

**<DateSubmitted>**

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.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

**SENATE CONFEREES**

Halligan \_\_\_\_\_

Ford \_\_\_\_\_

Barrington \_\_\_\_\_

Crain \_\_\_\_\_

Garrison \_\_\_\_\_

Paddock \_\_\_\_\_

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

1 ENGROSSED SENATE AMENDMENT  
2 TO  
3 ENGROSSED HOUSE  
4 BILL NO. 2306

5 By: Coody of the House

6 and

7 Halligan of the Senate

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An Act relating to schools; amending 70 O.S. 2011,  
Section 3-104, which relates to the powers and duties  
of the State Board of Education; deleting authority  
and requirement to review school construction and  
alteration plans; amending 70 O.S. 2011, Section 3-  
153, which relates to reporting plans to the State  
Board of Education; amending 70 O.S. 2011, Section 3-  
156, which relates to local school district  
assessment; deleting references to the Comprehensive  
Local Education Plan; amending 70 O.S. 2011, Section  
5-117.4, which relates to the school improvement  
plan; adding certain content to the plan; amending 70  
O.S. 2011, Section 18-153, which relates to a four-  
year capital improvement plan; deleting reference to  
certain law; amending 70 O.S. 2011, Section 1210.508,  
which relates to the development and administration  
of criterion-referenced tests for third through  
eighth grade; changing manner of recording certain  
test results on a high school transcript; amending 70  
O.S. 2011, Section 1210.508C, which relates to the  
Reading Sufficiency Act; deleting reference to the  
Comprehensive Local Education Plan; 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.

AMENDMENT NO. 1. Page 1, strike the title to read

"[ schools - references - capital improvement plan -  
high school transcript - effective date -  
emergency ]"

1                   Passed the Senate the 10th day of April, 2012.

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3                   \_\_\_\_\_  
4                   Presiding Officer of the Senate

5                   Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6                   2012.

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8                   \_\_\_\_\_  
9                   Presiding Officer of the House  
10                   of Representatives

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1 ENGROSSED HOUSE  
2 BILL NO. 2306

3 By: Coody of the House

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7 An Act relating to schools; amending 70 O.S. 2011,  
8 Section 3-104, which relates to the powers and duties  
9 of the State Board of Education; deleting authority  
10 and requirement to review school construction and  
11 alteration plans; amending 70 O.S. 2011, Section 3-  
12 153, which relates to reporting plans to the State  
13 Board of Education; amending 70 O.S. 2011, Section 3-  
14 156, which relates to local school district  
15 assessment; deleting references to the Comprehensive  
16 Local Education Plan; amending 70 O.S. 2011, Section  
17 5-117.4, which relates to the school improvement  
18 plan; adding certain content to the plan; amending 70  
19 O.S. 2011, Section 18-153, which relates to a four-  
year capital improvement plan; deleting reference to  
certain law; amending 70 O.S. 2011, Section 1210.508,  
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of criterion-referenced tests for third through  
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test results on a high school transcript; amending 70  
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Comprehensive Local Education Plan; 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.

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

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

23 amended to read as follows:

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

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

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

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

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

19           a. State Aid to schools,

20           b. the supervision of all other functions of general and  
21                   special education including general control, free  
22                   textbooks, school lunch, Indian education and all  
23                   other functions of the Board and an amount sufficient  
24                   to adequately staff and administer these services, and

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

Annually, the Board shall make preparations to consolidate all of the functions of the Department in such a way that the budget can be based on two items, administration and aid to schools. A maximum amount for administration shall be designated as a part of the total appropriation;

4. On the first day of December preceding each regular session

10 of the Legislature, prepare and deliver to the Governor and the  
11 Legislature a report for the year ending June 30 immediately  
12 preceding the regular session of the Legislature. The report shall  
13 contain:

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

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

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

- d. a statement of the receipts and expenditures of the State Board of Education for the past year, and
- e. a statement of plans and recommendations for the management and improvement of public schools and such other information relating to the educational interests of the state as may be deemed necessary and desirable;

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

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

23                   a. the State Department of Education shall not issue a  
24                   certificate to and shall revoke the certificate of any

