

05/17/2012 09:44:40 AM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2306

By: Coody of the House and Halligan of the Senate

Title: Schools; modifying and deleting certain school review, reporting and recording requirements; effective date; emergency.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

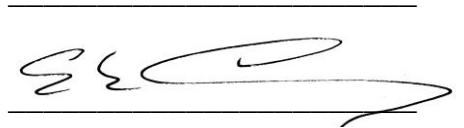
1. That the Senate recede from Amendment No. 1; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HOUSE CONFEREES

Blackwell



Cannaday



Casey



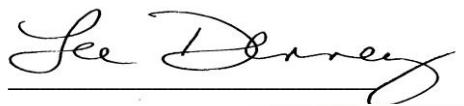
Coody



Cooksey



Denney



Hall



Holland



Kouplen

McDaniel
(Jeannie)

Nollan



Shumate



Thomsen



HB2306 CCR B

SENATE CONFEREES

Halligan

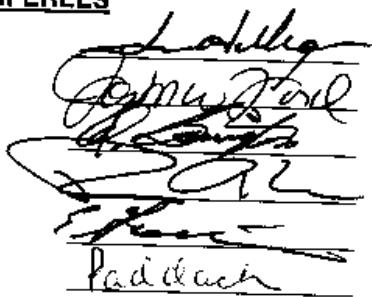
Ford

Barrington

Crain

Garrison

Paddock



House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2306

By: Coody of the House

7 and

8 Halligan of the Senate

9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to schools; amending 70 O.S. 2011,
11 Section 3-104, which relates to the powers and duties
12 of the State Board of Education; updating statutory
13 language; deleting authority and requirement to
14 review school construction and alteration plans;
15 amending 70 O.S. 2011, Section 3-153, which relates
16 to reporting plans to the State Board of Education;
17 modifying requirement to submit certain plans;
18 deleting requirement to submit certain plans;
19 clarifying exemption for certain school districts;
20 amending 70 O.S. 2011, Section 3-156, which relates
21 to local school district assessment; deleting
22 reference to the Comprehensive Local Education Plan;
23 amending 70 O.S. 2011, Section 5-110, as amended by
24 Section 1 of Enrolled House Bill No. 3000 of the 2nd
Session of the 53rd Oklahoma Legislature, which
relates to school district board of education
members; clarifying statutory language; clarifying
instructional requirements; making provisions apply
to certain members; adding prohibition from running
for reelection or being reappointed; adding time
period to prohibition from running for office;
amending 70 O.S. 2011, Section 5-117.4, which relates
to the school improvement plan; adding certain
content to the plan; requiring the State Board of
Education to establish a process to identify certain
schools; requiring certain school districts to submit
annual updates electronically; directing the Board to
promulgate certain rules; requiring the State
Department of Education to provide certain training

1 to regional accreditation officers; amending 70 O.S.
2 2011, Section 5-142, which relates to national
3 criminal history record checks; exempting certain
4 teachers who apply for employment as a substitute
5 teacher under certain conditions; amending 70 O.S.
6 2011, Section 18-153, which relates to a four-year
7 capital improvement plan; deleting certain submission
8 requirement; deleting reference to certain law;
9 deleting certain review requirement; amending 70 O.S.
10 2011, Section 1210.508, as amended by Section 13 of
11 Enrolled Senate Bill No. 1797 of the 2nd Session of
12 the 53rd Oklahoma Legislature, which relates to the
13 development and administration of criterion-
14 referenced tests for third through eighth grade;
15 changing manner of recording certain test results on
16 a high school transcript; amending 70 O.S. 2011,
17 Section 1210.508C, as amended by Section 1 of
18 Enrolled House Bill No. 2516 of the 2nd Session of
19 the 53rd Oklahoma Legislature, which relates to the
20 Reading Sufficiency Act; modifying requirement to
21 submit an annual update to a reading sufficiency plan
22 to the Board for approval; limiting submission of
23 annual updates under certain conditions; requiring
24 submission under certain conditions; repealing 70
O.S. 2011, Section 3-104.2, which relates to the
Comprehensive Local Education Plan; providing an
effective date; and declaring an emergency.

15
16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-104, is

18 amended to read as follows:

19 Section 3-104. The supervision of the public school system of
20 Oklahoma shall be vested in the State Board of Education and,
21 subject to limitations otherwise provided by law, the State Board of
22 Education shall:

23 1. Adopt policies and make rules for the operation of the
24 public school system of the state;

1 2. Appoint, prescribe the duties and fix the compensation of a
2 secretary, an attorney and all other personnel necessary for the
3 proper performance of the functions of the State Board of Education.

4 The secretary shall not be a member of the Board;

5 3. Submit to the Governor a departmental budget based upon
6 major functions of the Department as prepared by the State
7 Superintendent of Public Instruction and supported by detailed data
8 on needs and proposed operations as partially determined by the
9 budgetary needs of local school districts filed with the State Board
10 of Education for the ensuing fiscal year. Appropriations therefor
11 shall be made in lump-sum form for each major item in the budget as
12 follows:

13 a. State Aid to schools,

14 b. the supervision of all other functions of general and
15 special education including general control, free
16 textbooks, school lunch, Indian education and all
17 other functions of the Board and an amount sufficient
18 to adequately staff and administer these services, and

19 c. the Board shall determine the details by which the
20 budget and the appropriations are administered.

21 Annually, the Board shall make preparations to
22 consolidate all of the functions of the Department in
23 such a way that the budget can be based on two items,
24 administration and aid to schools. A maximum amount

1 for administration shall be designated as a part of
2 the total appropriation;

3 4. On the first day of December preceding each regular session
4 of the Legislature, prepare and deliver to the Governor and the
5 Legislature a report for the year ending June 30 immediately
6 preceding the regular session of the Legislature. The report shall
7 contain:

8 a. detailed statistics and other information concerning
9 enrollment, attendance, expenditures including State
10 Aid, and other pertinent data for all public schools
11 in this state,

12 b. reports from each and every division within the State
13 Department of Education as submitted by the State
14 Superintendent of Public Instruction and any other
15 division, department, institution or other agency
16 under the supervision of the Board,

17 c. recommendations for the improvement of the public
18 school system of the state,

19 d. a statement of the receipts and expenditures of the
20 State Board of Education for the past year, and

21 e. a statement of plans and recommendations for the
22 management and improvement of public schools and such
23 other information relating to the educational

interests of the state as may be deemed necessary and desirable;

5. Provide for the formulation and adoption of curricula, courses of study and other instructional aids necessary for the adequate instruction of pupils in the public schools;

