

CHAPTER 15. CURRICULUM AND INSTRUCTION

SUBCHAPTER 13. SPECIAL EDUCATION

210:15-13-4. Oklahoma Educational Interpreter for the Deaf Act

In order to be considered an Educational Interpreter, an individual must meet the requirements set out in law or a comparable level of proficiency must be demonstrated.

(1) **Comparable level of proficiency.** A comparable level of proficiency may be obtained by passage of the following assessments defined as:

(A) Educational Interpreter Performance Assessment (EIPA) equals a 3.5 at the level in which the person interprets (i.e., elementary or secondary).

(B) Educational Sign Skills Evaluation for Signed Exact English (SEE) equals a 3.5 at the level in which the person interprets (i.e., elementary or secondary).

~~(C) National Council for Interpreter's (NCI) Certificate.~~

(2) **Experience.** Three year's experience in the field of deaf education is clarified as including interpreting in non-educational settings.

(3) **System of continuing education.**

(A) Educational interpreters must complete 10 continuing education units annually, 50% of which must include training in educational interpreting.

(B) In order to receive credit for continuing education units the course workshop or seminar must have been preapproved by the Oklahoma State Department of Education (OSDE).

(4) **The Registry of Interpreters.** The OSDE will develop a list of educational interpreters and in conjunction with the Department of Rehabilitation Services (DRS) maintain the list.

210:15-13-7. Lindsey Nicole Henry Scholarship for Students with Disabilities Program [REVOKED]

(a) **Scholarship Requests.** The parent or legal guardian of an eligible student with disabilities who has been admitted to an approved private school may request a Lindsey Nicole Henry Scholarship from the Oklahoma State Department of Education (OSDE):

(1) A complete Lindsey Nicole Henry Scholarship for Students with Disabilities Application and all required documentation must be submitted by postal mail, email, or fax to the State Department of Education by December 1 of the year that the scholarship is being requested for. Scholarship requests received after December 1 shall be eligible for consideration, but funding for scholarship requests received after December 1 shall not be available until the beginning of the following school year.

(2) Upon receipt of a Lindsey Nicole Henry Scholarship request, the State Department of Education shall notify the school district of residence:

(3) All recipients of the Lindsey Nicole Henry Scholarship must submit a renewal request for the scholarship each year, by submitting a current Lindsey Nicole Henry Scholarship for Students with Disabilities Application to the State Department of Education. Renewal requests should be submitted in June or July prior to the beginning of the academic year for which the scholarship renewal is requested. If the application is received after the beginning of the school year, the scholarship will be prorated according to the date the renewal request is approved. If a renewal application is not submitted by December 1, the scholarship will be terminated.

(4) If the required annual renewal requests and all other required documentation are submitted to the State Department of Education as provided for in this section and in 70 O.S. § 13-101.2, the scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of twenty-two (22), whichever occurs first.

(5) 70 O.S. § 13-101.2 provides that acceptance of a Lindsey Nicole Henry Scholarship shall have the same effect as a parental revocation of consent under 20 U.S.C. Section 1414(a)(1)(D) and 1414(C) of the Individuals with Disabilities Education Act (IDEA). The State Department of Education will provide a form, available online from the agency website, which a parent/guardian shall complete to indicate that they understand the revocation of consent for service under IDEA. The parent/guardian shall return the completed revocation of consent form to OSDE, and a copy of the form shall be forwarded by OSDE to the school district that most recently served the student.

(b) **Payments.** Payment of scholarship funds shall be made by the State Department of Education with an individual warrant made payable to the participating student's parent or guardian, and mailed by the Department to the private school where the student is enrolled:

(1) Upon issuance of a Lindsey Nicole Henry Scholarship warrant, the parent or legal guardian to whom the warrant is made shall restrictively endorse the warrant to the private school for deposit into the account of the private school:

(2) The initial payment shall be made after the State Department of Education verifies acceptance and enrollment at the approved private school. Quarterly payments shall be made upon verification of continued enrollment and attendance at the private school:

(3) The parent or legal guardian may not designate any entity or individual associated with the private school as the attorney in fact for the parent or legal guardian to endorse a warrant. Failure to comply with this subsection will result in forfeiture of the scholarship.

