benchmark assessment approved by the SBE;
 - The number of students who qualify for automatic promotion by scoring Limited Knowledge on the reading portion of the OCCT;
 - The number of students who qualify for automatic Student Reading Proficiency Team promotion through the use of a Good-Cause Exemption, including the use of a student portfolio; and
 - The number of students promoted for successful completion of a summer academy reading program (SARP) or other instruction program implemented by the school district.
- The Reading Sufficiency Plan submitted by the district will be modified to include students in 4th-8th grade, and address services provided to students receiving probationary promotion.

HB 2625 FAQs

Question: Can the beginning of the year, middle of the year, and end of the year screening be used to exempt a student from retention requirements of RSA?

- Yes. Subsection (H) of the amended statute states that any student who demonstrates proficiency “on a screening instrument which meets the acquisition of reading skills criteria pursuant to subsection (B) of this section shall not be subject to the retention guidelines . . .” Subsection (B) sets forth beginning and end of the year screenings, and also requires that “progress monitoring” continue throughout the year. As such, any screening conducted pursuant to subsection (B) would exempt the student from retention *if the student demonstrates proficiency at the third-grade level*. Because subsection (B) requires screening instruments in all grades K-3, the screening instrument may be used to exempt student from retention requirements in any of these grades.

Question: If the student demonstrates proficiency at the third-grade level on the beginning of the year screening, and then later demonstrates a deficiency in reading at the middle or end of the year screening, do the retention requirements of RSA apply to the student?

- No. Once a student demonstrates proficiency at a third-grade level and as such, is exempted from retention requirements of RSA, the student remains exempted from such requirements. Other provisions of RSA require that the school district provide intensive remediation or a program of reading instruction (through an APP) to the student, but demonstration of a deficiency does not subject a student to retention once the student has been exempted. The district must document the basis for the exemption. (See subsections (H) and (G)).

Question: If the parent or legal guardian of a student who scores Limited Knowledge on the OCCT wants his or her child to be retained, is the district required to retain the student?

- Yes. Subsection (H)(3)(b) requires that the district offer retention to the parent or legal guardian of a student who scores Limited Knowledge. If the parent chooses to retain the student because he or she is not performing at grade level, the school district must honor the request.

Question: Are the membership requirements for the Student Reading Proficiency Team different?

- Yes. Subsection (H)(3)(c) establishes the membership of the Student Reading Proficiency Team established to develop an intensive remediation plan (IRP) for students who score Limited Knowledge on the OCCT. A certified reading specialist is to serve on the Team if one is necessary.
- Conversely, the Student Reading Proficiency Team established in subsection (H)(5)(a) to determine if probationary promotion is appropriate for a student who scored Unsatisfactory on the OCCT is required to have a certified reading specialist serve as a member on the Team. The individual must be certified by the SDE as a reading specialist to serve in this capacity.

Question: Should the school district require that all members of the Student Reading Proficiency Team meet (in-person) to develop an IRP for a Limited Knowledge student or to determine whether a student should receive probationary promotion?

- Yes. In both circumstances, the law requires the Student Reading Proficiency Team to make a specific determination and/or develop an IRP for the student. In order to document that the Team fulfilled statutory criteria, the Team should meet in person. The Department has created a form to assist schools in documenting the Team meeting and to ensure that all criteria are met.

Question: Must the Student Reading Proficiency Team’s determination of whether probationary promotion is appropriate be unanimous?

- Yes. Subsection (H)(5)(a) requires that the team members “unanimously recommend probationary promotion.” If any one member of the Team believes that the student should be retained, the student will not receive probationary promotion. (Retention is the default option without unanimous consent that probationary promotion is appropriate based on the needs of the student.)

Question: The law requires school districts to inform parents of students who scored Limited Knowledge on the OCCT of vendors that provide reading tutoring. Are districts required to develop this list to provide to parents?

- Yes. Subsection (H)(3)(b) of the law requires districts to provide this information to parents and legal guardians of students who score Limited Knowledge on the OCCT. The district will be required to review eligible vendors and develop a list to provide to parents/guardians.

Question: Must the Student Reading Proficiency Team (“Team”) meet in person to determine whether promotion pursuant to subsection (H) is the best option for a particular student?

- Yes. Subsection (H)(3)(c) requires that the Team develop an intensive remediation plan (APP) for students who score Limited Knowledge on the OCCT. Subsection (H)(5)(a) allows members of the Team to “evaluate” students for probationary promotion. Further, subsection (H)(5)(a) also states that the Team, (all members of the Team), must *unanimously recommend* probationary promotion to the school district superintendent. Section (H) does not reference the manner in which the district must meet this requirement, but inherently, in order for the Team to perform these functions, members would be required to meet in person. If a district opts to not schedule “in-person” Team meetings for the parents of students pursuant to subsection (H), the district must be able to show: 1) how all members of the Team evaluated the student; 2) how the unanimous recommendation was reached; and 3) that each member of the team agreed with the recommendation made to the superintendent of the district. The SDE has developed a model form for Team use.