6. Have authority in matters pertaining to the licensure and certification of persons for instructional, supervisory and administrative positions and services in the public schools of the state subject to the provisions of Section 6-184 of this title, and shall formulate rules governing the issuance and revocation of certificates for superintendents of schools, principals, supervisors, librarians, clerical employees, school nurses, school bus drivers, visiting teachers, classroom teachers and for other personnel performing instructional, administrative and supervisory services, but not including members of boards of education and other employees who do not work directly with pupils, and may charge and collect reasonable fees for the issuance of such certificates:

a. the State Department of Education shall not issue a certificate to and shall revoke the certificate of any person who has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence or any probationary term for a crime or an attempt to commit a crime provided for in Section 843.5 of Title 21 of the

Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, Sections 741, 843.1, if the offense included sexual abuse or sexual exploitation, 865 et seq., 885, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes or who enters this state and who has been convicted, received a suspended sentence or received a deferred judgment for a crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in any of said laws,

- b. all funds collected by the State Department of Education for the issuance of certificates to instructional, supervisory and administrative personnel in the public schools of the state shall be deposited in the "Teachers' Certificate Fund" in the State Treasury and may be expended by the State Board of Education to finance the activities of the State Department of Education necessary to administer the program, for consultative services, publication costs, actual and necessary travel expenses as provided in the State Travel Reimbursement Act incurred by persons

performing research work, and other expenses found necessary by the State Board of Education for the improvement of the preparation and certification of teachers in Oklahoma. Provided, any unobligated balance in the Teachers' Certificate Fund in excess of Ten Thousand Dollars (\$10,000.00) on June 30 of any fiscal year shall be transferred to the General Revenue Fund of the State of Oklahoma. Until July 1, 1997, the State Board of Education shall have authority for approval of teacher education programs. The State Board of Education shall also have authority for the administration of teacher residency and professional development, subject to the provisions of the Oklahoma Teacher Preparation Act;

7. Promulgate rules governing the classification, inspection, supervision and accrediting of all public nursery, kindergarten, elementary and secondary schools and on-site educational services provided by public school districts or state-accredited private schools in partial hospitalization programs, day treatment programs, day hospital programs as defined in this act for persons between ages of three (3) and twenty-one (21) years of age in the state. However, no school shall be denied accreditation solely on the basis of average daily attendance.

1 Any school district which maintains an elementary school and
2 faces the necessity of relocating its school facilities because of
3 construction of a lake, either by state or federal authority, which
4 will inundate the school facilities, shall be entitled to receive
5 probationary accreditation from the State Board of Education for a
6 period of five (5) years after the effective date of this act and
7 any school district, otherwise qualified, shall be entitled to
8 receive probationary accreditation from the State Board of Education
9 for a period of two (2) consecutive years to attain the minimum
10 average daily attendance. The Head Start and public nurseries or
11 kindergartens operated from Community Action Program funds shall not
12 be subjected to the accrediting rules of the State Board of
13 Education. Neither will the State Board of Education make rules
14 affecting the operation of the public nurseries and kindergartens
15 operated from federal funds secured through Community Action
16 Programs even though they may be operating in the public schools of
17 the state. However, any of the Head Start or public nurseries or
18 kindergartens operated under federal regulations may make
19 application for accrediting from the State Board of Education but
20 will be accredited only if application for the approval of the
21 programs is made. The status of no school district shall be changed
22 which will reduce it to a lower classification until due notice has
23 been given to the proper authorities thereof and an opportunity
24

1 given to correct the conditions which otherwise would be the cause
2 of such reduction.

3 Private and parochial schools may be accredited and classified
4 in like manner as public schools or, if an accrediting association
5 is approved by the State Board of Education, by procedures
6 established by the State Board of Education to accept accreditation
7 by such accrediting association, if application is made to the State
8 Board of Education for such accrediting;

9 8. Be the legal agent of the State of Oklahoma to accept, in
10 its discretion, the provisions of any Act of Congress appropriating
11 or apportioning funds which are now, or may hereafter be, provided
12 for use in connection with any phase of the system of public
13 education in Oklahoma. It shall prescribe such rules as it finds
14 necessary to provide for the proper distribution of such funds in
15 accordance with the state and federal laws;

16 9. Be and is specifically hereby designated as the agency of
17 this state to cooperate and deal with any officer, board or
18 authority of the United States Government under any law of the
19 United States which may require or recommend cooperation with any
20 state board having charge of the administration of public schools
21 unless otherwise provided by law;

22 10. Be and is hereby designated as the "State Educational
23 Agency" referred to in Public Law 396 of the 79th Congress of the
24 United States, which law states that said act may be cited as the

1 "National School Lunch Act", and said State Board of Education is
2 hereby authorized and directed to accept the terms and provisions of
3 said act and to enter into such agreements, not in conflict with the
4 Constitution of Oklahoma or the Constitution and Statutes of the
5 United States, as may be necessary or appropriate to secure for the
6 State of Oklahoma the benefits of the school lunch program
7 established and referred to in said act;

8 11. Have authority to secure and administer the benefits of the
9 National School Lunch Act, Public Law 396 of the 79th Congress of
10 the United States, in the State of Oklahoma and is hereby authorized
11 to employ or appoint and fix the compensation of such additional
12 officers or employees and to incur such expenses as may be necessary
13 for the accomplishment of the above purpose, administer the
14 distribution of any state funds appropriated by the Legislature
15 required as federal matching to reimburse on children's meals;

16 12. Accept and provide for the administration of any land,
17 money, buildings, gifts, donation or other things of value which may
18 be offered or bequeathed to the schools under the supervision or
19 control of said Board;

20 13. Have authority to require persons having administrative
21 control of all school districts in Oklahoma to make such regular and
22 special reports regarding the activities of the schools in said
23 districts as the Board may deem needful for the proper exercise of
24 its duties and functions. Such authority shall include the right of

1 the State Board of Education to withhold all state funds under its
2 control, to withhold official recognition, including accrediting,
3 until such required reports have been filed and accepted in the
4 office of said Board and to revoke the certificates of persons
5 failing or refusing to make such reports;

6 14. Have general supervision of the school lunch program. The
7 State Board of Education may sponsor workshops for personnel and
8 participants in the school lunch program and may develop, print and
9 distribute free of charge or sell any materials, books and bulletins
10 to be used in such school lunch programs. There is hereby created
11 in the State Treasury a revolving fund for the Board, to be
12 designated the School Lunch Workshop Revolving Fund. The fund shall
13 consist of all fees derived from or on behalf of any participant in
14 any such workshop sponsored by the State Board of Education, or from
15 the sale of any materials, books and bulletins, and such funds shall
16 be disbursed for expenses of such workshops and for developing,
17 printing and distributing of such materials, books and bulletins
18 relating to the school lunch program. The fund shall be
19 administered in accordance with ~~the Revolving Fund Procedures Act~~
20 Section 155 of Title 62 of the Oklahoma Statutes;