(c) **Private School Eligibility.** In order to be eligible to accept students on the scholarship, private schools must be accredited by the State Board of Education or another accrediting association approved by the State Board of Education, and meet all other requirements for participating private schools as listed in 70 O.S. § 13-101.2. No out of state schools are eligible to participate in the scholarship program. The State Department of Education shall maintain a list of private schools that have been determined to be eligible to participate in the Lindsey Nicole Henry scholarship program, to be posted on the State Department of Education website and updated each time a school is added to or removed from the program. Participating schools may be required to periodically provide documentation to OSDE demonstrating that they continue to meet the eligibility requirements for participation in the Lindsey Nicole Henry Scholarship Program. A participating school shall not be required to submit documentation of continued eligibility more than one (1) time per year, unless OSDE receives information that a participating school may no longer meet the program eligibility requirements, in which case documentation of continued eligibility may be requested from the school in question upon receipt of such a complaint. Scholarship requests shall only be considered when the parent of an eligible student submits documentation that the student has been admitted to a school that has been approved as of the date the scholarship request is received by the State Department of Education.

(d) **Student Eligibility.** To be eligible for a Lindsey Nicole Henry Scholarship, a student must meet the following criteria:

- (1) Has been identified as a student with a disability, and has had an individualized Education Program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA);
- (2) Has an IEP in effect at the time the scholarship request is received by the State Department of Education;
- (3) Has been accepted by a private school approved by the State Department of Education for participation in the Lindsey Nicole Henry scholarship program; and
- (4) Falls within one of the following three categories:
 - (A) Has spent the prior school year in attendance at a public school in Oklahoma; or
 - (B) Is the child of a member of the United States Armed Forces who transfers to a school in Oklahoma from another state or from a foreign country pursuant to a permanent change of station orders;
 - (C) Has been provided services under an Individual Family Service Plan (IFSP) through the SoonerStart program, and during transition was evaluated and determined to be eligible for school district services; or;
- (5) A student who was in out-of-home placement with the Department of Human Services (DHS), a student who was adopted while in the permanent custody of DHS, or a student who was in out-of-home placement with the Office of Juvenile Affairs (OJA) is eligible to apply for the Lindsey Nicole Henry Scholarship regardless of whether they have been identified as a student with disabilities or whether they have spent the prior school year in attendance at an Oklahoma public school.

(e) **Amount of Scholarship.** The maximum scholarship granted for an eligible student with disabilities shall be equivalent to the total State Aid factors for the applicable school year multiplied by the grade and disability weights generated by that student for the applicable school year. For a participating student who is eligible under (d)(5) of this section, the maximum amount of the scholarship shall be equivalent to the total State Aid factors for the applicable school year multiplied by the grade weight and any other factors applicable to the student:

- (1) The disability weights used in calculating the scholarship amount shall include all disability weights which correspond to the disabilities included in the multidisciplinary evaluation and eligibility group summary (MEEGS) for the student at the time the request for a scholarship is made by the parent or legal guardian.
- (2) The maximum scholarship amount shall be calculated by the State Board of Education for each year the student is participating in the Lindsey Nicole Henry Scholarship program.
- (3) Within ten (10) days after receiving a scholarship request, the State Department of Education shall notify the participating private school of the amount of the scholarship, provided the total State Aid factors have been determined for the current fiscal year.

(f) **Tracking.** Lindsey Nicole Henry Scholarship students shall be tracked through the computerized record system used by the State Department of Education.

SUBCHAPTER 27. READING SUFFICIENCYSTRONG READERS ACT

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

(a) **Definitions.** The following terms, when used in this Subsection, shall have the following meaning, unless the context clearly indicates otherwise:

- (1) **"Individualized Program of Reading Instruction"**, also referred to as **"Academic Progress Plan" ("APP")**; For purposes of this section, "Student Literacy Intervention Plan" ("SLIP"), means the program of reading instruction developed pursuant to Title 70 O.S. § 1210.508C for a student in kindergarten, first, second, or third grade who is not meeting grade level targets in reading, which is designed to enable the student to acquire the appropriate grade level reading skills.