1                   person who has been convicted, whether upon a verdict  
2                   or plea of guilty or upon a plea of nolo contendere,  
3                   or received a suspended sentence or any probationary  
4                   term for a crime or an attempt to commit a crime  
5                   provided for in Section 843.5 of Title 21 of the  
6                   Oklahoma Statutes if the offense involved sexual abuse  
7                   or sexual exploitation as those terms are defined in  
8                   Section 1-1-105 of Title 10A of the Oklahoma Statutes,  
9                   Sections 741, 843.1, if the offense included sexual  
10                  abuse or sexual exploitation, 865 et seq., 885, 888,  
11                  891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,  
12                  1111.1, 1114 or 1123 of Title 21 of the Oklahoma  
13                  Statutes or who enters this state and who has been  
14                  convicted, received a suspended sentence or received a  
15                  deferred judgment for a crime or attempted crime  
16                  which, if committed or attempted in this state, would  
17                  be a crime or an attempt to commit a crime provided  
18                  for in any of said laws,

19                  b. all funds collected by the State Department of  
20                  Education for the issuance of certificates to  
21                  instructional, supervisory and administrative  
22                  personnel in the public schools of the state shall be  
23                  deposited in the "Teachers' Certificate Fund" in the  
24                  State Treasury and may be expended by the State Board

1 of Education to finance the activities of the State  
2 Department of Education necessary to administer the  
3 program, for consultative services, publication costs,  
4 actual and necessary travel expenses as provided in  
5 the State Travel Reimbursement Act incurred by persons  
6 performing research work, and other expenses found  
7 necessary by the State Board of Education for the  
8 improvement of the preparation and certification of  
9 teachers in Oklahoma. Provided, any unobligated  
10 balance in the Teachers' Certificate Fund in excess of  
11 Ten Thousand Dollars (\$10,000.00) on June 30 of any  
12 fiscal year shall be transferred to the General  
13 Revenue Fund of the State of Oklahoma. Until July 1,  
14 1997, the State Board of Education shall have  
15 authority for approval of teacher education programs.  
16 The State Board of Education shall also have authority  
17 for the administration of teacher residency and  
18 professional development, subject to the provisions of  
19 the Oklahoma Teacher Preparation Act;

20 7. Promulgate rules governing the classification, inspection,  
21 supervision and accrediting of all public nursery, kindergarten,  
22 elementary and secondary schools and on-site educational services  
23 provided by public school districts or state-accredited private  
24 schools in partial hospitalization programs, day treatment programs,

1 and day hospital programs as defined in this act for persons between  
2 the ages of three (3) and twenty-one (21) years of age in the state.  
3 However, no school shall be denied accreditation solely on the basis  
4 of average daily attendance.

5 Any school district which maintains an elementary school and  
6 faces the necessity of relocating its school facilities because of  
7 construction of a lake, either by state or federal authority, which  
8 will inundate the school facilities, shall be entitled to receive  
9 probationary accreditation from the State Board of Education for a  
10 period of five (5) years after the effective date of this act and  
11 any school district, otherwise qualified, shall be entitled to  
12 receive probationary accreditation from the State Board of Education  
13 for a period of two (2) consecutive years to attain the minimum  
14 average daily attendance. The Head Start and public nurseries or  
15 kindergartens operated from Community Action Program funds shall not  
16 be subjected to the accrediting rules of the State Board of  
17 Education. Neither will the State Board of Education make rules  
18 affecting the operation of the public nurseries and kindergartens  
19 operated from federal funds secured through Community Action  
20 Programs even though they may be operating in the public schools of  
21 the state. However, any of the Head Start or public nurseries or  
22 kindergartens operated under federal regulations may make  
23 application for accrediting from the State Board of Education but  
24 will be accredited only if application for the approval of the

1 programs is made. The status of no school district shall be changed  
2 which will reduce it to a lower classification until due notice has  
3 been given to the proper authorities thereof and an opportunity  
4 given to correct the conditions which otherwise would be the cause  
5 of such reduction.

