

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2795

By: McCullough

5
6
7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; amending 70 O.S. 2011,
9 Section 1210.508C, as last amended by Section 96,
10 Chapter 15, O.S.L. 2013 (70 O.S. Supp. 2013, Section
11 1210.508C), which relates to the Reading Sufficiency
12 Act; changing obsolete language; modifying mandatory
13 third-grade retention requirements; allowing
14 promotion if the student is granted a waiver;
15 requiring certain reading instruction for students
16 granted a waiver; deleting term mandatory; allowing
17 school districts to implement a waiver process from
18 certain retention requirements for certain percentage
19 of certain students; requiring school districts to
20 submit a written explanation prior to implementation;
21 requiring school districts to submit an annual
22 report; allowing exempted students to be promoted;
23 amending 70 O.S. 2011, Section 1210.523, as last
24 amended by Section 2, Chapter 403, O.S.L. 2013 (70
O.S. Supp. 2013, Section 1210.523), which relates to
the requirement for mastery of state academic content
standards in designated subjects; allowing school
districts to implement a waiver process from certain
requirements for certain percentage of certain
students; requiring school districts to submit a
written explanation prior to implementation;
requiring school districts to submit an annual
report; allowing exempted students to graduate with a
standard diploma; providing an effective date; and
declaring an emergency.

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

1 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508C,
2 as last amended by Section 96, Chapter 15, O.S.L. 2013 (70 O.S.
3 Supp. 2013, Section 1210.508C), is amended to read as follows:

4 Section 1210.508C A. 1. Each student enrolled in kindergarten
5 in a public school in this state shall be screened for reading
6 skills including, but not limited to, phonological awareness, letter
7 recognition, and oral language skills as identified in the ~~Priority~~
8 ~~Academic Student Skills (PASS)~~ state curriculum standards adopted by
9 the State Board of Education. A screening instrument approved by
10 the State Board shall be utilized for the purposes of this section.

11 2. For those kindergarten children at risk for reading
12 difficulties, teachers shall emphasize reading skills as identified
13 in the ~~PASS~~ state curriculum standards, monitor progress throughout
14 the year and measure year-end reading progress.

15 3. Classroom assistants, which may include parents,
16 grandparents, or other volunteers, shall be provided in kindergarten
17 classes to assist with the screening of students if a teacher aide
18 is not already employed to assist in a kindergarten classroom.

19 B. 1. Each student enrolled in kindergarten, first, second and
20 third grade of the public schools of this state shall be assessed at
21 the beginning of each school year using a screening instrument
22 approved by the State Board of Education for the acquisition of
23 reading skills including, but not limited to, phonological
24

1 awareness, phonics, spelling, reading fluency, vocabulary, and
2 comprehension.

3 2. Any student who is assessed and found not to be reading at
4 the appropriate grade level shall be provided a program of reading
5 instruction designed to enable the student to acquire the
6 appropriate grade level reading skills. Beginning with students
7 entering the first grade in the 2011-2012 school year, the program
8 of reading instruction shall include provisions of the READ
9 Initiative adopted by the school district as provided for in
10 subsection O of this section.

11 3. Throughout the year progress monitoring shall continue, and
12 diagnostic assessment, if determined appropriate, shall be provided.
13 Year-end reading skills shall be measured to determine reading
14 success.

15 C. The State Board of Education shall approve screening
16 instruments for use at the beginning of the school year, for
17 monitoring of progress, and for measurement of reading skills at the
18 end of the school year as required in subsections A and B of this
19 section; provided, at least one of the screening instruments shall
20 meet the following criteria:

- 21 1. Assess for phonological awareness, phonics, reading fluency,
22 and comprehension;
- 23 2. Document the validity and reliability of each assessment;
- 24 3. Can be used for diagnosis and progress monitoring;

1 4. Can be used to assess special education and limited-English-
2 proficient students;

3 5. Accompanied by a data management system that provides
4 profiles for students, class, grade level and school building. The
5 profiles shall identify each student's instructional point of need
6 and reading achievement level. The State Board shall also determine
7 other comparable reading assessments for diagnostic purposes and for
8 periodic and post assessments to be used for students at risk of
9 reading failure. The State Board shall ensure that any assessments
10 approved are in alignment with the ~~PASS~~ state curriculum standards.