(2) **"READ Initiative"** means the Reading Enhancement and Acceleration Development Initiative that each school district is directed to establish pursuant to 70 O.S. § 1210.508C, which shall be focused on preventing the retention of third grade students, and which comprises statutory components including but not limited to: availability to all kindergarten through third grade students at risk of retention as identified by Reading Sufficiency Act assessments; provision of services during regular school hours; and a reading curriculum that provides skill development in phonemic awareness, phonics, reading fluency, vocabulary, and comprehension.

(b) **District ~~Strong Readers Reading Sufficiency~~ Plans.** Each public school district ~~shall will~~ develop a District ~~Strong Readers Reading Sufficiency~~ Plan that includes a plan for each school site. The district and site reading plans shall provide for all students to receive at least ninety (90) minutes of reading instruction. Each ~~Strong Readers Reading Sufficiency~~ Plan must be updated annually, signed by the school site principal, and electronically submitted to and approved by the Oklahoma State Department of Education (OSDE) Office of ~~Literacy Curriculum and Instruction~~ no later than August 30 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.

(c) **Conditions requiring annual submission of Plans.** 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 Comprehensive School Improvement (CSI), More Rigorous Intervention (MRI), Targeted Support and Improvement (TSI), or Additional Targeted Support and Improvement (ATSI) site, the district shall submit its District ~~Strong Readers Reading Sufficiency~~ Plan for approval no later than August 30 of the applicable school year.

(d) **Submitting data for the annual report to the Legislature.** Each school district and each school site shall submit to the State Department of Education the information to be used for the annually required ~~Strong Readers Reading Sufficiency~~ Act report to the Oklahoma Legislature by the submission deadline to be determined by the Office of ~~Literacy Instruction~~ of the State Department of Education.

(e) **Reporting the number of students in need of remediation.** Each school district will submit to the OSDE the "Beginning of Year" report indicating 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 October 1.

(f) **Funding.** Contingent on the availability of appropriated funds designated for the ~~Strong Readers Reading Sufficiency~~ Act, the State Department of Education may allocate funds to public school districts in accordance with the provisions of Title 70 O.S. § 1210.508D. Superintendents of school districts allocated such funds will sign and submit an assurance statement that their reading program meets the requirements of the ~~Strong Readers Reading Sufficiency~~ Act prior to receipt of funding. In order to be eligible for ~~Strong Readers Reading Sufficiency~~ Act funds, a school district must submit its District ~~Strong Readers Reading Sufficiency~~ Plan to the OSDE by August 30, and must submit its "Beginning of Year" report of the number of students in need of remediation by October 1. A school district that has not submitted either of these documents by the applicable due dates will not be eligible to receive ~~Strong Readers Reading Sufficiency~~ Act funds for the school year in which the submission was not provided to the OSDE by the due date. A district that is unable to meet a submission deadline due to a technical problem in its Student Information System or in a system operated by the OSDE should immediately notify the Office of ~~Literacy Curriculum and Instruction~~ of the technical difficulty preventing a timely submission, and may be provided an extension of the applicable due date until the relevant technical issue is resolved. A district that is unable to meet a submission deadline due to circumstances that are beyond the district's control, but not attributable to a technical issue, may file an appeal with the State Board of Education. Such appeals shall be considered by the Board within forty-five (45) days of receipt.

(g) **Authorized expenses for RSA funds.** ~~Strong Readers Reading sufficiency~~ funds allocated pursuant to subsection (e) 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 academy ~~reading sufficiency plan~~ programs, Saturday school programs, and any other reading program or professional development training contemplated as necessary by the districts to perform the goals of the ~~Strong Readers 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. Professional development funded pursuant to this Section shall be consistent with guidance made available on the OSDE website by the Office of ~~Literacy Curriculum and Instruction~~.

(h) **Funding Requirements.** Districts that receive more than \$2,500 in Strong Readers Funds must spend 10% of those funds on science of reading professional development by an approved vendor. This list will be maintained by the Office of Literacy and will be reviewed annually. Approved expenditures include registration, cost of substitutes, stipends for training done outside of contract hours, travel expenses and accompanying materials. Per diem may not be covered with these funds.

