

ENGROSSED SENATE
BILL NO. 91

By: Long (Ed) of the Senate

and

Hager of the House

An Act relating to schools; providing certain requirements for criterion-referenced tests; allowing for certain test accommodations for certain students; designating certain tests as Oklahoma Literacy Passport Tests; allowing tests administered during 1994-95 school year to determine Literacy Passport attainment; providing for Literacy Passport designation on transcript; specifying qualifications for high school diploma; designating individuals not eligible for Literacy Passports; allowing certain students to enroll in ninth- through twelfth-grade courses; requiring transfer students from out-of-state to take Literacy Passport Tests; allowing for certain persons to take Literacy Passport Tests; providing time restrictions; providing opportunities for makeup tests; requiring certain documentation; allowing "homebound" students to take test at home; specifying certain requirements for testing in the home; requiring certain refusal to be in writing; requiring school principal to notify parents in writing of waiver after receipt of certain written refusal; prohibiting certain persons from certain

liability; providing for codification; and
declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.513 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The criterion-referenced test mandated by Section 1210.505 et seq. of Title 70 of the Oklahoma Statutes for development and implementation shall be written in the English language. Large print and Braille copies of said test shall be made available for administration to students whose Individualized Education Plan (IEP) Team submit the required requests. Requests for all test accommodations needed by students with learning disabilities or other handicapping conditions shall be requested in writing, signed by the parent or guardian, and submitted to the State Department of Education. Any exemption of test-taking made by an Individualized Education Plan (IEP) Team shall be kept on file by the local school district.

B. The eighth-grade criterion-referenced tests developed to measure student competencies in mathematics, science, reading, and writing as a result of Section 1210.505 et seq. of Title 70 of the Oklahoma Statutes shall hereafter be designated as the Oklahoma Literacy Passport Tests. Oklahoma Literacy Passport Tests administered during the 1994-95 school year, pursuant to Executive Order 92-8, shall be used to determine whether a student may receive a Literacy Passport. Any student who passes all four of these criterion-referenced tests shall have said designation recorded on the student's transcript. Students who do not pass the Literacy Passport Tests but successfully complete all other graduation

requirements shall, upon completion of the twelfth-grade year in public school, be qualified to earn a high school diploma.

C. Students who earn the Literacy Passport and successfully complete all other graduation requirements shall, upon completing the twelfth-grade year in public school, be qualified to earn a High School Diploma. Students who do not take the Literacy Passport Tests because of statutory or regulatory exemptions, parental or guardian refusal for the student to participate in the Oklahoma School Testing Program, or inability to take the tests for any reason shall not be eligible for a Literacy Passport, but shall be eligible for a High School Diploma, provided that said students have completed all other high school graduation requirements.

D. Any student who has completed requirements for promotion beyond the eighth grade but has not earned a Literacy Passport shall be allowed to enroll in ninth- through twelfth-grade courses. Beginning in the 1995-96 school year, any student from another state or country who enrolls in the ninth through twelfth grades in an Oklahoma public school is subject to the Literacy Passport Test requirements stated in this statute. Beginning in the school year 1999-2000, any individual through age twenty-one who has left the public schools without the Literacy Passport may take the Literacy Passport Tests. Upon successfully passing all Literacy Passport Tests and completing all other high school graduation requirements, said individuals will qualify for the Literacy Passport.

E. Students who are absent during the administration of any test mandated by the Oklahoma School Testing Program Act shall be provided opportunities for taking makeup tests through the last day of the official testing time for the state. Students who are unable to take one or more of the Oklahoma School Testing Program tests during the designated weeks of testing shall be offered opportunities for remediation and shall be administered the tests in

the following years as needed for initial administration and test retakes.

F. School personnel administering any test mandated by the Oklahoma School Testing Program Act shall document the name of any student who did not take one or more of the tests, the tests missed by the student, and the reason for failure to administer the tests. This documentation shall be kept on file in the local school district.

G. Students who are in "homebound" status during the official state testing dates because of illness or injury may, with the written and signed consent of the parent or guardian, be administered any of the Oklahoma School Testing Program tests in the home. Such test administrations shall require a test administrator and a test monitor and shall be subject to all State Board of Education Regulations for the Oklahoma School Testing Program.

H. Parents or guardians who refuse to allow their child to participate in any of the statutorily mandated test administrations or opportunities for remediation offered by the school shall submit this refusal in writing and sign said document. The documents shall be kept on file in the local school district and a copy shall be entered into the student's permanent file.

I. Upon receipt of notice of a parent's or guardian's refusal to allow a student to take the Literacy Passport Tests, the school principal shall notify the parent or guardian in writing that said refusal waives the student's right to earn the Literacy Passport unless rescinded by the parent or guardian. When the student reaches his or her eighteenth birthday, the student may elect to take the Literacy Passport Tests.

J. The following individuals shall not be held legally liable for a student's failure to qualify for a Literacy Passport as a result of the student's not taking the Literacy Passport Tests or not passing said tests: employees of the Oklahoma State Department

of Education, the public schools of Oklahoma, and/or the contracting test publisher; exempt from liability are also members of the State Board of Education and members of test development committees.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 1st day of March, 1995.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1995.

Speaker of the House of Representatives