11 D. The program of reading instruction required in subsection B
12 of this section shall align with the ~~PASS~~ state curriculum
13 standards, shall include provisions of the READ Initiative adopted
14 by the school district as provided for in subsection O of this
15 section beginning with students entering the first grade in the
16 2011-2012 school year and may include, but is not limited to:

17 1. Sufficient additional in-school instructional time for the
18 acquisition of phonological awareness, phonics, spelling, reading
19 fluency, vocabulary, and comprehension;

20 2. If necessary, tutorial instruction after regular school
21 hours, on Saturdays and during summer; however, such instruction may
22 not be counted toward the one-hundred-eighty-day or one-thousand-
23 eighty-hour school year required in Section 1-109 of this title; and
24

1 3. Assessments identified for diagnostic purposes and periodic
2 monitoring to measure the acquisition of reading skills including,
3 but not limited to, phonological awareness, phonics, spelling,
4 reading fluency, vocabulary, and comprehension, as identified in the
5 student's program of reading instruction.

6 E. The program of reading instruction shall continue until the
7 student is determined by the results of approved reading assessments
8 to be reading on grade level.

9 F. 1. Every school district shall adopt, and implement a
10 district reading sufficiency plan which has had input from school
11 administrators, teachers, and parents and if possible a reading
12 specialist, and which shall be submitted electronically to and
13 approved by the State Board of Education. The plan shall be updated
14 annually. School districts shall not be required to electronically
15 submit the annual updates to the Board if the last plan submitted to
16 the Board was approved and expenditures for the program include only
17 expenses relating to individual and small group tutoring, purchase
18 of and training in the use of screening and assessment measures,
19 summer school programs and Saturday school programs. If any
20 expenditure for the program is deleted or changed or any other type
21 of expenditure for the program is implemented, the school district
22 shall be required to submit the latest annual update to the Board
23 for approval. The district reading sufficiency plan shall include a
24 plan for each site which includes an analysis of the data provided

1 by the Oklahoma School Testing Program and other reading assessments
2 utilized as required in this section, and which outlines how each
3 school site will comply with the provisions of the Reading
4 Sufficiency Act.

5 2. Each school site shall establish a committee, composed of
6 educators, which if possible shall include a certified reading
7 specialist, to develop the required programs of reading instruction.
8 A parent or guardian of the student shall be included in the
9 development of the program of reading instruction for that student.

10 3. The State Board of Education shall adopt rules for the
11 implementation and evaluation of the provisions of the Reading
12 Sufficiency Act. The evaluation shall include, but not be limited
13 to, an analysis of the data required in subsection § T of this
14 section.

15 G. For any third-grade student found not to be reading at grade
16 level as determined by reading assessments administered pursuant to
17 this section, a new program of reading instruction, including
18 provisions of the READ Initiative adopted by the school district as
19 provided for in subsection O of this section, shall be developed and
20 implemented as specified in this section. If possible, a fourth-
21 grade teacher shall be involved in the development of the program of
22 reading instruction. In addition to other requirements of the
23 Reading Sufficiency Act, the plan may include specialized tutoring.

24

1 H. ~~Beginning~~ Except as otherwise provided, beginning with
2 students entering the first grade in the 2011-2012 school year, if
3 the reading deficiency of a student, as identified based on
4 assessments administered as provided for in subsection B of this
5 section, is not remedied by the end of third grade, as demonstrated
6 by scoring at the unsatisfactory level on the reading portion of the
7 statewide third-grade criterion-referenced test, the student shall
8 be retained in the third grade unless the student is granted a
9 waiver as provided for in subsection P of this section. If the
10 student is granted a waiver and is promoted to the fourth grade, the
11 student shall be provided intensive reading instruction as set forth
12 in subsection L of this section.

