

05/21/2014 11:21:12 AM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB3399

By: Hickman of the House and Brecheen of the Senate

Title: Schools; prohibiting certain actions related to the subject matter curriculum; effective date.

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 its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HB3399 CCR (A)
HOUSE CONFEREES

Blackwell, Gus



Cannaday, Ed

Casey, Dennis



Condit, Donnie

Coody, Ann

Cox, Doug



Denney, Lee

DeWitt, Dale



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Fourkiller, William

Henke, Katie



Kern, Sally



McDaniel, Curtis

McDaniel, Jeannie

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Nollan, Jadine

Roberts, Dustin



Smalley, Jason



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SENATE CONFEREES

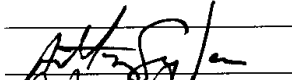
Brecheen



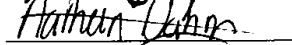
Ford



Sykes



Dahm



Ivester



Ellis



House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

AUTHOR(s)/COAUTHOR(s)CURRENTLY IN THE QUEUE for HB3399

As of 5/21/2014 11:04:58 AM

Add as coauthor Senator Newberry

Add as coauthor Representative Sears

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 3399

By: Hickman, Nelson, Kern,
Bennett, Ortega,
McCullough, Cockroft and
Brumbaugh of the House

and

Brecheen, Brinkley, Sykes,
Branan, Shortey, Sharp,
Marlatt, Griffin, David and
Bingman of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Section 6-207, which relates to the Oklahoma Mathematics Improvement Program; changing references to certain standards; amending 70 O.S. 2011, Sections 11-103.6, as last amended by Section 1 of Enrolled Senate Bill No. 1653 of the 2nd Session of the 54th Oklahoma Legislature and 11-103.6a, which relate to curricular standards for instruction of students in public schools; changing references to certain standards; directing school districts to develop and implement curriculum, courses and instruction for certain purposes; deleting certain curriculum reference; updating statutory language; defining term; adding certain purpose of teaching competencies; adding requirements for the subject matter standards; modifying definition; deleting citation to certain rules; modifying process for the review of each area of subject matter standards; making the subject matter standards subject to certain legislative review and approval; making an exception for certain career and technology education standards; stipulating that subject matter standards not be promulgated as rules and subject to the

Administrative Procedures Act; deleting requirements to adopt English Language Arts and Mathematics standards that are aligned with certain standards; directing the State Board of Education to adopt English Language Arts and Mathematics standards in a certain manner; providing process for determining college- and career-ready standards; requiring the English Language Arts and Mathematics subject matter standards and assessments to be solely approved and controlled by the Board; directing the Board to begin adoption on certain date; requiring reasonable opportunity for public comment by certain specified persons and representatives; requiring implementation of certain standards for certain period; directing the Board to seek certain certification from the State Regents for Higher Education; requiring the State Regents to provide certain description; requiring certain documents to be posted on the State Department of Education website; directing the Board to direct development of an annual high-quality statewide student assessment for English Language Arts and Mathematics by a certain date; requiring certain assessments to continue until new assessments are implemented; prohibiting the Board from entering into agreements, memoranda or contracts with certain parties which cede or limit certain discretion or control; directing the Board to initiate efforts to amend certain agreements, memoranda or contracts; authorizing the Board to seek and be granted certain waivers; allowing the Board to participate in certain multistate or multigovernmental cooperatives; stating that all subject matter standards and corresponding assessments be solely approved and controlled by the state and independence of the Board be maintained; allowing the benchmarking of assessments; providing for the exclusive control of instruction, curriculum and instructional materials by school districts; allowing school districts to adopt supplementary student assessments; directing the Board to make a comparison of certain standards; listing areas of comparison; requiring the Board to submit a report of the comparison to certain persons; prohibiting standards and assessments that are designed to collect or measure certain information; directing the Board to amend or repeal certain rules; providing for legislative review of all subject matter standards and revisions; prohibiting implementation of