(hi) **Summer Academy Reading Programs.** Summer Academy Reading Programs for students, as authorized by Title 70 O.S. § 1210.508E shall be courses that:

- (1) provide at least four (4) weeks of tutoring a minimum of three (3) hours each day for four (4) days and focus on literacy instruction;
- (2) incorporate the content of a reading sufficiency plan that meets the criteria set forth in the Strong Readers Reading Sufficiency Act;
- (3) are taught by teachers who have successfully completed a professional development institute or program of at least six (6) hours and approved by the Office of Literacy in reading as prescribed by the statutory provisions of the Strong Readers 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~~ Education; and
- (5) assesses participating students with the district adopted literacy screening assessment under the Strong Readers Act at the beginning and end of the session.

(rj) **Alternative schedule for Summer Academy Reading Program.** 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 OSDE for approval prior to the deadline established by the Office of Literacy Curriculum and Instruction.

(jk) **Exemption.** In order to be exempt from the universal and dyslexia screening requirements, student literacy intervention plans, and any other requirements of the strong readers act, a student must have a completed form on file at the district level verifying their eligibility according to one of the following qualifications:

- (1) the student participates in the Oklahoma Alternate Assessment Program (OAAP) and is taught using alternate methods;
- (2) the student's primary expressive or receptive communication is sign language;
- (3) the student's primary form of written or read text is Braille; or
- (4) the student's primary expressive or receptive language is not English, the student is identified as an English learner using a state-approved identification assessment, and the student received less than one (1) school year of instruction in an English-learner program.

(l) **Notice of Proficiency.** Notification of proficiency shall be sent to families no later than thirty (30) days after the close of the mid-year screening window.

Promotion upon completion of a Summer Academy Reading Program. 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); or
- (3) An acceptable level of performance on one of the screening instruments approved by the State Board of Education.

210:15-27-2. Good cause exemptions for promotion under the Reading Sufficiency Act [REVOKED]

(a) Students who do not meet grade-level criteria as established by the Office of Educational Quality and Accountability (OEQA) on the reading foundations/processes and vocabulary portions of the third grade assessment administered pursuant to 70 O.S. § 1210.508 may be promoted to fourth grade if the student qualifies for a good cause exemption authorized by 70 O.S. § 1210.508C. Only the scores from the reading foundations/processes and vocabulary portions of the third grade assessment shall be used to determine the promotion and retention of third grade students pursuant to the Reading Sufficiency Act.

(b) Good cause exemptions shall be limited to the statutory exemptions outlined in 70 O.S. § 1210.508C as follows:

(1) Students with limited English proficiency may be granted a good cause exemption for promotion to the fourth grade. To qualify for this exemption, the student must:

- (A) Be identified as Limited-English Proficient (LEP)/English Learner (EL) on a screening tool approved by the Oklahoma State Department of Education Office of Bilingual/Migrant Education and have an English Language Academic Plan (ELAP) in place prior to the administration of the third grade assessment; and
- (B) The student must have had less than two (2) years of instruction in an English Learner (EL) 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 under the Oklahoma School Testing Program (OSTP) with the Oklahoma Alternative Assessment Program (OAAP) qualify for a good cause exemption for promotion to fourth grade. 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 assessment;
- (B) The student must have an Individualized Education Program (IEP) in place prior to the administration of the third grade assessment; 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. 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 under this exemption. The listed score constitutes an acceptable level of performance, and the student must score at or above the following percentiles:

- (i) Stanford Achievement Test, - 45th Percentile
- (ii) Iowa Test of Basic Skills (ITBS) Complete Battery, Reading Comprehension - 45th Percentile
- (iii) Iowa Test of Basic Skills (ITBS) Core Battery, Reading Comprehension - 45th Percentile
- (iv) TerraNova, Complete Battery Level 13, Reading - 45th Percentile

(B) Alternative standardized reading assessments may only be administered following the administration of the reading foundations/processes and vocabulary portions of the third grade assessment. 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 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. 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 foundations/processes and vocabulary portions of the third grade assessment. 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) Phonemic awareness;
- (ii) Phonics (i.e., The student demonstrates awareness of letter-sound correspondence for consonants, vowels, and consonant digraphs, syllable types, and two to three syllable words);
- (iii) Reading fluency (i.e., The student demonstrates timed letter and word identification, sight words, modeled paragraph reading);
- (iv) 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); and
- (v) Comprehension (i.e., The student demonstrates ability to read and comprehend informational text independently and proficiently).

