

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2922

By: Coody

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to schools; amending 70 O.S. 2011,
10 Section 1210.508C, as last amended by Section 96,
11 Chapter 15, O.S.L. 2013 (70 O.S. Supp. 2013, Section
12 1210.508C), which relates to the Reading Sufficiency
13 Act; changing obsolete language; allowing parents or
14 guardians, building administrators and teachers to
15 make retention decision under certain circumstances;
16 requiring certain reading instruction for students
17 otherwise promoted; amending 70 O.S. 2011, Section
18 1210.523, as last amended by Section 2, Chapter 403,
19 O.S.L. 2013 (70 O.S. Supp. 2013, Section 1210.523),
20 which relates to requirement for mastery of state
21 academic content standards; providing exemption from
22 demonstrating mastery on certain end-of-instruction
23 tests under certain circumstances; and declaring an
24 emergency.

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

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

Section 1210.508C A. 1. Each student enrolled in kindergarten
in a public school in this state shall be screened for reading

1 skills including, but not limited to, phonological awareness, letter
2 recognition, and oral language skills as identified in the ~~Priority~~
3 ~~Academic Student Skills (PASS)~~ state curriculum standards adopted by
4 the State Board of Education. A screening instrument approved by
5 the State Board shall be utilized for the purposes of this section.

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

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

14 B. 1. Each student enrolled in kindergarten, first, second and
15 third grade of the public schools of this state shall be assessed at
16 the beginning of each school year using a screening instrument
17 approved by the State Board of Education for the acquisition of
18 reading skills including, but not limited to, phonological
19 awareness, phonics, spelling, reading fluency, vocabulary, and
20 comprehension.

21 2. Any student who is assessed and found not to be reading at
22 the appropriate grade level shall be provided a program of reading
23 instruction designed to enable the student to acquire the
24 appropriate grade level reading skills. ~~Beginning with students~~

1 ~~entering the first grade in the 2011-2012 school year, the~~ The
2 program of reading instruction shall include provisions of the READ
3 Initiative adopted by the school district as provided for in
4 subsection O of this section.

5 3. Throughout the year progress monitoring shall continue, and
6 diagnostic assessment, if determined appropriate, shall be provided.
7 Year-end reading skills shall be measured to determine reading
8 success.

9 C. The State Board of Education shall approve screening
10 instruments for use at the beginning of the school year, for
11 monitoring of progress, and for measurement of reading skills at the
12 end of the school year as required in subsections A and B of this
13 section; provided, at least one of the screening instruments shall
14 meet the following criteria:

15 1. Assess for phonological awareness, phonics, reading fluency,
16 and comprehension;

17 2. Document the validity and reliability of each assessment;

18 3. Can be used for diagnosis and progress monitoring;

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

21 5. Accompanied by a data management system that provides
22 profiles for students, class, grade level and school building. The
23 profiles shall identify each student's instructional point of need
24 and reading achievement level. The State Board shall also determine

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BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 other comparable reading assessments for diagnostic purposes and for
2 periodic and post assessments to be used for students at risk of
3 reading failure. The State Board shall ensure that any assessments
4 approved are in alignment with the ~~PASS~~ state curriculum standards.

5 D. The program of reading instruction required in subsection B
6 of this section shall align with the ~~PASS~~ state curriculum
7 standards, shall include provisions of the READ Initiative adopted
8 by the school district as provided for in subsection O of this
9 section ~~beginning with students entering the first grade in the~~
10 ~~2011-2012 school year~~ and may include, but is not limited to:

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

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

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

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1 E. The program of reading instruction shall continue until the
2 student is determined by the results of approved reading assessments
3 to be reading on grade level.

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

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

6 3. The State Board of Education shall adopt rules for the
7 implementation and evaluation of the provisions of the Reading
8 Sufficiency Act. The evaluation shall include, but not be limited
9 to, an analysis of the data required in subsection S of this
10 section.