13 I. The parent of any student who is found to have a reading
14 deficiency and is not reading at the appropriate grade level and has
15 been provided a program of reading instruction as provided for in
16 subsection B of this section shall be notified in writing of the
17 following:

18 1. That the student has been identified as having a substantial
19 deficiency in reading;

20 2. A description of the current services that are provided to
21 the student;

22 3. A description of the proposed supplemental instructional
23 services and supports that will be provided to the student that are
24 designed to remediate the identified area of reading deficiency;

1 4. That the student will not be promoted to the fourth grade if
2 the reading deficiency is not remediated by the end of the third
3 grade, unless the student is otherwise promoted pursuant to a waiver
4 as provided for in subsection P of this section or is exempt for
5 good cause as set forth in subsection K of this section;

6 5. Strategies for parents to use in helping their child succeed
7 in reading proficiency;

8 6. That while the results of the statewide criterion-referenced
9 tests administered pursuant to Section 1210.508 of this title are
10 the initial determinant, it is not the sole determiner of promotion
11 and that portfolio reviews and assessments are available; and

12 7. The specific criteria and policies of the school district
13 for midyear promotion implemented as provided for in paragraph 4 of
14 subsection N of this section.

15 J. No student may be assigned to a grade level based solely on
16 age or other factors that constitute social promotion.

17 K. For those students who do not meet the academic requirements
18 for promotion and who are not granted a waiver as provided for in
19 subsection P of this section, a school district may promote the
20 student for good cause only. Good-cause exemptions for promotion
21 shall be limited to the following:

22 1. Limited-English-proficient students who have had less than
23 two (2) years of instruction in an English language learner program;

1 2. Students with disabilities whose individualized education
2 program (IEP), consistent with state law, indicates that the student
3 is to be assessed with alternate achievement standards through the
4 Oklahoma Alternate Assessment Program (OAAP);

5 3. Students who demonstrate an acceptable level of performance
6 on an alternative standardized reading assessment approved by the
7 State Board of Education;

8 4. Students who demonstrate, through a student portfolio, that
9 the student is reading on grade level as evidenced by demonstration
10 of mastery of the state standards beyond the retention level;

11 5. Students with disabilities who participate in the statewide
12 criterion-referenced tests and who have an individualized education
13 program that reflects that the student has received intensive
14 remediation in reading for more than two (2) years but still
15 demonstrates a deficiency in reading and was previously retained in
16 kindergarten, first grade, second grade, or third grade; and

17 6. Students who have received intensive remediation in reading
18 through a program of reading instruction for two (2) or more years
19 but still demonstrate a deficiency in reading and who were
20 previously retained in kindergarten, first grade, second grade, or
21 third grade for a total of two (2) years.

22 L. A student who is promoted pursuant to a waiver as provided
23 for in subsection P of this section or is promoted for good cause as
24 provided for in subsection K of this section shall be provided

1 intensive reading instruction during an altered instructional day
2 that includes specialized diagnostic information and specific
3 reading strategies for each student. The school district shall
4 assist schools and teachers to implement reading strategies for the
5 promoted students that research has shown to be successful in
6 improving reading among low-performing readers.

7 M. Requests to exempt students from the ~~mandatory~~ retention
8 requirements based on one of the good-cause exemptions as described
9 in subsection K of this section shall be made using the following
10 process:

11 1. Documentation submitted from the teacher of the student to
12 the school principal that indicates the student meets one of the
13 good-cause exemptions and promotion of the student is appropriate.
14 In order to minimize paperwork requirements, the documentation shall
15 consist only of the alternative assessment results or student
16 portfolio work and the individual education plan (IEP), as
17 applicable;

18 2. The principal of the school shall review and discuss the
19 documentation with the teacher. If the principal determines that
20 the student meets one of the good-cause exemptions and should be
21 promoted based on the documentation provided, the principal shall
22 make a recommendation in writing to the school district
23 superintendent; and

24

1 3. After review, the school district superintendent shall
2 accept or reject the recommendation of the principal in writing.