standards until completion of the review process; requiring submission of subject matter standards upon adoption; specifying vehicle and process for approval or disapproval of standards by the Legislature; authorizing the Board to adopt new standards upon disapproval by the Legislature; requiring the Board to continue implementation of certain standards until new standards are approved; making approved standards final agency rules; providing for submission and publication of standards; establishing force and effect of standards; making certain joint resolutions not subject to certain cutoff dates; limiting provisions of certain joint resolutions; amending 70 O.S. 2011, Section 11-103.9, which relates to physical education programs; changing references to certain standards; requiring certain instructional materials to be made available for inspection by parents or guardians; requiring school districts to develop and adopt policies; specifying content of policies; defining term; amending 70 O.S. 2011, Sections 1210.507, as amended by Section 2, Chapter 74, O.S.L. 2013 and 1210.508, as last amended by Section 1, Chapter 403, O.S.L. 2013 (70 O.S. Supp. 2013, Sections 1210.507 and 1210.508), which relate to the Oklahoma School Testing Program Act; changing references to certain standards; allowing the Board to stop or cancel online or computer-based assessments under certain circumstances; deleting certain benchmark requirement; modifying certain goals; allowing the Board to participate in certain cooperatives for certain purpose; making the Board not subject to certain provisions of law for the purpose of developing and administering certain alternative assessments; amending 70 O.S. 2011, Sections 1210.508B and 1210.508C, as last amended by Section 96, Chapter 15, O.S.L. 2013 (70 O.S. Supp. 2013, Section 1210.508C), which relate to the Reading Sufficiency Act; changing references to certain standards; modifying certain good-cause exemptions; adding a good-cause exemption; amending Section 1, Chapter 318, O.S.L. 2012 (70 O.S. Supp. 2013, Section 1210.516), which relates to the Oklahoma Bridge to Literacy Program; changing references to certain standards; amending 75 O.S. 2011, Section 250.4, as amended by Section 1 of Enrolled Senate Bill No. 1694 of the 2nd Session of the 54th Oklahoma Legislature, which relates to compliance with the Administrative

1 Procedures Act; exempting the Board from Article I of
2 the Administrative Procedures Act for prescribing
3 subject matter standards; providing for codification;
4 and declaring an emergency.

5
6 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

7 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-207, is
8 amended to read as follows:

9 Section 6-207. A. The State Board of Education shall establish
10 the Oklahoma Mathematics Improvement Program. The purpose of the
11 program is to improve student mastery of the ~~Priority Academic~~
12 ~~Student Skills (PASS)~~ subject matter standards adopted by the State
13 Board of Education for sixth-grade mathematics through Algebra I by
14 enhancing sixth-, seventh- and eighth-grade public school teachers'
15 mastery of the subject matter content and process skills.

16 B. For purposes of this section, "middle-level mathematics"
17 means the ~~Priority Academic Student Skills~~ subject matter standards
18 for sixth- through eighth-grade mathematics and Algebra I.

19 C. Each sixth-, seventh-, or eighth-grade public school teacher
20 of a middle-level mathematics course who completes a professional
21 development program approved by the State Board of Education, as
22 authorized in subsection E of this section, shall receive a stipend
23 in the amount of One Thousand Dollars (\$1,000.00) if, prior or
24 subsequent to completion of the professional development program,

1 the teacher successfully completes the middle-level/intermediate
2 mathematics Oklahoma Subject Area Test administered by the Oklahoma
3 Commission for Teacher Preparation. The State Board of Education
4 shall provide the stipend to qualifying teachers who meet the
5 requirements of this section. The stipend shall not be included in
6 the calculation of the teacher's salary for purposes of meeting the
7 district or statutory minimum salary schedule or for purposes of
8 calculating Teachers' Retirement System of Oklahoma contributions or
9 benefits.