21 15. Prescribe all forms for school district and county officers
22 to report to the State Board of Education where required. The State
23 Board of Education shall also prescribe a list of appropriation
24 accounts by which the funds of school districts shall be budgeted,

1 accounted for and expended; and it shall be the duty of the State
2 Auditor and Inspector in prescribing all budgeting, accounting and
3 reporting forms for school funds to conform to such lists;

4 16. Provide for the establishment of a uniform system of pupil
5 and personnel accounting, records and reports;

6 17. Have authority to provide for the health and safety of
7 school children and school personnel while under the jurisdiction of
8 school authorities;

9 18. Provide for the supervision of the transportation of
10 pupils;

11 19. Have authority, upon request of the local school board, to
12 act in behalf of the public schools of the state in the purchase of
13 transportation equipment;

14 20. Have authority and is hereby required to perform all duties
15 necessary to the administration of the public school system in
16 Oklahoma as specified in the Oklahoma School Code; and, in addition
17 thereto, those duties not specifically mentioned herein if not
18 delegated by law to any other agency or official;

19 21. Administer the State Public Common School Building
20 Equalization Fund established by Section 32 of Article X of the
21 Oklahoma Constitution. Any royalties, bonuses, rentals or other
22 monies derived from oil and gas and all other mineral leases on
23 lands that have been or may be granted by the United States to the
24 state for the use and benefit of the common schools, or lands that

1 are or may be held by the Commissioners of the Land Office for the
2 use and benefit of the common schools, the proceeds of the sale of
3 easements, improvements and sand and gravel on any such lands, any
4 monies as may be appropriated or designated by the Legislature,
5 other than ad valorem taxes, any other funds identified by the State
6 Department of Education, which may include, but not be limited to,
7 grants-in-aid from the federal government for building purposes, the
8 proceeds of all property that shall fall to the state by escheat,
9 penalties for unlawful holding of real estate by corporations, and
10 capital gains on assets of the permanent school funds, shall be
11 deposited in the State Public Common School Building Equalization
12 Fund. The fund shall be used to aid school districts in acquiring
13 buildings, subject to the limitations fixed by Section 32 of Article
14 X of the Oklahoma Constitution. It is hereby declared that the term
15 "acquiring buildings" as used in Section 32 of Article X of the
16 Oklahoma Constitution shall mean acquiring or improving school
17 sites, constructing, repairing, remodeling or equipping buildings,
18 or acquiring school furniture, fixtures, or equipment. If
19 sufficient monies are available in the fund, the Board shall solicit
20 proposals for grants from school districts and shall determine the
21 process for consideration of proposals. Grants shall be awarded
22 only to school districts which have a total assessed property
23 valuation per average daily membership that is less than the state
24 average total assessed property valuation per average daily

1 membership and, at the time of application, the district has voted
2 the five-mill building fund levy authorized in Section 10 of Article
3 X of the Oklahoma Constitution, and has voted indebtedness through
4 the issuance of new bonds for at least eighty-five percent (85%)
5 within the last three (3) years of the maximum allowable pursuant to
6 the provisions of Section 26 of Article X of the Oklahoma
7 Constitution as shown on the school district budget filed with the
8 State Board of Equalization for the current school year and
9 certifications by the Attorney General prior to April 1 of the
10 school year. The amount of each grant awarded by the Board each
11 year shall not exceed One Million Dollars (\$1,000,000.00). The
12 Board shall give priority consideration to school districts which
13 have a total assessed property valuation per average daily
14 membership that is equal to or less than twenty-five percent (25%)
15 of the state average total assessed property valuation per average
16 daily membership. The Board is authorized to prorate grants awarded
17 if monies are not sufficient in the fund to award grants to
18 qualified districts. The State Board of Education shall prescribe
19 rules for making grants of aid from, and for otherwise
20 administering, the fund pursuant to the provisions of this
21 paragraph, and may employ and fix the duties and compensation of
22 technicians, aides, clerks, stenographers, attorneys and other
23 personnel deemed necessary to carry out the provisions of this
24 paragraph. The cost of administering the fund shall be paid from

1 monies appropriated to the State Board of Education for the
2 operation of the State Department of Education;

3 22. Recognize that the Director of the Oklahoma Department of
4 Corrections shall be the administrative authority for the schools
5 which are maintained in the state reformatories and shall appoint
6 the principals and teachers in such schools. Provided, that rules
7 of the State Board of Education for the classification, inspection
8 and accreditation of public schools shall be applicable to such
9 schools; and such schools shall comply with standards set by the
10 State Board of Education; and

11 23. Have authority to administer a revolving fund which is
12 hereby created in the State Treasury, to be designated the
13 Statistical Services Revolving Fund. The fund shall consist of all
14 monies received from the various school districts of the state, the
15 United States Government, and other sources for the purpose of
16 furnishing or financing statistical services and for any other
17 purpose as designated by the Legislature. The State Board of
18 Education is hereby authorized to enter into agreements with school
19 districts, municipalities, the United States Government, foundations
20 and other agencies or individuals for services, programs or research
21 projects. The Statistical Services Revolving Fund shall be
22 administered in accordance with ~~the Revolving Fund Procedures Act,~~
23 Section 155 ~~et seq.~~ of Title 62 of the Oklahoma Statutes; and
24

1 24. Have authority to review preliminary plans for new
2 construction and major alteration of public school buildings where
3 structural changes are proposed. No bids shall be let for the
4 construction or major alteration of any public school building until
5 preliminary plans and specifications for such construction or
6 alteration have been submitted to and reviewed by the State
7 Department of Education. The period of time during which such
8 review is conducted by the State Department of Education shall not
9 exceed thirty (30) days. The State Department of Education shall
10 advise each local school district regarding said review of
11 preliminary plans and specifications. Provided, nothing in this
12 subsection shall be construed as repealing any ordinance or building
13 code of any city, town or county.