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

20 H. ~~Beginning~~ Except as otherwise provided, beginning with
21 students entering the first grade in the 2011-2012 school year, if
22 the reading deficiency of a student, as identified based on
23 assessments administered as provided for in subsection B of this
24 section, is not remedied by the end of third grade, as demonstrated

1 by scoring at the unsatisfactory level on the reading portion of the
2 statewide third-grade criterion-referenced test, the student shall
3 be retained in the third grade. If the results for the student on
4 the reading portion of the statewide third-grade criterion-
5 referenced test have not been returned to the school district by the
6 second Friday of May of the year the student took the test, the
7 decision to retain the student in the third grade shall be made upon
8 agreement of the parent or guardian of the student, the building
9 administrator or a representative of the building administrator, and
10 the teacher of the student.

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

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

18 2. A description of the current services that are provided to
19 the student;

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

23 4. That the student will not be promoted to the fourth grade if
24 the reading deficiency is not remediated by the end of the third

1 grade, unless the student is otherwise promoted as provided for in
2 subsection H of this section or is exempt for good cause as set
3 forth in subsection K of this section;

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

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

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

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

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

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

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

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

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

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

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

20 L. A student who is otherwise promoted as provided for in
21 subsection H of this section or is promoted for good cause as
22 provided for in subsection K of this section shall be provided
23 intensive reading instruction during an altered instructional day
24 that includes specialized diagnostic information and specific

1 reading strategies for each student. The school district shall
2 assist schools and teachers to implement reading strategies for the
3 promoted students that research has shown to be successful in
4 improving reading among low-performing readers.

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

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

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

22 3. After review, the school district superintendent shall
23 accept or reject the recommendation of the principal in writing.
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1 N. Beginning with the 2011-2012 school year, each school
2 district shall:

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

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

- 21 a. small group instruction,
- 22 b. reduced teacher-student ratios,
- 23 c. more frequent progress monitoring,
- 24 d. tutoring or mentoring,

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- 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 the unsatisfactory level on the statewide third-grade criterion-referenced test and upon showing progress sufficient to master

1 appropriate fourth-grade-level skills, as determined by the school.
2 A midyear promotion shall be made only upon agreement of the parent
3 or guardian of the student and the school principal;

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

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

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

18 0. Beginning with the 2011-2012 school year, each school
19 district shall establish a Reading Enhancement and Acceleration
20 Development (READ) Initiative. The focus of the READ Initiative
21 shall be to prevent the retention of third-grade students by
22 offering intensive accelerated reading instruction to third-grade
23 students who failed to meet standards for promotion to fourth grade
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1 and to kindergarten through third-grade students who are exhibiting
2 a reading deficiency. The READ Initiative shall:

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

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

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

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

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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,

- 1 (4) use a reading program that is scientific-
2 research-based and has proven results in
3 accelerating student reading achievement within
4 the same school year,
- 5 (5) provide intensive language and vocabulary
6 instruction using a scientific-research-based
7 program, including use of a speech-language
8 therapist,
- 9 (6) include weekly progress monitoring measures to
10 ensure progress is being made, and
- 11 (7) provide reports to the State Department of
12 Education, in the manner described by the
13 Department, outlining the progress of students in
14 the class at the end of the first semester,
- 15 h. provide reports to the State Board of Education, upon
16 request, on the specific intensive reading
17 interventions and supports implemented by the school
18 district. The State Superintendent of Public
19 Instruction shall annually prescribe the required
20 components of the reports, and
- 21 i. provide to a student who has been retained in the
22 third grade and has received intensive instructional
23 services but is still not ready for grade promotion,
24 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. In addition to the requirements set forth in this section,
7 each school district board of education shall annually report to the
8 parent or guardian of each student in the district the progress of
9 the student toward achieving state and district expectations for
10 proficiency in reading, writing, science, and mathematics. The
11 school district board of education shall report to the parent or
12 guardian of each student the results on statewide criterion-
13 referenced tests. The evaluation of the progress of each student
14 shall be based upon classroom work, observations, tests, district
15 and state assessments, and other relevant information. Progress
16 reporting shall be provided to the parent or guardian in writing.