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

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

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

1       10. Be and is hereby designated as the "State Educational  
2 Agency" referred to in Public Law 396 of the 79th Congress of the  
3 United States, which law states that said act may be cited as the  
4 "National School Lunch Act", and said State Board of Education is  
5 hereby authorized and directed to accept the terms and provisions of  
6 said act and to enter into such agreements, not in conflict with the  
7 Constitution of Oklahoma or the Constitution and Statutes of the  
8 United States, as may be necessary or appropriate to secure for the  
9 State of Oklahoma the benefits of the school lunch program  
10 established and referred to in said act;

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

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

23       13. Have authority to require persons having administrative  
24 control of all school districts in Oklahoma to make such regular and

1 special reports regarding the activities of the schools in said  
2 districts as the Board may deem needful for the proper exercise of  
3 its duties and functions. Such authority shall include the right of  
4 the State Board of Education to withhold all state funds under its  
5 control, to withhold official recognition, including accrediting,  
6 until such required reports have been filed and accepted in the  
7 office of said Board and to revoke the certificates of persons  
8 failing or refusing to make such reports;

9       14. Have general supervision of the school lunch program. The  
10 State Board of Education may sponsor workshops for personnel and  
11 participants in the school lunch program and may develop, print and  
12 distribute free of charge or sell any materials, books and bulletins  
13 to be used in such school lunch programs. There is hereby created  
14 in the State Treasury a revolving fund for the Board, to be  
15 designated the School Lunch Workshop Revolving Fund. The fund shall  
16 consist of all fees derived from or on behalf of any participant in  
17 any such workshop sponsored by the State Board of Education, or from  
18 the sale of any materials, books and bulletins, and such funds shall  
19 be disbursed for expenses of such workshops and for developing,  
20 printing and distributing of such materials, books and bulletins  
21 relating to the school lunch program. The fund shall be  
22 administered in accordance with ~~the Revolving Fund Procedures Act~~  
23 Section 155 of Title 62 of the Oklahoma Statutes;  
24

1       15. Prescribe all forms for school district and county officers  
2 to report to the State Board of Education where required. The State  
3 Board of Education shall also prescribe a list of appropriation  
4 accounts by which the funds of school districts shall be budgeted,  
5 accounted for and expended; and it shall be the duty of the State  
6 Auditor and Inspector in prescribing all budgeting, accounting and  
7 reporting forms for school funds to conform to such lists;

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

10       17. Have authority to provide for the health and safety of  
11 school children and school personnel while under the jurisdiction of  
12 school authorities;

13       18. Provide for the supervision of the transportation of  
14 pupils;

15       19. Have authority, upon request of the local school board, to  
16 act in behalf of the public schools of the state in the purchase of  
17 transportation equipment;

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

23       21. Administer the State Public Common School Building  
24 Equalization Fund established by Section 32 of Article X of the

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

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

1 paragraph, and may employ and fix the duties and compensation of  
2 technicians, aides, clerks, stenographers, attorneys and other  
3 personnel deemed necessary to carry out the provisions of this  
4 paragraph. The cost of administering the fund shall be paid from  
5 monies appropriated to the State Board of Education for the  
6 operation of the State Department of Education;

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

15       23. Have authority to administer a revolving fund which is  
16 hereby created in the State Treasury, to be designated the  
17 Statistical Services Revolving Fund. The fund shall consist of all  
18 monies received from the various school districts of the state, the  
19 United States Government, and other sources for the purpose of  
20 furnishing or financing statistical services and for any other  
21 purpose as designated by the Legislature. The State Board of  
22 Education is hereby authorized to enter into agreements with school  
23 districts, municipalities, the United States Government, foundations  
24 and other agencies or individuals for services, programs or research

1 projects. The Statistical Services Revolving Fund shall be  
2 administered in accordance with ~~the Revolving Fund Procedures Act,~~  
3 Section 155 ~~et seq.~~ of Title 62 of the Oklahoma Statutes; and  
4 ~~24. Have authority to review preliminary plans for new~~  
5 ~~construction and major alteration of public school buildings where~~  
6 ~~structural changes are proposed. No bids shall be let for the~~  
7 ~~construction or major alteration of any public school building until~~  
8 ~~preliminary plans and specifications for such construction or~~  
9 ~~alteration have been submitted to and reviewed by the State~~  
10 ~~Department of Education. The period of time during which such~~  
11 ~~review is conducted by the State Department of Education shall not~~  
12 ~~exceed thirty (30) days. The State Department of Education shall~~  
13 ~~advise each local school district regarding said review of~~  
14 ~~preliminary plans and specifications. Provided, nothing in this~~  
15 ~~subsection shall be construed as repealing any ordinance or building~~  
16 ~~code of any city, town or county.~~