10 D. The State Department of Education shall issue a request for
11 proposals on or before October 1, 2005, seeking applications for the
12 Oklahoma Mathematics Improvement Program. The State Department of
13 Education shall review the applications for compliance with the
14 established requirements.

15 E. The State Board of Education may approve programs that meet
16 the requirements set forth in this subsection. Each participating
17 teacher shall take a preassessment to establish current subject
18 matter knowledge, and, based on the results of the preassessment,
19 the teacher will participate in one of the three programs listed
20 below:

21 1. Mathematics academies consisting of a minimum of forty (40)
22 contact hours of training and twenty (20) contact hours of follow-up
23 training through lesson study with identified mathematics
24 specialists on-site and through video technology.

1 The mathematics academies shall incorporate both content
2 knowledge and process knowledge that shall be modeled for teachers
3 in the areas of problem-solving, reasoning, and critical thinking as
4 applied to the mathematical concepts in ~~PASS~~ the subject matter
5 standards. The ultimate goal of the mathematics academies shall be
6 to significantly increase the number of children becoming proficient
7 in mathematics as demonstrated on assessments administered pursuant
8 to the Oklahoma School Testing Program Act. The mathematics
9 academies shall be accepted for professional development purposes
10 and shall be defined as continuing education experiences that
11 consist of a minimum of forty (40) clock hours. The mathematics
12 academies shall be designed to provide instruction that includes
13 peer coaching;

14 2. Other programs including customized higher education courses
15 and/or on-line courses similar in scope and nature to those
16 described in this subsection designed to improve middle school
17 mathematics knowledge including Algebra I, as approved by the State
18 Board of Education; and

19 3. Small learning community lesson studies facilitated by a
20 mathematics coach and utilizing the Internet and video technology,
21 as approved by the State Board of Education.

22 F. On or before December 15, 2005, the State Department of
23 Education shall forward applications that the Department has
24 determined meet the requirements of this section to the State Board

1 of Education. On or before February 1, 2006, the Board shall award,
2 through a competitive bid process, one or more grants for
3 professional development programs approved by the Department.

4 G. The State Board of Education shall contract for independent
5 evaluations of programs funded pursuant to this section.

6 H. Beginning June 30, 2006, and each year thereafter for which
7 the Oklahoma Mathematics Improvement Program is funded, the State
8 Board of Education shall prepare and submit a report to the
9 Legislature and the Governor containing:

10 1. Descriptions of professional development programs approved
11 and funded through the Oklahoma Mathematics Improvement Program;

12 2. Number and amount of grants awarded;

13 3. Number of teachers completing approved programs;

14 4. Number of teachers successfully completing the Oklahoma
15 Subject Area Test for middle level/intermediate mathematics after
16 completion of a program created pursuant to this section;

17 5. Amount of stipends paid to teachers pursuant to this
18 section; and

19 6. Student achievement data for students in classes taught by
20 teachers completing one of the program options authorized pursuant
21 to this section.

22 SECTION 2. AMENDATORY 70 O.S. 2011, Section 11-103.6, as
23 last amended by Section 1 of Enrolled Senate Bill No. 1653 of the
24

1 2nd Session of the 54th Oklahoma Legislature, is amended to read as
2 follows:

3 Section 11-103.6 A. 1. The State Board of Education shall
4 adopt ~~curricular~~ subject matter standards for instruction of
5 students in the public schools of this state that are necessary to
6 ensure there is attainment of desired levels of competencies in a
7 variety of areas to include language, mathematics, science, social
8 studies and communication.

9 2. School districts shall develop and implement curriculum,
10 courses and instruction in order to ensure that students meet the
11 skills and competencies as set forth in this section and in the
12 subject matter standards adopted by the State Board of Education.