14 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3-153, is
15 amended to read as follows:

16 Section 3-153. ~~Except for school A.~~ School districts with one
17 or more school sites which are identified for school improvement as
18 determined by the State Board of Education pursuant to the
19 requirements of the No Child Left Behind Act of 2001, P.L. No. 107-
20 110, ~~all school districts shall be exempt from reporting to the~~
21 ~~Board required to electronically submit the following plans to the~~
22 State Board of Education:

23 1. ~~The Comprehensive Local Education Plan as required in~~
24 ~~Section 3-104.2 of this title;~~

1 2. The school improvement plan as required in Section 5-117.4
2 of this title; and

3 3. 2. The capital improvement plan as required in Section 18-
4 153 of this title; and

5 4. The reading sufficiency plan as required in Section
6 ~~1210.508C of this title, subject to the requirements of paragraph 1~~
7 ~~of subsection F of Section 1210.508C of this title; provided the~~
8 ~~last reading sufficiency plan submitted by the school district was~~
9 ~~approved by the State Department of Education and expenditures for~~
10 ~~the program include only expenses relating to individual and small~~
11 ~~group tutoring, purchase of and training in the use of screening and~~
12 ~~assessment measures, summer school programs, and Saturday school~~
13 ~~programs. Prior approval from the State Department of Education~~
14 ~~shall be required for other types of expenditures.~~

15 B. School districts that do not have any school sites which are
16 identified for school improvement as determined by the State Board
17 of Education, pursuant to the requirements of the No Child Left
18 Behind Act of 2001, P.L. No. 107-110, shall not be required to
19 submit the plans as set forth in subsection A of this section.

20 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3-156, is
21 amended to read as follows:

22 Section 3-156. Each local school district may study and assess
23 ways to eliminate, reduce, consolidate, and simplify the number,
24 type, and length of reports, data, statistics, and other information

1 required of any school district personnel by federal or state law.
2 In conducting research for the study, the school district shall
3 provide for the input and participation of school district
4 personnel.

5 Each local school district may also study and assess ways to
6 eliminate, reduce, consolidate, and simplify the number of tests
7 required by students enrolled in school.

8 Findings and recommendations of both studies shall be included
9 ~~in the Comprehensive Local Education Plan of the school district and~~
10 ~~shall be~~ forwarded to the State Department of Education.

11 SECTION 4. AMENDATORY 70 O.S. 2011, Section 5-110, as
12 amended by Section 1 of Enrolled House Bill No. 3000 of the 2nd
13 Session of the 53rd Oklahoma Legislature, is amended to read as
14 follows:

15 Section 5-110. A. Except as provided in subsection B of this
16 section, at the time a school district elector files a notification
17 and declaration of candidacy for the office of school district board
18 of education membership or is appointed to be a member of a school
19 district board of education, such the elector shall agree and pledge
20 in writing that, within fifteen (15) months of election or
21 appointment as a member of the district board of education, such the
22 member will complete at least twelve (12) hours of instruction on
23 education issues, including school finance, Oklahoma education laws,
24 and ethics, duties and responsibilities of district board of

1 education members. This requirement may be satisfied by attending a
2 two-day workshop to be held within the state by the State Department
3 of Education, by the Oklahoma Department of Career and Technology
4 Education, or by attending workshops, seminars or classes which
5 address the above-mentioned subject matter, and which are sponsored
6 by any organization approved by the State Board of Education,
7 including but not limited to institutions of higher education. The
8 State Board of Education shall promulgate rules by which an
9 organization or particular courses offered by an organization may be
10 approved for purposes of fulfilling the instructional requirements
11 set out in this section.

12 B. When an incumbent of a district board of education files a
13 notification and declaration of candidacy for reelection to the
14 district board of education, the member shall not be required to
15 comply with the provisions of subsection A of this section but shall
16 be required to agree and pledge in writing that upon reelection the
17 member will complete six (6) hours of instruction, within fifteen
18 (15) months ~~following his or her of~~ of election, emphasizing changes in
19 school law, particularly changes in the areas set forth in
20 subsection A of this section.

21 C. The State Department of Education shall, immediately after
22 the annual elections of various district board of education members,
23 determine the members of the district boards of education pledged to
24 ~~attend the workshop~~ complete the instructional requirements

1 established by in subsections A and B of this section, and shall
2 notify such the members of the time and place ~~such workshop is where~~
3 workshops, classes and seminars are to be conducted. Upon
4 completion of the ~~workshop~~ instructional requirements, the
5 certificate of completion shall be included in the public records of
6 the school board's minutes. Each school board member, except for an
7 incumbent member, shall be required within fifteen (15) months
8 following or preceding ~~his or her~~ election to complete the workshop
9 established by subsection A of this section or to attend twelve (12)
10 hours of other state workshops, classes or seminars conducted as
11 instruction on the subjects of school finance, the Oklahoma School
12 Code and related laws, and the ethics, duties and responsibilities
13 of district board of education members.

14 D. If a school board member, including an incumbent member, has
15 not satisfied the above instructional requirements as set forth in
16 this section within fifteen (15) months of ~~his or her~~ election,
17 reelection or appointment, the district board of education shall
18 declare the seat of such the member vacant and fill the vacancy
19 according to law. A school board member who is required to vacate a
20 school board seat pursuant to this subsection shall be ineligible to
21 be reappointed or to run for reelection to that respective board
22 seat on the school district board of education or to run for
23 election to any other board seat on the board of education for a
24 three-year period for three-member boards, for a four-year period

1 for seven-member boards or for a five-year period for five-member
2 boards.

3 E. All government departments, agencies and institutions of
4 this state are directed to lend such assistance as may be required
5 by the State Department of Education for the proper conduct and
6 administration of the workshops as authorized in subsection A of
7 this section. The State Department of Education shall maintain a
8 permanent record of each district board of education member who
9 successfully completes a workshop and shall issue a certificate of
10 completion to such the member.

11 D. F. The State Department of Education, the Oklahoma
12 Department of Career and Technology Education, and, upon approval of
13 the State Board of Education, any organization or association
14 representing district boards of education in this state are
15 authorized to charge persons pledged to attend the a workshop, class
16 or seminar for purposes of meeting the instructional requirements of
17 this section a registration fee sufficient to defray the estimated
18 costs of presenting the workshop, class or seminar and to collect
19 such the fees at the time of registration.

20 E. G. Any member of a district board of education or any
21 individual elected, certified as the elected member by the county
22 election board, but not sworn in and seated as a member of a
23 district board of education at the time of a workshop, class or
24 seminar presented by the State Board of Education, the Oklahoma

1 Department of Career and Technology Education, or an organization or
2 association representing district boards of education within the
3 state who attends and successfully completes ~~such a workshop, class~~
4 ~~or seminar~~ as required by subsection A or B of this section shall be
5 reimbursed by the school district in accordance with the ~~district's~~
6 travel reimbursement policy of the district.