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

19 Section 3-153. Except for school districts with one or more  
20 school sites which are identified for school improvement as  
21 determined by the State Board of Education pursuant to the  
22 requirements of the No Child Left Behind Act of 2001, P.L. No. 107-  
23 110, all school districts shall be exempt from reporting to the  
24 Board the following plans:

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

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

5       3. 2. The capital improvement plan as required in Section 18-  
6 153 of this title; and

7       4. 3. The reading sufficiency plan as required in Section  
8 1210.508C of this title, subject to the requirements of paragraph 1  
9 of subsection F of Section 1210.508C of this title; provided the  
10 last reading sufficiency plan submitted by the school district was  
11 approved by the State Department of Education and expenditures for  
12 the program include only expenses relating to individual and small  
13 group tutoring, purchase of and training in the use of screening and  
14 assessment measures, summer school programs, and Saturday school  
15 programs. Prior approval from the State Department of Education  
16 shall be required for other types of expenditures.

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

19       Section 3-156. Each local school district may study and assess  
20 ways to eliminate, reduce, consolidate, and simplify the number,  
21 type, and length of reports, data, statistics, and other information  
22 required of any school district personnel by federal or state law.  
23 In conducting research for the study, the school district shall

1 provide for the input and participation of school district  
2 personnel.

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

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

9 SECTION 4. AMENDATORY 70 O.S. 2011, Section 5-117.4, is  
10 amended to read as follows:

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

1 this title and specific plans whereby schools within the district  
2 will initiate the planning process of meeting or exceeding the  
3 accreditation requirements in Section 3-104.4 of this title. The  
4 six-year school improvement plan shall include a consideration of  
5 the feasibility of participation in any programs which consist of  
6 state exemption from educational-related statutes or rules.

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

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

1       D. The State Department of Education shall provide training for  
2 regional accreditation officers in alternative education program  
3 compliance.

4       SECTION 5.       AMENDATORY       70 O.S. 2011, Section 18-153, is  
5 amended to read as follows:

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

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

20       SECTION 6.       AMENDATORY       70 O.S. 2011, Section 1210.508, is  
21 amended to read as follows:

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

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

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

- a. reading, and
- b. mathematics.

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

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

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

4           a. reading, and  
5           b. mathematics.

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

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

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

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

20       6. Each student who completes the instruction for English II,  
21 English III, United States History, Biology I, Algebra I, Geometry,  
22 and Algebra II at the secondary level shall complete an end-of-  
23 instruction test, when implemented, to measure for attainment in the  
24 appropriate state academic content standards in order to graduate

1 from a public high school with a standard diploma. All students  
2 shall take the tests prior to graduation, unless otherwise exempt by  
3 law. The State Board of Education shall administer the criterion-  
4 referenced tests. The Board shall develop and field test the end-  
5 of-instruction tests in English III, Geometry, and Algebra II during  
6 the 2006-07 school year, implement the tests during the 2007-08  
7 school year, and administer them each year thereafter. The Board  
8 shall administer the multiple choice portion of the end-of-  
9 instruction tests online with raw score test results reported  
10 immediately and complete results reported in less than two (2) weeks  
11 beginning in the 2008-09 school year.

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

1 Beginning with students who enter the ninth grade in the 2008-09  
2 school year, school districts shall report the ~~student's performance~~  
3 ~~levels highest achieved state test performance level~~ on the end-of-  
4 instruction tests and any business and industry-recognized  
5 endorsements attained on the student's high school transcript. Any  
6 student at the middle school level who completes the instruction in  
7 a secondary course specified in this paragraph shall be administered  
8 the appropriate end-of-instruction test.

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

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

20       B. 1. All criterion-referenced tests required by this section  
21       shall measure academic competencies in correlation with the state  
22       academic content standards adopted by the Board pursuant to Section  
23       11-103.6 of this title and known as the Priority Academic Student  
24       Skills Curriculum. The State Board of Education shall evaluate the

1 academic content standards to ensure the competencies reflect high  
2 standards, are specific, well-defined, measurable, challenging, and  
3 will prepare elementary students for next-grade-level course work  
4 and secondary students for postsecondary studies at institutions of  
5 higher education or technology center schools without the need for  
6 remediation in core curriculum areas. All state academic content  
7 standards shall reflect the benchmarks of the American Diploma  
8 Project and the goal of improving the state average ACT score.