17 Q. 1. Each school district board of education shall annually
18 publish on the school website, and report in writing to the State
19 Board of Education by September 1 of each year, the following
20 information on the prior school year:

- 21 a. the provisions of this section relating to public
22 school student progression and the policies and
23 procedures of the school district on student retention
24 and promotion,

- 1 b. by grade, the number and percentage of all students in
2 grades three through ten performing at the
3 unsatisfactory level on the reading portion of the
4 statewide criterion-referenced tests,
5 c. by grade, the number and percentage of all students
6 retained in grades three through ten,
7 d. information on the total number and percentage of
8 students who were promoted for good cause, by each
9 category of good cause as specified above, and
10 e. any revisions to the policies of the school district
11 on student retention and promotion from the prior
12 year.

13 2. The State Department of Education shall establish a uniform
14 format for school districts to report the information required in
15 this subsection. The format shall be developed with input from
16 school districts and shall be provided not later than ninety (90)
17 days prior to the annual due date. The Department shall annually
18 compile the information required along with state-level summary
19 information, and report the information to the public, the Governor,
20 the President Pro Tempore of the Senate, and the Speaker of the
21 House of Representatives.

22 R. The State Department of Education shall provide technical
23 assistance as needed to aid school districts in administering the
24 provision of the Reading Sufficiency Act.

1 S. On or before December 1 of each year, the State Department
2 of Education shall issue to the Governor and members of the Senate
3 and House of Representatives Education Committees a Reading Report
4 Card for the state and each school district and elementary site
5 which shall include, but is not limited to, trend data detailing
6 three (3) years of data, disaggregated by student subgroups to
7 include economically disadvantaged, major racial or ethnic groups,
8 students with disabilities, and English language learners, as
9 appropriate for the following:

10 1. The number and percentage of students in kindergarten
11 through third grade determined to be at risk for reading
12 difficulties compared to the total number of students enrolled in
13 each grade;

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

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

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

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1 5. The amount of funds for reading remediation received by each
2 district;

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

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

8 The State Department of Education may contract with an
9 independent entity for the reporting and analysis requirements of
10 this subsection.

11 T. Copies of the results of the assessments administered shall
12 be made a part of the permanent record of each student.

13 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.523, as
14 last amended by Section 2, Chapter 403, O.S.L. 2013 (70 O.S. Supp.
15 2013, Section 1210.523), is amended to read as follows:

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

- 22 1. Algebra I;
- 23 2. English II; and
- 24 3. Two of the following five:

- a. Algebra II,
- b. Biology I,
- c. English III,
- d. Geometry, and
- e. United States History.

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

C. Notwithstanding any other provision of law, students who do not attain at least a proficient score on any end-of-instruction test shall be provided remediation or intervention and the opportunity to retake the test until at least a proficient score is attained on the tests of Algebra I, English II and two of the tests required in paragraph 3 of subsection A of this section or an approved alternative test. Technology center schools shall be authorized to provide intervention and remediation in Algebra I, Algebra II, Geometry, English II, English III, United States History, and Biology I to students enrolled in technology center schools, with the approval of the independent school district board.

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

1 2. The State Board of Education shall adopt rules providing for
2 necessary student exceptions and exemptions to the requirements of
3 this section. The Board shall collect data by school site and
4 district on the number of students provided and categories of
5 exceptions and exemptions granted. Beginning October 1, 2012, the
6 Board shall provide an annual report of this data to the Governor,
7 President Pro Tempore of the Senate and Speaker of the House of
8 Representatives.