7 SECTION 5. AMENDATORY 70 O.S. 2011, Section 5-117.4, is
8 amended to read as follows:

9 Section 5-117.4 A. Each local board of education shall, after
10 convening an advisory council that includes teachers and parents,
11 and after holding at least one public hearing, adopt a six-year
12 school improvement plan for the district. Each school improvement
13 plan shall include stated goals that clearly delineate educational
14 expectations, and shall be annually monitored and updated as
15 necessary. The alternative education plan for the school district
16 as required in subsection B of Section 1210.566 of this title shall
17 be included in the school improvement plan. The plan shall also
18 include a specific program of improvement through academic skill
19 reinforcement and/or remediation pursuant to the provisions of the
20 Oklahoma School Testing Program Act. ~~Such~~ The plan shall include an
21 evaluation of the instructional program in the basic skills areas as
22 specified in paragraphs 1 and 2 of subsection A of Section 11-103 of
23 this title and specific plans whereby schools within the district
24 will initiate the planning process of meeting or exceeding the

1 accreditation requirements in Section 3-104.4 of this title. The
2 six-year school improvement plan shall include a consideration of
3 the feasibility of participation in any programs which consist of
4 state exemption from educational-related statutes or rules.

5 ~~B. The school improvement plan shall be submitted to As set~~
6 ~~forth in Section 1210.544 of this title, the State Board of~~
7 ~~Education as provided in Section 3-104.2 of this title shall~~
8 ~~establish a process to identify schools in the state that are~~
9 ~~consistently listed as persistently low-achieving schools in~~
10 ~~accordance with subsection (g)(6) of Section 1003 of Title I of the~~
11 ~~Elementary and Secondary Education Act of 1965 (ESEA), as amended.~~
12 ~~A school district board of education with a school identified as~~
13 ~~being among the persistently lowest-achieving schools in the state~~
14 ~~shall, in addition to the requirements set forth in Section 1210.544~~
15 ~~of this title, submit an annual update to the school improvement~~
16 ~~plan to the State Board of Education. The annual update to the~~
17 ~~school improvement plan shall be submitted electronically.~~

18 C. The State Board of Education shall promulgate rules for
19 monitoring compliance with the provisions of this section by school
20 districts.

21 D. The State Department of Education shall provide training for
22 regional accreditation officers in alternative education program
23 compliance.

1 SECTION 6. AMENDATORY 70 O.S. 2011, Section 5-142, is
2 amended to read as follows:

3 Section 5-142. A. Except as otherwise provided for in
4 subsection F of this section, for purposes of employment, a board of
5 education may request in writing to the State Board of Education
6 that a national criminal history record check be conducted of any
7 employee of the school and shall request such information for any
8 person seeking employment with the school. The Oklahoma State
9 Bureau of Investigation (OSBI) shall obtain fingerprints of the
10 employee or prospective employee and require that the person pay a
11 search fee not to exceed Fifty Dollars (\$50.00) or the cost of the
12 search, whichever is the lesser amount. The fees shall be deposited
13 in the OSBI Revolving Fund. School districts may reimburse
14 employees for the cost of the search. The State Board of Education
15 shall contact the Oklahoma State Bureau of Investigation for any
16 national criminal history record of the person within fourteen (14)
17 working days of receiving a written request from the board of
18 education.

19 B. The Oklahoma State Bureau of Investigation shall provide the
20 national criminal history record check requested by the State Board
21 of Education within fourteen (14) working days from the receipt of
22 the request. The Bureau may contact the Federal Bureau of
23 Investigation to obtain the information requested.

24

1 C. The State Board of Education shall provide the information
2 received from the Oklahoma State Bureau of Investigation to the
3 board of education within fourteen (14) days from the receipt of the
4 information. The State Board of Education shall provide any follow-
5 up information received from the OSBI concerning a person for which
6 a national criminal history record check was requested to the
7 employing board of education.

8 D. For the purpose of this section:

9 1. "Board of education" includes both public and private boards
10 of education within or outside this state;

11 2. "National criminal history record check" means a national
12 criminal history record check as defined in Section 150.9 of Title
13 74 of the Oklahoma Statutes; and

14 3. "Prospective employee" means an individual who has received
15 an offer of temporary employment by a school district pending the
16 results of the national criminal history record check.

17 E. Each public board of education within this state shall
18 promulgate a statement regarding the felony record search policy for
19 that school district. The policy may permit temporary employment of
20 prospective employees for a maximum of sixty (60) days pending
21 receipt of results of national criminal history record check
22 requests. The temporary employment of the prospective employee
23 shall terminate after sixty (60) days unless the school district
24 receives the results of the national criminal history record check.

1 The sixty-day temporary employment period shall begin on the first
2 day the prospective employee reports for duty at the employing
3 school district. Prospective employees shall be notified of the
4 requirement, the fee and the reimbursement policy when first
5 interviewed concerning employment. The school district's
6 reimbursement policy shall provide, at the minimum, that employees
7 shall be promptly reimbursed in full for the fee if employed by the
8 district at the time the national criminal history record check
9 request is made unless the person was employed pending receipt of
10 results as set forth above.

11 F. 1. For any person applying for employment as a substitute
12 teacher, a national criminal history record check shall be required
13 for the school year; provided however, a board of education may
14 choose whether to require a national criminal history record check
15 from a prospective substitute teacher who has been employed by the
16 school district in the last year. Any person applying for
17 employment as a substitute teacher in more than one school district
18 shall only be required to have one national criminal history record
19 check, and, upon the request of the substitute teacher, that record
20 check shall be sent to all other school districts in which the
21 substitute teacher is applying to teach.

22 2. Any person employed as a full-time teacher by a school
23 district in this state in the five (5) years immediately preceding
24 an application for employment as a substitute teacher may not be

1 required to have a national criminal history record check, if the
2 teacher produces a copy of a national criminal history record check
3 completed within the preceding five (5) years and a letter from the
4 school district in which the teacher was last employed stating the
5 teacher left in good standing.

6 3. Any person employed as a full-time teacher by a school
7 district in this state for ten (10) or more consecutive years
8 immediately preceding an application for employment as a substitute
9 teacher in the same school district may not be required to have a
10 national criminal history record check for as long as the person
11 remains employed for consecutive years by that school district as a
12 substitute teacher, if the teacher left full-time employment in good
13 standing. If the teacher applies for employment as a substitute
14 teacher in another school district, a national criminal history
15 record check shall be required.