3 N. Beginning with the 2011-2012 school year, each school
4 district shall:

5 1. Conduct a review of the program of reading instruction for
6 all students who score at the unsatisfactory level on the reading
7 portion of the statewide criterion-referenced test administered
8 pursuant to Section 1210.508 of this title and did not meet the
9 criteria for one of the good-cause exemptions as set forth in
10 subsection K of this section. The review shall address additional
11 supports and services, as described in this subsection, needed to
12 remediate the identified areas of reading deficiency. The school
13 district shall require a student portfolio to be completed for each
14 retained student;

15 2. Provide to students who have been retained as set forth in
16 subsection H of this section with intensive interventions in
17 reading, intensive instructional services and supports to remediate
18 the identified areas of reading deficiency, including a minimum of
19 ninety (90) minutes of daily, uninterrupted, scientific-research-
20 based reading instruction. Retained students shall be provided
21 other strategies prescribed by the school district, which may
22 include, but are not limited to:

- 23 a. small group instruction,
- 24 b. reduced teacher-student ratios,

- c. more frequent progress monitoring,
- d. tutoring or mentoring,
- e. transition classes containing third- and fourth-grade students,
- f. extended school day, week, or year, and
- g. summer reading academies as provided for in Section 1210.508E of this title, if available;

3. Provide written notification to the parent or guardian of any student who is to be retained as set forth in subsection H of this section that the student has not met the proficiency level required for promotion and the reasons the student is not eligible for a good-cause exemption. The notification shall include a description of proposed interventions and intensive instructional supports that will be provided to the student to remediate the identified areas of reading deficiency;

4. Implement a policy for the midyear promotion of a retained student who can demonstrate that the student is a successful and independent reader, is reading at or above grade level, and is ready to be promoted to the fourth grade. Tools that school districts may use in reevaluating any retained student may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Retained students may only be promoted midyear prior to November 1 and only upon demonstrating a level of proficiency required to score above

1 the unsatisfactory level on the statewide third-grade criterion-
2 referenced test and upon showing progress sufficient to master
3 appropriate fourth-grade-level skills, as determined by the school.
4 A midyear promotion shall be made only upon agreement of the parent
5 or guardian of the student and the school principal;

6 5. Provide students who are retained with a high-performing
7 teacher who can address the needs of the student, based on student
8 performance data and above-satisfactory performance appraisals; and

9 6. In addition to required reading enhancement and acceleration
10 strategies, provide students who are retained with at least one of
11 the following instructional options:

- 12 a. supplemental tutoring in scientific-research-based
13 reading services in addition to the regular reading
14 block, including tutoring before or after school,
- 15 b. a parent-guided "Read at Home" assistance plan, as
16 developed by the State Department of Education, the
17 purpose of which is to encourage regular parent-guided
18 home reading, or
- 19 c. a mentor or tutor with specialized reading training.

20 O. Beginning with the 2011-2012 school year, each school
21 district shall establish a Reading Enhancement and Acceleration
22 Development (READ) Initiative. The focus of the READ Initiative
23 shall be to prevent the retention of third-grade students by
24 offering intensive accelerated reading instruction to third-grade

1 students who failed to meet standards for promotion to fourth grade
2 and to kindergarten through third-grade students who are exhibiting
3 a reading deficiency. The READ Initiative shall:

4 1. Be provided to all kindergarten through third-grade students
5 at risk of retention as identified by the assessments administered
6 pursuant to the Reading Sufficiency Act. The assessment used shall
7 measure phonemic awareness, phonics, fluency, vocabulary, and
8 comprehension;

9 2. Be provided during regular school hours in addition to the
10 regular reading instruction; and

11 3. Provide a state-approved reading curriculum that, at a
12 minimum, meets the following specifications:

- 13 a. assists students assessed as exhibiting a reading
14 deficiency in developing the ability to read at grade
15 level,
- 16 b. provides skill development in phonemic awareness,
17 phonics, fluency, vocabulary, and comprehension,
- 18 c. provides a scientific-research-based and reliable
19 assessment,
- 20 d. provides initial and ongoing analysis of the reading
21 progress of each student,
- 22 e. is implemented during regular school hours,
- 23 f. provides a curriculum in core academic subjects to
24 assist the student in maintaining or meeting

1 proficiency levels for the appropriate grade in all
2 academic subjects,

3 g. establishes at each school, where applicable, an
4 Intensive Acceleration Class for retained third-grade
5 students who subsequently score at the unsatisfactory
6 level on the reading portion of the statewide
7 criterion-referenced tests. The focus of the
8 Intensive Acceleration Class shall be to increase the
9 reading level of a child at least two grade levels in
10 one (1) school year. The Intensive Acceleration Class
11 shall:

12 (1) be provided to any student in the third grade who
13 scores at the unsatisfactory level on the reading
14 portion of the statewide criterion-referenced
15 tests and who was retained in the third grade the
16 prior year because of scoring at the
17 unsatisfactory level on the reading portion of
18 the statewide criterion-referenced tests,

19 (2) have a reduced teacher-student ratio,

20 (3) provide uninterrupted reading instruction for the
21 majority of student contact time each day and
22 incorporate opportunities to master the fourth-
23 grade state standards in other core subject
24 areas,

- (4) use a reading program that is scientific-research-based and has proven results in accelerating student reading achievement within the same school year,
 - (5) provide intensive language and vocabulary instruction using a scientific-research-based program, including use of a speech-language therapist,
 - (6) include weekly progress monitoring measures to ensure progress is being made, and
 - (7) provide reports to the State Department of Education, in the manner described by the Department, outlining the progress of students in the class at the end of the first semester,
- h. provide reports to the State Board of Education, upon request, on the specific intensive reading interventions and supports implemented by the school district. The State Superintendent of Public Instruction shall annually prescribe the required components of the reports, and
- i. provide to a student who has been retained in the third grade and has received intensive instructional services but is still not ready for grade promotion, as determined by the school district, the option of

1 being placed in a transitional instructional setting.
2 A transitional setting shall specifically be designed
3 to produce learning gains sufficient to meet fourth-
4 grade performance standards while continuing to
5 remediate the areas of reading deficiency.

6 P. A school district may implement a waiver process in which
7 each year not more than two percent (2%) of the students enrolled in
8 the school district who are in the third grade and who do not meet
9 the academic requirements for promotion as set forth in subsection H
10 of this section may be granted a waiver and promoted to the fourth
11 grade. Prior to implementation, the school district shall submit a
12 written explanation of the reasons the waiver process is necessary.
13 After implementation, the school district shall submit an annual
14 report to the State Board of Education of the number of students
15 exempted from the retention provisions of subsection H of this
16 section under the waiver process. The students who are granted a
17 waiver as provided for in this subsection shall be promoted to the
18 fourth grade and provided intensive reading instruction as provided
19 for in subsection L of this section.

20 Q. In addition to the requirements set forth in this section,
21 each school district board of education shall annually report to the
22 parent or guardian of each student in the district the progress of
23 the student toward achieving state and district expectations for
24 proficiency in reading, writing, science, and mathematics. The

1 school district board of education shall report to the parent or
2 guardian of each student the results on statewide criterion-
3 referenced tests. The evaluation of the progress of each student
4 shall be based upon classroom work, observations, tests, district
5 and state assessments, and other relevant information. Progress
6 reporting shall be provided to the parent or guardian in writing.

7 ~~Q.~~ R. 1. Each school district board of education shall
8 annually publish on the school website, and report in writing to the
9 State Board of Education by September 1 of each year, the following
10 information on the prior school year:

- 11 a. the provisions of this section relating to public
12 school student progression and the policies and
13 procedures of the school district on student retention
14 and promotion,
- 15 b. by grade, the number and percentage of all students in
16 grades three through ten performing at the
17 unsatisfactory level on the reading portion of the
18 statewide criterion-referenced tests,
- 19 c. by grade, the number and percentage of all students
20 retained in grades three through ten,
- 21 d. information on the total number and percentage of
22 students who were promoted for good cause, by each
23 category of good cause as specified ~~above~~ in
24 subsection K of this section, and

1 e. any revisions to the policies of the school district
2 on student retention and promotion from the prior
3 year.

4 2. The State Department of Education shall establish a uniform
5 format for school districts to report the information required in
6 this subsection. The format shall be developed with input from
7 school districts and shall be provided not later than ninety (90)
8 days prior to the annual due date. The Department shall annually
9 compile the information required along with state-level summary
10 information, and report the information to the public, the Governor,
11 the President Pro Tempore of the Senate, and the Speaker of the
12 House of Representatives.