9 3. Students who score ten percent (10%) above the cut scores
10 approved by the State Board of Education for the American College
11 Testing Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan
12 or Preliminary Scholastic Aptitude Test/National Merit Scholarship
13 Qualifying Test (PSAT/NMSQT) alternate tests shall be deemed to have
14 satisfactorily demonstrated mastery of state academic content
15 standards in the subject areas for which alternative tests have been
16 approved and shall be exempt from taking the end-of-instruction
17 criterion-referenced tests in the subject areas of Algebra II,
18 English III, Geometry or United States History as listed in
19 paragraph 3 of subsection A of this section.

20 4. Students who have a score that is equal to or above the cut
21 scores approved by the State Board of Education for the Advanced
22 Placement course exams, ACT Workkeys job skills assessment, College-
23 Level Examination Program (CLEP) or International Baccalaureate (IB)
24 alternate tests shall be deemed to have satisfactorily demonstrated

1 mastery of state academic content standards in the subject areas for
2 which alternate tests have been approved and shall be exempt from
3 taking the end-of-instruction criterion-referenced tests in the
4 subject areas of Algebra II, English III, Geometry or United States
5 History as listed in paragraph 3 of subsection A of this section.

6 5. The State Board of Education shall adopt rules providing for
7 implementation of paragraphs 3 and 4 of this subsection. The rules
8 shall provide for the designation of students as proficient or
9 advanced based on the scores obtained pursuant to paragraphs 3 and 4
10 of this subsection for the purposes of calculating the grade of a
11 school as part of the accountability system developed pursuant to
12 Section 1210.545 of this title, evaluating teachers and
13 administrators as part of the Teacher and Leader Effectiveness
14 Evaluation System developed pursuant to Section 6-101.16 of this
15 title and for any other purpose provided for by law.

16 6. If the results for a student who is in the twelfth grade on
17 an end-of-instruction test have not been returned to the school
18 district by June 1 of the year the student took the test, the
19 student shall be exempt from the requirement of subsection A of this
20 section to demonstrate mastery in the subject area of that end-of-
21 instruction test.

22 E. 1. The State Board of Education shall adopt rules
23 establishing an appeal process for students who have been denied a
24 standard diploma by the school district in which the student is or

1 was enrolled for failing to meet the requirements of this section.
2 A student who has been denied a standard diploma by the school
3 district in which the student is enrolled shall have thirty (30)
4 days after denial of the standard diploma in which to file a
5 petition for an appeal to the Board. The Board shall take action on
6 a petition for an appeal no later than forty-five (45) days after
7 receiving the petition.

8 2. The Board shall collect data by school site and school
9 district on the number of students petitioning for an appeal and the
10 number of appeals approved by the Board pursuant to this subsection.
11 Beginning October 1, 2012, the Board shall provide an annual report
12 of this data to the Governor, President Pro Tempore of the Senate
13 and Speaker of the House of Representatives.

14 F. 1. Students who have individualized education programs
15 pursuant to the Individuals with Disabilities Education Act (IDEA)
16 shall have an appropriate statement on the student's individualized
17 education program requiring administration of the assessment with or
18 without accommodations or an alternate assessment. Any
19 accommodations normally employed for the assessment shall be
20 approved by the State Board of Education and be provided for in the
21 individualized education program. All documentation for each
22 student shall be on file in the school prior to administration of
23 the assessment.

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

5 3. Students identified as English language learners shall be
6 assessed in a valid and reliable manner with the state academic
7 assessments with acceptable accommodations as necessary or, to the
8 extent practicable, with alternate assessments aligned to the state
9 assessment provided by the school district in the language and form
10 most likely to yield accurate data of the student's knowledge of the
11 content areas.

12 G. The State Board of Education shall be authorized to contract
13 with an entity to develop and advise on the implementation of a
14 communications campaign to build public understanding of and support
15 for the testing requirements of this section.

16 SECTION 3. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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21 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/19/2014
22 - DO PASS, As Amended.

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