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

22       3. The State Board of Education in coordination with the  
23 Educational Quality and Accountability Board shall review, realign,  
24 and recalibrate, as necessary, the tests in reading and mathematics

1 in third through eighth grade and the end-of-instruction tests. The  
2 State Board of Education shall determine the cut scores for the  
3 performance levels on the end-of-instruction tests developed  
4 pursuant to paragraph 6 of subsection A of this section, which shall  
5 be phased in over a multi-year period. The State Board of Education  
6 shall conduct an ongoing review to compare the end-of-instruction  
7 test content and performance descriptors with those of other states.  
8 Upon receipt of the review, the State Board of Education may adjust  
9 the cut scores as necessary.

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

23       C. 1. The State Board of Education shall set the testing  
24 window dates for each criterion-referenced test required in

1 paragraphs 1 through 5 of subsection A of this section for grades  
2 three through eight so that, with the exception of the writing  
3 assessments, the tests are administered to students no earlier than  
4 April 10 each year and so that the test results are reported back to  
5 school districts in a timely manner. Each criterion-referenced test  
6 required in paragraph 6 of subsection A of this section may be  
7 administered to students at a time set by the State Board of  
8 Education as near as possible to the end of the course; provided, if  
9 a school district is unable to administer the tests online to all  
10 students taking the test for the first time and all students  
11 retaking the test during the testing window time set by the Board,  
12 the school district may elect to administer any of the tests to  
13 students retaking the test at any time not more than two (2) weeks  
14 prior to the start of the testing window time set by the Board. All  
15 results and reports of the criterion-referenced test series required  
16 in paragraphs 1 through 5 of subsection A of this section for grades  
17 three through eight shall be returned to each school district prior  
18 to the beginning of the next school year. The vendor shall provide  
19 a final electronic data file of all school site, school district,  
20 and state results to the State Department of Education and the  
21 Office of Accountability prior to September 1 of each year. The  
22 Department shall forward the final data files for each school  
23 district and each school site in that district to the school  
24 district. The Board shall ensure the contract with the testing

1 vendor includes a provision that the vendor report test results  
2 directly to the Office of Accountability at the same time it is  
3 reported to the Board.

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

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

24

1       E. The State Board of Education shall develop, administer, and  
2 incorporate as a part of the Oklahoma School Testing Program, other  
3 testing programs or procedures, including appropriate accommodations  
4 for the testing of students with disabilities as required by the  
5 Individuals with Disabilities Education Act (IDEA), 20 USC, Section  
6 1400 et seq.

7       SECTION 7.       AMENDATORY       70 O.S. 2011, Section 1210.508C,  
8 is amended to read as follows:

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

16       2. For those kindergarten children at risk for reading  
17 difficulties, teachers shall emphasize reading skills as identified  
18 in the PASS, monitor progress throughout the year and measure year-  
19 end reading progress.

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

24

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

7       2. Any student who is assessed and found not to be reading at  
8 the appropriate grade level shall be provided a program of reading  
9 instruction designed to enable the student to acquire the  
10 appropriate grade level reading skills. Beginning with students  
11 entering the first grade in the 2011-2012 school year, the program  
12 of reading instruction shall include provisions of the READ  
13 Initiative adopted by the school district as provided for in  
14 subsection N of this section. If a student is found not to be  
15 reading at the appropriate grade level and teachers, in  
16 collaboration with others, are concerned that undiagnosed health  
17 problems may affect the ability of the student to read, the school  
18 district may make a recommendation to the parents or legal guardians  
19 for medical evaluation without being liable for cost of the  
20 evaluation or any associated costs.

21       3. Throughout the year progress monitoring shall continue, and  
22 diagnostic assessment, if determined appropriate, shall be provided.  
23 Year-end reading skills shall be measured to determine reading  
24 success.

1       C. The State Board of Education shall approve no more than  
2 three screening instruments for use at the beginning of the school  
3 year, for monitoring of progress, and for measurement of reading  
4 skills at the end of the school year as required in subsections A  
5 and B of this section; provided, one of the screening instruments  
6 shall be recommended by the Oklahoma Commission for Teacher  
7 Preparation. The State Board shall also determine other comparable  
8 reading assessments for diagnostic purposes and for periodic and  
9 post assessments to be used for students at risk of reading failure.  
10 The State Board shall ensure that any assessments approved are in  
11 alignment with the PASS.