13 ~~R.~~ S. The State Department of Education shall provide technical
14 assistance as needed to aid school districts in administering the
15 provision of the Reading Sufficiency Act.

16 ~~S.~~ T. On or before December 1 of each year, the State
17 Department of Education shall issue to the Governor and members of
18 the Senate and House of Representatives Education Committees a
19 Reading Report Card for the state and each school district and
20 elementary site which shall include, but is not limited to, trend
21 data detailing three (3) years of data, disaggregated by student
22 subgroups to include economically disadvantaged, major racial or
23 ethnic groups, students with disabilities, and English language
24 learners, as appropriate for the following:

1 1. The number and percentage of students in kindergarten
2 through third grade determined to be at risk for reading
3 difficulties compared to the total number of students enrolled in
4 each grade;

5 2. The number and percentage of students in kindergarten who
6 continue to be at risk for reading difficulties as determined by the
7 year-end measurement of reading progress;

8 3. The number and percentage of students in kindergarten
9 through third grade who have successfully completed their program of
10 reading instruction and are reading on grade level as determined by
11 the results of approved reading assessments;

12 4. The number and percentage of students scoring at each
13 performance level on the reading portion of the statewide third-
14 grade criterion-referenced test;

15 5. The amount of funds for reading remediation received by each
16 district;

17 6. An evaluation and narrative interpretation of the report
18 data analyzing the impact of the Reading Sufficiency Act on
19 students' ability to read at grade level; and

20 7. Any recommendations for improvements or amendments to the
21 Reading Sufficiency Act.

22 The State Department of Education may contract with an
23 independent entity for the reporting and analysis requirements of
24 this subsection.

1 ~~F.~~ U. Copies of the results of the assessments administered
2 shall be made a part of the permanent record of each student.

3 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.523, as
4 last amended by Section 2, Chapter 403, O.S.L. 2013 (70 O.S. Supp.
5 2013, Section 1210.523), is amended to read as follows:

6 Section 1210.523 A. Except as provided in subsections D and E
7 of this section, beginning with students entering the ninth grade in
8 the 2008-2009 school year, every student shall demonstrate mastery
9 of the state academic content standards in the following subject
10 areas in order to graduate from a public high school with a standard
11 diploma:

- 12 1. Algebra I;
- 13 2. English II; and
- 14 3. Two of the following five:
 - 15 a. Algebra II,
 - 16 b. Biology I,
 - 17 c. English III,
 - 18 d. Geometry, and
 - 19 e. United States History.

20 B. To demonstrate mastery, the student shall attain at least a
21 proficient score on the end-of-instruction criterion-referenced
22 tests administered pursuant to Section 1210.508 of this title.

23 C. Notwithstanding any other provision of law, students who do
24 not attain at least a proficient score on any end-of-instruction

1 test shall be provided remediation or intervention and the
2 opportunity to retake the test until at least a proficient score is
3 attained on the tests of Algebra I, English II and two of the tests
4 required in paragraph 3 of subsection A of this section or an
5 approved alternative test. Technology center schools shall be
6 authorized to provide intervention and remediation in Algebra I,
7 Algebra II, Geometry, English II, English III, United States
8 History, and Biology I to students enrolled in technology center
9 schools, with the approval of the independent school district board.

10 D. 1. Students who do not meet the requirements of subsection
11 A of this section may graduate from a public high school with a
12 standard diploma by demonstrating mastery of state academic content
13 standards by alternative methods as approved by the State Board of
14 Education.

15 2. The State Board of Education shall adopt rules providing for
16 necessary student exceptions and exemptions to the requirements of
17 this section. The Board shall collect data by school site and
18 district on the number of students provided and categories of
19 exceptions and exemptions granted. Beginning October 1, 2012, the
20 Board shall provide an annual report of this data to the Governor,
21 President Pro Tempore of the Senate and Speaker of the House of
22 Representatives.

23 3. Students who score ten percent (10%) above the cut scores
24 approved by the State Board of Education for the American College

1 Testing Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan
2 or Preliminary Scholastic Aptitude Test/National Merit Scholarship
3 Qualifying Test (PSAT/NMSQT) alternate tests shall be deemed to have
4 satisfactorily demonstrated mastery of state academic content
5 standards in the subject areas for which alternative tests have been
6 approved and shall be exempt from taking the end-of-instruction
7 criterion-referenced tests in the subject areas of Algebra II,
8 English III, Geometry or United States History as listed in
9 paragraph 3 of subsection A of this section.