(B) The student portfolio shall include clear evidence that the standards assessed by the reading foundations/processes and vocabulary portions of the third grade assessment have been met. Such evidence could consist of:

- (i) Chapter or unit tests from the district's adopted core reading curriculum that are aligned with the Oklahoma Academic Standards; or
- (ii) Teacher-prepared assessments.

(C) Each standard and objective assessed by the reading foundations/processes and vocabulary portions of the third grade assessment 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 any screening, diagnostic, or progress monitoring assessments administered pursuant to 70 O.S. § 1210.508C, as well as a copy of the student's Individualized Program of Reading Instruction (also known as "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 assessments and have an IEP may qualify for a good cause exemption for promotion to fourth grade. To qualify for this exemption, the student must meet the following criteria:

- (A) The student's IEP must reflect that the student has received intensive remediation in reading; and
- (B) Reflect that the student has made adequate progress in reading pursuant to the student's IEP.

(6) Students who demonstrate a reading deficiency and have been previously retained may qualify for a good cause exemption for promotion to fourth grade. To qualify for this exemption, the student must meet the following criteria:

- (A) The student must have been previously retained in pre-kindergarten for academic reasons, kindergarten, first grade, second grade, or third grade; and
- (B) The student must have received intensive reading instruction for two (2) or more years.

(7) Students who have been granted an exemption for medical emergencies by the State Department of Education may qualify for a good cause exemption pursuant to 70 O.S. § 1210.508C. To qualify for this exemption, the student must have been granted a medical emergency exemption pursuant to 70 O.S. § 1210.508-2 and 210:10-13-23, applicable to the testing window during which the reading foundations/processes and vocabulary portions of the third grade assessment were administered to the student's class.

(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. 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. Documentation shall include the student's assessment score on the reading foundations/processes and vocabulary portions and any documentation relied upon to grant a good cause exemption:

(e) Any student promoted on the basis of a good cause exemption listed in 70 O.S. 1210.508C should continue to receive intensive reading instruction and intensive instructional services and supports through the continued implementation of an Individualized Program of Reading Instruction to remedy the reading deficiency:

(f) Each student's Individualized Program of Reading Instruction shall be documented on a form approved by the OSDE Office of Curriculum and Instruction, and shall include, but not be limited to, the following information:

(1) Identification of assessments used for diagnostic purposes and periodic progress 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., phonemic awareness, phonics, reading fluency, vocabulary, or comprehension);

(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;

(5) A description of parental involvement strategies; and

(6) Identification of any collaborative services provided to the student in order to facilitate the Individualized Program of Reading Instruction (i.e., Title I, IDEA, EL/Title III):

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

(a) School district 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 shall 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 they:

(1) Are a successful and independent reader as demonstrated by reading at or above grade level;

(2) Have progressed sufficiently to master appropriate fourth grade reading skills; and

(3) Have 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 (b) of this Section include demonstrating a level of proficiency required to meet grade-level criteria as established by the Office of Educational Quality and Accountability (OEQA) on the third grade assessment 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 (d) of this Section; or

(2) Satisfactory performance on a subsequent alternative standardized assessment as specified in (e) of this Section.

(d) To promote a student mid-year using a student portfolio as provided for in (c)(1) of this Section, there must be evidence of the student demonstrating a level of proficiency required to meet criteria on the Oklahoma state standards as assessed by the reading comprehension and vocabulary portions of the third grade assessment administered pursuant to 70 O.S. § 1210.508, and mastery of the Oklahoma Academic Standards as assessed by the reading foundations/processes and vocabulary portions of the fourth grade assessment, as specified in (b) of this Section. The student portfolio must meet the following requirements:

(1) Consist only of work selected by the 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 certified classroom teacher responsible for the student's Reading instruction;

(3) Include evidence demonstrating a level of proficiency required to meet criteria on the standards assessed by the reading comprehension and vocabulary portions of the third grade assessment by meeting all portfolio requirements set forth in 210:15-27-2(b)(4);

(4) Include evidence of beginning mastery of fourth grade state standards that are assessed by the fourth grade reading foundations/processes and vocabulary portions of the assessment. 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 fourth grade reading foundations/processes and vocabulary portions of the assessment 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 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.