16 G. The provisions of this section shall not apply to technology
17 center employees hired on a part-time or temporary basis for the
18 instruction of adult students only.

19 H. Nothing in this section shall be construed to impose
20 liability on school districts, except in negligence, for employing
21 prospective employees within the sixty-day temporary employment
22 window pending the results of the national criminal history record
23 check.

1 SECTION 7. AMENDATORY 70 O.S. 2011, Section 18-153, is
2 amended to read as follows:

3 Section 18-153. A. Each local school district shall develop
4 and adopt a four-year capital improvement plan for the public
5 schools in the district ~~and shall submit such plan to the State~~
6 ~~Board of Education as provided for in Section 1 of this act.~~ Each
7 local school district shall review and update their plans annually.
8 Capital improvement plans shall be based upon guidelines developed
9 by the State Department of Education.

10 B. The State Department of Education shall develop and the
11 State Board of Education shall adopt a statewide four-year capital
12 improvement master plan for the public common schools of this state.
13 ~~Such~~ The master plan shall be subject to the provisions of Section
14 308 of Title 75 of the Oklahoma Statutes. ~~All plans specified in~~
15 ~~this section shall be reviewed by the Common School Capital~~
16 ~~Improvement Needs Assessment Committee as established by this act.~~

17 SECTION 8. AMENDATORY 70 O.S. 2011, Section 1210.508, as
18 amended by Section 13 of Enrolled Senate Bill No. 1797 of the 2nd
19 Session of the 53rd Oklahoma Legislature, is amended to read as
20 follows:

21 Section 1210.508 A. 1. The State Board of Education shall
22 develop and administer a series of criterion-referenced tests
23 designed to indicate whether the state academic content standards,
24 as defined by the State Board of Education in the Priority Academic

1 Student Skills Curriculum, which Oklahoma public school students are
2 expected to have attained have been achieved. The Board may develop
3 and administer any criterion-referenced test in any subject not
4 required by federal law, contingent upon the availability of
5 funding. Students who do not perform at least at the proficient
6 level on tests shall be remediated, subject to the availability of
7 funding.

8 2. Contingent upon the availability of state and federal funds,
9 the Board, in accordance with federal law, shall administer
10 criterion-referenced tests for grades three and four in:

- a. reading, and
- b. mathematics.

13 3. Contingent upon the availability of funds, the Board shall
14 administer criterion-referenced tests for grade five in:

- a. reading,
- b. mathematics,
- c. science,
- d. social studies, which shall consist of the history, the Constitution and government of the United States, and geography, and
- e. writing of English.

22 4. Contingent upon the availability of state and federal funds,
23 the Board, in accordance with federal law, shall administer
24 criterion-referenced tests for grades six and seven in:

1 a. reading, and
2 b. mathematics.

3 In addition, the Board shall administer a criterion-referenced
4 test in geography in grade seven.

5 5. Contingent upon the availability of funds, the Board shall
6 administer criterion-referenced tests for grade eight in:

7 a. reading,
8 b. mathematics,
9 c. science,
10 d. social studies, which shall consist of the history,
11 Constitution, and government of the United States, and
12 e. writing of English.

13 The Board shall administer the tests for grade eight in reading
14 and mathematics online with raw score test results reported
15 immediately and complete results reported in less than two (2) weeks
16 beginning in the 2007-08 school year.

17 6. Each student who completes the instruction for English II,
18 English III, United States History, Biology I, Algebra I, Geometry,
19 and Algebra II at the secondary level shall complete an end-of-
20 instruction test, when implemented, to measure for attainment in the
21 appropriate state academic content standards in order to graduate
22 from a public high school with a standard diploma. All students
23 shall take the tests prior to graduation, unless otherwise exempt by
24 law. The State Board of Education shall administer the criterion-

1 referenced tests. The Board shall develop and field test the end-
2 of-instruction tests in English III, Geometry, and Algebra II during
3 the 2006-07 school year, implement the tests during the 2007-08
4 school year, and administer them each year thereafter. The Board
5 shall administer the multiple choice portion of the end-of-
6 instruction tests online with raw score test results reported
7 immediately and complete results reported in less than two (2) weeks
8 beginning in the 2008-09 school year.

9 The end-of-instruction tests shall serve the purpose of the
10 criterion-referenced tests as provided in paragraph 1 of this
11 subsection. The English II and English III end-of-instruction tests
12 shall include a writing component. Students who do not score at
13 least at the proficient level shall be afforded the opportunity to
14 retake each test up to three (3) times each calendar year until at
15 least achieving at the proficient level. In order to provide an
16 indication of the levels of competency attained by the student in a
17 permanent record for potential future employers and institutions of
18 higher education, for students who enter the ninth grade in or prior
19 to the 2007-08 school year, school districts shall report the
20 highest-achieved state test performance level on the end-of-
21 instruction tests on the student's high school transcript.
22 Beginning with students who enter the ninth grade in the 2008-09
23 school year, school districts shall report the ~~student's performance~~
24 ~~levels highest-achieved state test performance level~~ on the end-of-

1 instruction tests and any business and industry-recognized
2 endorsements attained on the student's high school transcript. Any
3 student at the middle school level who completes the instruction in
4 a secondary course specified in this paragraph shall be administered
5 the appropriate end-of-instruction test.

6 7. a. Each school district shall administer to each student
7 in the school district in grades three through eight
8 an assessment designed to assess the student in the
9 fine arts area in which the student has received
10 instruction.

11 b. Each school district shall prepare an annual report
12 for approval by the State Board of Education outlining
13 the fine arts assessment strategies used by the
14 district, when the assessments were administered, how
15 many students were assessed during the previous year,
16 and the results of the assessments.

17 B. 1. All criterion-referenced tests required by this section
18 shall measure academic competencies in correlation with the state
19 academic content standards adopted by the Board pursuant to Section
20 11-103.6 of this title and known as the Priority Academic Student
21 Skills Curriculum. The State Board of Education shall evaluate the
22 academic content standards to ensure the competencies reflect high
23 standards, are specific, well-defined, measurable, challenging, and
24 will prepare elementary students for next-grade-level course work

1 and secondary students for postsecondary studies at institutions of
2 higher education or technology center schools without the need for
3 remediation in core curriculum areas. All state academic content
4 standards shall reflect the benchmarks of the American Diploma
5 Project and the goal of improving the state average ACT score.