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

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

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

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

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

9       F. 1. Every school district shall adopt, implement, and  
10 annually update a district reading sufficiency plan which has had  
11 input from school administrators, teachers, and parents and if  
12 possible a reading specialist, and which shall be submitted to and  
13 approved by the State Board of Education ~~as a part of each~~  
14 ~~district's Comprehensive Local Education Plan.~~ The district reading  
15 sufficiency plan shall include a plan for each site which includes  
16 an analysis of the data provided by the Oklahoma School Testing  
17 Program and other reading assessments utilized as required in this  
18 section, and which outlines how each school site will comply with  
19 the provisions of the Reading Sufficiency Act.

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

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

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

15       H. Beginning with students entering the first grade in the  
16 2011-2012 school year, if the reading deficiency of a student, as  
17 identified based on assessments administered as provided for in  
18 subsection B of this section, is not remedied by the end of third  
19 grade, as demonstrated by scoring at the unsatisfactory level on the  
20 reading portion of the third-grade criterion-referenced test  
21 administered pursuant to Section 1210.508 of this title, the student  
22 shall be retained in the third grade.

23       I. The parent of any student who is found to have a reading  
24 deficiency and is not reading at the appropriate grade level and has

1    been provided a program of reading instruction as provided for in  
2    subsection B of this section shall be notified in writing of the  
3    following:

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

6        2. A description of the current services that are provided to  
7        the student;

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

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

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

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

21       7. The specific criteria and policies of the school district  
22      for midyear promotion implemented as provided for in paragraph 4 of  
23      subsection M of this section.

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

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

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

9           2. Students with disabilities whose individualized education  
10 plan program (IEP), consistent with state law, indicates that  
11 participation in the statewide criterion-referenced tests  
12 administered pursuant to Section 1210.508 of this title is not  
13 appropriate;

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

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

20           5. Students with disabilities who participate in the statewide  
21 criterion-referenced tests and who have an individualized education  
22 plan that reflects that the student has received intensive  
23 remediation in reading for more than two (2) years but still

1 demonstrates a deficiency in reading and was previously retained in  
2 kindergarten, first grade, second grade, or third grade; and

3       6. Students who have received intensive remediation in reading  
4 through a program of reading instruction for two (2) or more years  
5 but still demonstrate a deficiency in reading and who were  
6 previously retained in kindergarten, first grade, second grade, or  
7 third grade for a total of two (2) years. A student who is  
8 promoted as provided for in this paragraph shall be provided  
9 intensive reading instruction during an altered instructional day  
10 that includes specialized diagnostic information and specific  
11 reading strategies for each student. The school district shall  
12 assist schools and teachers to implement reading strategies for the  
13 promoted students that research has shown to be successful in  
14 improving reading among low-performing readers.

15       L. In addition to the good-cause exemptions as set forth in  
16 subsection K of this section, requests to exempt students from the  
17 academic requirements for promotion to the next grade shall only be  
18 made upon documentation submitted from the teacher of the student to  
19 the school principal that indicates that the promotion of the  
20 student is appropriate and is based upon the record of the student.  
21 In order to minimize paperwork requirements, documentation shall  
22 consist only of a student portfolio.

23       M. Beginning with the 2011-2012 school year, each school  
24 district shall:

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

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

18           a. small group instruction,  
19           b. reduced teacher-student ratios,  
20           c. more frequent progress monitoring,  
21           d. tutoring or mentoring,  
22           e. transition classes containing third- and fourth-grade  
23           students,  
24           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       3. Provide written notification to the parent or guardian of  
4 any student who is to be retained as set forth in subsection H of  
5 this section that the student has not met the proficiency level  
6 required for promotion and the reasons the student is not eligible  
7 for a good-cause exemption. The notification shall include a  
8 description of proposed interventions and intensive instructional  
9 supports that will be provided to the student to remediate the  
10 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 third-grade statewide criterion-referenced test and upon showing progress sufficient to master appropriate fourth-grade-level skills, as determined by the school. A midyear promotion shall be made only upon agreement of the parent or guardian of the student and the school principal;

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

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

7           a. supplemental tutoring in scientific-research-based  
8 reading services in addition to the regular reading  
9 block, including tutoring before or after school,

10          b. a parent-guided "Read at Home" assistance plan, as  
11 developed by the State Department of Education, the  
12 purpose of which is to encourage regular parent-guided  
13 home reading, or

14          c. a mentor or tutor with specialized reading training.