(c) To promote a student mid-year using an alternative standardized assessment as provided for in (c)(2) of this 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(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) 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) 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.

(g) The Individualized Program of Reading Instruction for any retained third grade student who has been promoted mid-year to fourth grade shall be re-evaluated and modified as appropriate to support success in fourth grade, and shall be implemented for the entire academic year.

210:15-27-4. Individualized Program of Reading Instruction

(a) **Eligible students.** Students enrolled in kindergarten, first, second, and third grade in the public schools of Oklahoma shall be assessed at the beginning, middle, and end of each school year using a screening instrument approved by the State Board of Education. Any student found not to be reading at grade level shall be provided a Student Literacy Intervention Plan ("SLIP") ~~an Individualized Program of Reading Instruction~~ designed to enable the student to acquire the appropriate grade level reading skills. Diagnostic assessment shall be provided if determined appropriate, and progress monitoring shall continue throughout the year.

(b) **Student Reading Proficiency Team.** For students found not to be reading at the corresponding grade level upon completion of an approved screening instrument, a Student Reading Proficiency Team shall be created. The following guidelines apply to Student Reading Proficiency Teams:

(1) For a student not reading at the corresponding grade level in kindergarten, first grade, ~~or second grade, or third grade~~ as identified by an approved screening instrument, the Student Reading Proficiency Team shall develop an individualized program of reading instruction.

(2) The Student Reading Proficiency Team ~~team~~ shall be composed of:

- (A) The student's parent(s) or guardian(s);
- (B) The teacher assigned responsibility for the student's reading instruction in that academic year;
- (C) A teacher assigned responsibility for reading instruction in the student's next grade level; and
- (D) A certified reading specialist, if available.

~~(2) For a third grade student who is not eligible for automatic promotion and who does not meet criteria on the reading foundations/processes and vocabulary portions of the third-grade assessment administered pursuant to 70 O.S. § 1210.508, a Probationary Promotion Reading Proficiency Team may evaluate the student for probationary promotion. Upon the unanimous recommendation of the Probationary Promotion Reading Proficiency Team and approval of the school principal and district superintendent, a student recommended for probationary promotion shall be promoted to fourth grade. The Probationary Promotion Reading Proficiency Team shall be composed of:~~

- ~~(A) The student's parent(s) or guardian(s);~~
- ~~(B) The teacher assigned responsibility for the student's reading instruction in that academic year;~~
- ~~(C) A teacher assigned responsibility for reading instruction in the student's next grade level; and~~
- ~~(D) A certified reading specialist.~~

(c) **Program requirements.** Each program of reading instruction shall include the requirements outlined in subsection D of provisions of the READ Initiative adopted by the school district as provided for in Title 70 O.S. § 1210.508C. For purposes of the Strong Readers Reading Sufficiency Act, a "program of reading instruction" shall be based upon a Multi-Tiered Systems of Support (MTSS) model, and shall include:

(1) **Tier I.** Tier I, or core instruction, is research-based reading instruction for all students that is based on the science of how students learn to read and is aligned with the Oklahoma Academic Standards. Tier I instruction provides all students a minimum of ninety (90) minutes of daily on-grade level reading instruction.

(2) **Tier II.** Tier II intervention is supplemental, direct, research-based instruction based on the cognitive science of how students learn to read, designed to supplement core instruction and address students' reading skill deficits. Tier II intervention is:

- (A) Based on specific student needs, and consists of no less than twenty (20) minutes of instruction, three (3) times per week;
- (B) Reflects the needed intensity and/or frequency as identified by an appropriate reading assessment; and
- (C) Is determined by the teacher responsible for grade level Tier I reading instruction, reading specialist (if available), and building principal.