6 2. The State Department of Education shall annually evaluate
7 the results of the criterion-referenced tests. The State Board of
8 Education shall ensure that test results are reported to districts
9 in a manner that yields detailed, diagnostic information for the
10 purpose of guiding instruction and student remediation. As
11 improvements are made to the criterion-referenced tests required by
12 this section, the Board shall seek to increase the depth of
13 knowledge assessed for each subject. The State Board of Education
14 shall seek to ensure that data yielded from the tests required in
15 this section are utilized at the school district level to prescribe
16 reinforcement and/or remediation by requiring school districts to
17 develop and implement a specific program of improvement based on the
18 test results.

19 3. The State Board of Education in coordination with the Office
20 of Educational Quality and Accountability shall review, realign, and
21 recalibrate, as necessary, the tests in reading and mathematics in
22 third through eighth grade and the end-of-instruction tests. The
23 Commission for Educational Quality and Accountability shall
24 determine the cut scores for the performance levels on the end-of-

1 instruction tests developed pursuant to paragraph 6 of subsection A
2 of this section. The Commission shall conduct an ongoing review to
3 compare the end-of-instruction test content and performance
4 descriptors with those of other states. Upon receipt of the review,
5 the Commission may adjust the cut scores as necessary.

6 4. The State Board of Education, for the purposes of conducting
7 reliability and validity studies, monitoring contractor adherence to
8 professionally accepted testing standards, and providing
9 recommendations for testing program improvement, shall retain the
10 services of an established, independent agency or organization that
11 is nationally recognized for its technical expertise in educational
12 testing but is not engaged in the development of aptitude or
13 achievement tests for elementary or secondary level grades. These
14 national assessment experts shall annually conduct studies of the
15 reliability and validity of the end-of-instruction tests
16 administered pursuant to this section. Validity studies shall
17 include studies of decision validity and concurrent validity.

18 C. 1. The State Board of Education shall set the testing
19 window dates for each criterion-referenced test required in
20 paragraphs 1 through 5 of subsection A of this section for grades
21 three through eight so that, with the exception of the writing
22 assessments, the tests are administered to students no earlier than
23 April 10 each year and so that the test results are reported back to
24 school districts in a timely manner. Each criterion-referenced test

1 required in paragraph 6 of subsection A of this section may be
2 administered to students at a time set by the State Board of
3 Education as near as possible to the end of the course; provided, if
4 a school district is unable to administer the tests online to all
5 students taking the test for the first time and all students
6 retaking the test during the testing window time set by the Board,
7 the school district may elect to administer any of the tests to
8 students retaking the test at any time not more than two (2) weeks
9 prior to the start of the testing window time set by the Board. All
10 results and reports of the criterion-referenced test series required
11 in paragraphs 1 through 5 of subsection A of this section for grades
12 three through eight shall be returned to each school district prior
13 to the beginning of the next school year. The vendor shall provide
14 a final electronic data file of all school site, school district,
15 and state results to the State Department of Education and the
16 Office of Educational Quality and Accountability prior to September
17 1 of each year. The Department shall forward the final data files
18 for each school district and each school site in that district to
19 the school district. The Board shall ensure the contract with the
20 testing vendor includes a provision that the vendor report test
21 results directly to the Office of Educational Quality and
22 Accountability at the same time it is reported to the Board.
23 2. State, district, and site level results of all tests
24 required in this section shall be disaggregated by gender, race

1 ethnicity, disability status, migrant status, English proficiency,
2 and status as economically disadvantaged, except that such
3 disaggregation shall not be required in a case in which the number
4 of students in a category is insufficient to yield statistically
5 reliable information or the results would reveal personally
6 identifiable information about an individual student. Each school
7 site shall notify the student's parents of the school's performance
8 levels in the Oklahoma School Testing Program as reported in the
9 Oklahoma Educational Indicators Program at the end of each school
10 year.

11 D. The State Board of Education shall be responsible for the
12 development, field-testing, and validation of the criterion-
13 referenced test series required in subsection A of this section. In
14 the interest of economy the Board shall adapt criterion-referenced
15 tests that have been developed by or in collaboration with other
16 states or are otherwise commercially available, or portions of such
17 tests, to the extent that such tests are appropriate for use in the
18 testing program to be administered to Oklahoma students.

19 E. The State Board of Education shall develop, administer, and
20 incorporate as a part of the Oklahoma School Testing Program, other
21 testing programs or procedures, including appropriate accommodations
22 for the testing of students with disabilities as required by the
23 Individuals with Disabilities Education Act (IDEA), 20 USC, Section
24 1400 et seq.

1 SECTION 9. AMENDATORY 70 O.S. 2011, Section 1210.508C,

2 as amended by Section 1 of Enrolled House Bill No. 2516 of the 2nd
3 Session of the 53rd Oklahoma Legislature, is amended to read as
4 follows:

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

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

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

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

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 no more than
16 three screening instruments for use at the beginning of the school
17 year, for monitoring of progress, and for measurement of reading
18 skills at the end of the school year as required in subsections A
19 and B of this section; provided, one of the screening instruments
20 shall be recommended by the Oklahoma Commission for Teacher
21 Preparation. The State Board shall also determine other comparable
22 reading assessments for diagnostic purposes and for periodic and
23 post assessments to be used for students at risk of reading failure.

24

1 The State Board shall ensure that any assessments approved are in
2 alignment with the PASS.

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

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

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

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

21 E. The program of reading instruction shall continue until the
22 student is determined by the results of approved reading assessments
23 to be reading on grade level.

24

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

21 2. Each school site shall establish a committee, composed of
22 educators, which if possible shall include a certified reading
23 specialist, to develop the required programs of reading instruction.

24

1 A parent or guardian of the student shall be included in the
2 development of the program of reading instruction for that student.

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

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

17 H. Beginning with students entering the first grade in the
18 2011-2012 school year, if the reading deficiency of a student, as
19 identified based on assessments administered as provided for in
20 subsection B of this section, is not remedied by the end of third
21 grade, as demonstrated by scoring at the unsatisfactory level on the
22 reading portion of the statewide third-grade criterion-referenced
23 test, the student shall be retained in the third grade.