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

23           1. Be provided to all kindergarten through third-grade students  
24 at risk of retention as identified by the assessments administered

1 pursuant to the Reading Sufficiency Act. The assessment used shall  
2 measure phonemic awareness, phonics, fluency, vocabulary, and  
3 comprehension;

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

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

- 8 a. assists students assessed as exhibiting a reading  
9 deficiency in developing the ability to read at grade  
10 level,
- 11 b. provides skill development in phonemic awareness,  
12 phonics, fluency, vocabulary, and comprehension,
- 13 c. provides scientifically based and reliable assessment,
- 14 d. provides initial and ongoing analysis of the reading  
15 progress of each student,
- 16 e. is implemented during regular school hours,
- 17 f. provides a curriculum in core academic subjects to  
18 assist the student in maintaining or meeting  
19 proficiency levels for the appropriate grade in all  
20 academic subjects,
- 21 g. establishes at each school, where applicable, an  
22 Intensive Acceleration Class for retained third-grade  
23 students who subsequently score at the unsatisfactory  
24 level on the reading portion of the statewide

criterion-referenced tests. The focus of the Intensive Acceleration Class shall be to increase the reading level of a child at least two grade levels in 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

1 program, including use of a speech-language  
2 therapist,

3 (6) include weekly progress monitoring measures to  
4 ensure progress is being made, and

5 (7) provide reports to the State Department of  
6 Education, in the manner described by the  
7 Department, outlining the progress of students in  
8 the class at the end of the first semester,

9 h. provide reports to the State Board of Education, upon  
10 request, on the specific intensive reading  
11 interventions and supports implemented by the school  
12 district. The State Superintendent of Public  
13 Instruction shall annually prescribe the required  
14 components of the reports, and

15 i. provide to a student who has been retained in the  
16 third grade and has received intensive instructional  
17 services but is still not ready for grade promotion,  
18 as determined by the school district, the option of  
19 being placed in a transitional instructional setting.  
20 A transitional setting shall specifically be designed  
21 to produce learning gains sufficient to meet fourth-  
22 grade performance standards while continuing to  
23 remediate the areas of reading deficiency.

24

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

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

16                   a. the provisions of this section relating to public  
17                   school student progression and the policies and  
18                   procedures of the school district on student retention  
19                   and promotion,

20 b. by grade, the number and percentage of all students in  
21 grades three through ten performing at the  
22 unsatisfactory level on the reading portion of the  
23 statewide criterion-referenced tests,

1                   c. by grade, the number and percentage of all students  
2                    retained in grades three through ten,  
3                   d. information on the total number and percentage of  
4                    students who were promoted for good cause, by each  
5                    category of good cause as specified above, and  
6                   e. any revisions to the policies of the school district  
7                    on student retention and promotion from the prior  
8                    year.

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

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

21               R. On or before December 1 of each year, the State Department  
22              of Education shall issue to the Governor and members of the Senate  
23              and House of Representatives Education Committees a Reading Report  
24              Card for the state and each school district and elementary site

1 which shall include, but is not limited to, trend data detailing  
2 three (3) years of data, disaggregated by student subgroups to  
3 include economically disadvantaged, major racial or ethnic groups,  
4 students with disabilities, and English language learners, as  
5 appropriate for the following:

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

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

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

17      4. The number and percentage of students scoring at each  
18 performance level on the third-grade criterion-referenced test in  
19 reading;

20      5. The amount of funds for reading remediation received by each  
21 district;

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

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

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

6           S. Copies of the results of the assessments administered shall  
7 be made a part of the permanent record of each student.

8           SECTION 8.       REPEALER       70 O.S. 2011, Section 3-104.2, is  
9 hereby repealed.

10           SECTION 9. This act shall become effective July 1, 2012.

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

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1                   Passed the House of Representatives the 21st day of February,  
2 2012.  
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6                    Presiding Officer of the House of  
7                    Representatives  
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11                  Presiding Officer of the Senate  
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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2012.