(3) **Tier III.** Tier III intervention is supplemental, direct, customized, and intensive research-based instruction based on the cognitive science of how students learn to read, designed to supplement core instruction and address students' reading skill deficits by targeting the area(s) of greatest need. Tier III intervention is:

(A) Based on specific student needs, and consists of no less than thirty (30) minutes of instruction, five (5) times per week, or in the alternative, forty (40) minutes, four (4) times per week;

(B) Reflects the needed intensity and/or frequency as identified by a diagnostic assessment; and

(C) Is determined by the teacher responsible for grade level Tier I reading instruction, reading specialist (if available), and building principal.

(d) District review of program. Each district shall conduct a review of the program of reading instruction for all students who do not meet criteria on the reading foundations/processes and vocabulary portions of the third grade assessment and do not qualify for a good-cause exemption under 70 O.S. § 1210.508C. For each student retained under the provisions of the Reading Sufficiency Act, the school district shall require a student portfolio to be completed. The district review of each retained student's program of reading instruction shall address additional supports and services needed to remediate the identified areas of reading deficiency, which may include but not limited to:

(1) Small group instruction;

(2) Reduced teacher-student ratios;

(3) More frequent progress monitoring;

(4) Tutoring or mentoring;

(5) Transition classes containing third and fourth grade students;

(6) Extended school day, week, or year; and

(7) Summer Academy Reading Programs as provided for in 70 O.S. § 1210.508E, if available.

(e) Students approved for probationary promotion. For a student who is approved for probationary promotion, the Probationary Promotion Reading Proficiency Team shall continue to review the student's reading performance and repeat the evaluation and recommendation process described in 1210.508C each academic year until the student demonstrates grade-level reading proficiency on an approved screening instrument or transitions to another school. If a student who has been approved for probationary promotion transitions to another school before demonstrating grade-level proficiency on an approved screening instrument, a copy of the student's Individualized Program of Reading Instruction shall be provided to the student's subsequent school.

SUBCHAPTER 32. OKLAHOMA MATH ACHIEVEMENT AND PROFICIENCY ACT

210:15-32-1. Summer Academy Math Programs

(a) Purpose. The purpose of this subchapter is to establish requirements governing the operation of Summer Mathematics Academy Programs and other approved mathematics instruction options as authorized by Title 70 O.S. § 1210.903, or any successor statute thereto.

(b) Summer Academy Math Programs. Summer Academy Math Programs for students, as provided for by Title 70 O.S. § 1210.903, shall be courses that:

(1) Provide at least four (4) weeks of instructional time consisting of a minimum of three (3) hours each day for at least four (4) days;—

(A) Instructional time shall include direct instruction, guided practice, and assessment activities aligned with the Oklahoma Academic Standards for Mathematics.

(B) Schools may extend instructional time or offer additional sessions at their discretion to meet student needs.

(2) Incorporate the contents of a Math Proficiency Plan that meet the criteria set forth in the Math Achievement and Proficiency Act;—

(3) Are taught by teachers who have successfully completed a professional development institute or program in math as prescribed by the statutory provisions of the Math Achievement and Proficiency Act; and

(4) Evaluate how the Summer Academy Math Program impacted student achievement pursuant to paragraph (d) below.

(c) Alternative schedule for Summer Academy Math Program. School districts observing a continuous learning calendar may request to implement a Summer Academy Math Program on an alternative schedule throughout the extended school year (e.g., during intersession breaks) by submitting a proposed Alternative Summer Academy Math Program schedule to the Oklahoma State Department of Education ("OSDE") for approval prior to the deadline established by the Office of Standards and Learning.

(d) Evaluation of Student Achievement. Each Summer Academy Math Program shall implement a system of evaluation to measure student progress in mathematics. Evaluation procedures shall include, at a minimum:

(1) A pre-assessment to determine the student's mathematics proficiency at the beginning of the program;—

(2) A post-assessment to measure achievement and growth upon completion; and

(3) A summary report of results to be submitted to the State Department of Education in a form prescribed by the Department.

(e) Compliance and Reporting. By October 1 of each year, each school district shall submit to the OSDE – Office of Standards and Learning a report indicating the number of students in second, third, fourth and fifth grades found to be performing above grade level and below grade level in mathematics based on screening instruments approved by the Oklahoma State Board of Education. The report shall also include data collected pursuant to paragraph (d) on student achievement outcomes to assess the overall effectiveness of the Summer Academy Math Program.