10 4. Students who have a score that is equal to or above the cut
11 scores approved by the State Board of Education for the Advanced
12 Placement course exams, ACT Workkeys job skills assessment, College-
13 Level Examination Program (CLEP) or International Baccalaureate (IB)
14 alternate tests shall be deemed to have satisfactorily demonstrated
15 mastery of state academic content standards in the subject areas for
16 which alternate tests have been approved and shall be exempt from
17 taking the end-of-instruction criterion-referenced tests in the
18 subject areas of Algebra II, English III, Geometry or United States
19 History as listed in paragraph 3 of subsection A of this section.

20 5. The State Board of Education shall adopt rules providing for
21 implementation of paragraphs 3 and 4 of this subsection. The rules
22 shall provide for the designation of students as proficient or
23 advanced based on the scores obtained pursuant to paragraphs 3 and 4
24 of this subsection for the purposes of calculating the grade of a

1 school as part of the accountability system developed pursuant to
2 Section 1210.545 of this title, evaluating teachers and
3 administrators as part of the Teacher and Leader Effectiveness
4 Evaluation System developed pursuant to Section 6-101.16 of this
5 title and for any other purpose provided for by law.

6 E. 1. The State Board of Education shall adopt rules
7 establishing an appeal process for students who have been denied a
8 standard diploma by the school district in which the student is or
9 was enrolled for failing to meet the requirements of this section.
10 A student who has been denied a standard diploma by the school
11 district in which the student is enrolled shall have thirty (30)
12 days after denial of the standard diploma in which to file a
13 petition for an appeal to the Board. The Board shall take action on
14 a petition for an appeal no later than forty-five (45) days after
15 receiving the petition.

16 2. The Board shall collect data by school site and school
17 district on the number of students petitioning for an appeal and the
18 number of appeals approved by the Board pursuant to this subsection.
19 Beginning October 1, 2012, the Board shall provide an annual report
20 of this data to the Governor, President Pro Tempore of the Senate
21 and Speaker of the House of Representatives.

22 F. 1. Students who have individualized education programs
23 pursuant to the Individuals with Disabilities Education Act (IDEA)
24 shall have an appropriate statement on the student's individualized

1 education program requiring administration of the assessment with or
2 without accommodations or an alternate assessment. Any
3 accommodations normally employed for the assessment shall be
4 approved by the State Board of Education and be provided for in the
5 individualized education program. All documentation for each
6 student shall be on file in the school prior to administration of
7 the assessment.

8 2. The Oklahoma School for the Blind and the Oklahoma School
9 for the Deaf shall be considered local education agencies solely for
10 the purposes of purchasing, administering and obtaining test results
11 under this section for the students attending their schools.

12 3. Students identified as English language learners shall be
13 assessed in a valid and reliable manner with the state academic
14 assessments with acceptable accommodations as necessary or, to the
15 extent practicable, with alternate assessments aligned to the state
16 assessment provided by the school district in the language and form
17 most likely to yield accurate data of the student's knowledge of the
18 content areas.

19 G. A school district may implement a waiver process in which
20 each year not more than two percent (2%) of the students enrolled in
21 the school district who are in the twelfth grade and who do not meet
22 the requirements of subsection A of this section shall be exempted
23 from the provisions of this section. Prior to implementation, the
24 school district shall submit a written explanation of the reasons

1 the waiver process is necessary. After implementation, the school
2 district shall submit an annual report to the State Board of
3 Education of the number of students exempted from the provisions of
4 this section under the waiver process. The students who are
5 exempted from the requirements of this section pursuant to a waiver
6 as provided for in this subsection may graduate from high school
7 with a standard diploma.

8 H. The State Board of Education shall be authorized to contract
9 with an entity to develop and advise on the implementation of a
10 communications campaign to build public understanding of and support
11 for the testing requirements of this section.

12 SECTION 3. This act shall become effective July 1, 2014.

13 SECTION 4. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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