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

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

8 2. A description of the current services that are provided to
9 the student;

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

13 4. That the student will not be promoted to the fourth grade if
14 the reading deficiency is not remediated by the end of the third
15 grade, unless the student is exempt for good cause as set forth in
16 subsection K of this section;

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

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

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

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

6 K. For those students who do not meet the academic requirements
7 for promotion, a school district may promote the student for good
8 cause only. Good-cause exemptions for promotion shall be limited to
9 the following:

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

12 2. Students with disabilities whose individualized education
13 plan (IEP), consistent with state law, indicates that the student is
14 to be assessed with alternate achievement standards through the
15 Oklahoma Alternate Assessment Program (OAAP);

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

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

22 5. Students with disabilities who participate in the statewide
23 criterion-referenced tests and who have an individualized education
24 plan that reflects that the student has received intensive

1 remediation in reading for more than two (2) years but still
2 demonstrates a deficiency in reading and was previously retained in
3 kindergarten, first grade, second grade, or third grade; and

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

9 L. A student who is promoted for good cause as provided for in
10 subsection K of this section shall be provided intensive reading
11 instruction during an altered instructional day that includes
12 specialized diagnostic information and specific reading strategies
13 for each student. The school district shall assist schools and
14 teachers to implement reading strategies for the promoted students
15 that research has shown to be successful in improving reading among
16 low-performing readers.

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

21 1. Documentation submitted from the teacher of the student to
22 the school principal that indicates the student meets one of the
23 good-cause exemptions and promotion of the student is appropriate.
24 In order to minimize paperwork requirements, the documentation shall

1 consist only of a the alternative assessment results or student
2 portfolio work and the individual education plan (IEP), as
3 applicable;

4 2. The principal of the school shall review and discuss the
5 documentation with the teacher. If the principal determines that
6 the student meets one of the good-cause exemptions and should be
7 promoted based on the documentation provided, the principal shall
8 make a recommendation in writing to the school district
9 superintendent; and

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

12 N. Beginning with the 2011-2012 school year, each school
13 district shall:

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

24

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

- 9 a. small group instruction,
- 10 b. reduced teacher-student ratios,
- 11 c. more frequent progress monitoring,
- 12 d. tutoring or mentoring,
- 13 e. transition classes containing third- and fourth-grade
14 students,
- 15 f. extended school day, week, or year, and
- 16 g. summer reading academies as provided for in Section
17 1210.508E of this title, if available;

18 3. Provide written notification to the parent or guardian of
19 any student who is to be retained as set forth in subsection H of
20 this section that the student has not met the proficiency level
21 required for promotion and the reasons the student is not eligible
22 for a good-cause exemption. The notification shall include a
23 description of proposed interventions and intensive instructional

1 supports that will be provided to the student to remediate the
2 identified areas of reading deficiency;

3 4. Implement a policy for the midyear promotion of a retained
4 student who can demonstrate that the student is a successful and
5 independent reader, is reading at or above grade level, and is ready
6 to be promoted to the fourth grade. Tools that school districts may
7 use in reevaluating any retained student may include subsequent
8 assessments, alternative assessments, and portfolio reviews, in
9 accordance with rules of the State Board of Education. Retained
10 students may only be promoted midyear prior to November 1 and only
11 upon demonstrating a level of proficiency required to score above
12 the unsatisfactory level on the statewide third-grade criterion-
13 referenced test and upon showing progress sufficient to master
14 appropriate fourth-grade-level skills, as determined by the school.
15 A midyear promotion shall be made only upon agreement of the parent
16 or guardian of the student and the school principal;

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

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

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1 a. supplemental tutoring in scientific-research-based
2 reading services in addition to the regular reading
3 block, including tutoring before or after school,
4 b. a parent-guided "Read at Home" assistance plan, as
5 developed by the State Department of Education, the
6 purpose of which is to encourage regular parent-guided
7 home reading, or
8 c. a mentor or tutor with specialized reading training.

9 O. Beginning with the 2011-2012 school year, each school

10 district shall establish a Reading Enhancement and Acceleration
11 Development (READ) Initiative. The focus of the READ Initiative
12 shall be to prevent the retention of third-grade students by
13 offering intensive accelerated reading instruction to third-grade
14 students who failed to meet standards for promotion to fourth grade
15 and to kindergarten through third-grade students who are exhibiting
16 a reading deficiency. The READ Initiative shall:

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

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

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

3 a. assists students assessed as exhibiting a reading
4 deficiency in developing the ability to read at grade
5 level,

6 b. provides skill development in phonemic awareness,
7 phonics, fluency, vocabulary, and comprehension,

8 c. provides a scientific-research-based and reliable
9 assessment,

10 d. provides initial and ongoing analysis of the reading
11 progress of each student,

12 e. is implemented during regular school hours,

13 f. provides a curriculum in core academic subjects to
14 assist the student in maintaining or meeting
15 proficiency levels for the appropriate grade in all
16 academic subjects,

17 g. establishes at each school, where applicable, an
18 Intensive Acceleration Class for retained third-grade
19 students who subsequently score at the unsatisfactory
20 level on the reading portion of the statewide
21 criterion-referenced tests. The focus of the
22 Intensive Acceleration Class shall be to increase the
23 reading level of a child at least two grade levels in

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one (1) school year. The Intensive Acceleration Class shall:

- (1) be provided to any student in the third grade who scores at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests and who was retained in the third grade the prior year because of scoring at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests,
- (2) have a reduced teacher-student ratio,
- (3) provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the fourth-grade state standards in other core subject 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 being placed in a transitional instructional setting. A transitional setting shall specifically be designed to produce learning gains sufficient to meet fourth-grade performance standards while continuing to remediate the areas of reading deficiency.

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

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

- 13 a. the provisions of this section relating to public
14 school student progression and the policies and
15 procedures of the school district on student retention
16 and promotion,
- 17 b. by grade, the number and percentage of all students in
18 grades three through ten performing at the
19 unsatisfactory level on the reading portion of the
20 statewide criterion-referenced tests,
- 21 c. by grade, the number and percentage of all students
22 retained in grades three through ten,

- d. information on the total number and percentage of students who were promoted for good cause, by each category of good cause as specified above, and
- e. any revisions to the policies of the school district on student retention and promotion from the prior year.

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

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

19 S. On or before December 1 of each year, the State Department
20 of Education shall issue to the Governor and members of the Senate
21 and House of Representatives Education Committees a Reading Report
22 Card for the state and each school district and elementary site
23 which shall include, but is not limited to, trend data detailing
24 three (3) years of data, disaggregated by student subgroups to

1 include economically disadvantaged, major racial or ethnic groups,
2 students with disabilities, and English language learners, as
3 appropriate for the following:

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

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

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

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

18 5. The amount of funds for reading remediation received by each
19 district;

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

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

1 The State Department of Education may contract with an
2 independent entity for the reporting and analysis requirements of
3 this subsection.

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

6 SECTION 10. REPEALER 70 O.S. 2011, Section 3-104.2, is
7 hereby repealed.

8 SECTION 11. This act shall become effective July 1, 2012.

9 SECTION 12. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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14 53-2-10457 KB 05/10/12
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