13 3. All students shall gain literacy at the elementary and
14 secondary levels ~~through a core curriculum~~. Students ~~must~~ shall
15 develop skills in reading, writing, speaking, computing and critical
16 thinking. For purposes of this section, critical thinking means a
17 manner of analytical thinking which is logical and uses linear
18 factual analysis to reach a conclusion. They also ~~must~~ shall learn
19 about cultures and environments - their own and those of others with
20 whom they share the earth. Students, therefore, ~~must~~ shall study
21 social studies, literature, languages, the arts, mathematics and
22 science. Such curricula shall provide for the teaching of a hands-
23 on career exploration program in cooperation with technology center
24 schools.

~~The core curriculum~~ 4. The subject matter standards shall be designed to teach the competencies for which students shall be tested as provided in Section 1210.508 of this title, and shall be designed to prepare all students for active citizenship, employment and/or successful completion of postsecondary education without the need for remedial coursework at the postsecondary level.

5. The subject matter standards shall be designed with rigor as defined in paragraph 3 of subsection F of this section.

6. The subject matter standards for English Language Arts shall give Classic Literature and nonfiction literature equal consideration to other literature. In addition, emphasis shall be given to the study of complete works of literature.

7. At a minimum, the subject matter standards for mathematics shall require mastery of the standard algorithms in mathematics, which is the most logical, efficient way of solving a problem that consistently works, and for students to attain fluency in Euclidian geometry.

B. Subject to the provisions of subsection C of this section, in order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall complete the following college preparatory/work ready curriculum units or sets of competencies at the secondary level:

1 1. Four units or sets of competencies of English to include
2 Grammar, Composition, Literature, or any English course approved for
3 college admission requirements;

4 2. Three units or sets of competencies of mathematics, limited
5 to Algebra I, Algebra II, Geometry, Trigonometry, Math Analysis,
6 Calculus, Advanced Placement Statistics, or any mathematics course
7 with content and/or rigor above Algebra I and approved for college
8 admission requirements;

9 3. Three units or sets of competencies of laboratory science,
10 limited to Biology, Chemistry, Physics, or any laboratory science
11 course with content and/or rigor equal to or above Biology and
12 approved for college admission requirements;

13 4. Three units or sets of competencies of history and
14 citizenship skills, including one unit of American History, 1/2 unit
15 of Oklahoma History, 1/2 unit of United States Government and one
16 unit from the subjects of History, Government, Geography, Economics,
17 Civics, or ~~Non-Western~~ non-Western culture and approved for college
18 admission requirements;

19 5. Two units or sets of competencies of the same foreign or
20 non-English language or two units of computer technology approved
21 for college admission requirements, whether taught at a high school
22 or a technology center school, including computer programming,
23 hardware, and business computer applications, such as word
24

1 processing, databases, spreadsheets, and graphics, excluding
2 keyboarding or typing courses;

3 6. One additional unit or set of competencies selected from
4 paragraphs 1 through 5 of this subsection or career and technology
5 education courses approved for college admission requirements; and

6 7. One unit or set of competencies of fine arts, such as music,
7 art, or drama, or one unit or set of competencies of speech.

8 C. In lieu of the requirements of subsection B of this section
9 which requires a college preparatory/work ready curriculum, a
10 student may enroll in the core curriculum as provided in subsection
11 D of this section upon written approval of the parent or legal
12 guardian of the student. School districts may require a parent or
13 legal guardian of the student to meet with a designee of the school
14 prior to enrollment in the core curriculum. The State Department of
15 Education shall develop and distribute to school districts a form
16 suitable for this purpose, which shall include information on the
17 benefits to students of completing the college preparatory/work
18 ready curriculum as provided for in subsection B of this section.

19 D. For those students subject to the requirements of subsection
20 C of this section, in order to graduate from a public high school
21 accredited by the State Board of Education with a standard diploma,
22 students shall complete the following core curriculum units or sets
23 of competencies at the secondary level:

1 1. Language Arts - 4 units or sets of competencies, to consist
2 of 1 unit or set of competencies of grammar and composition, and 3
3 units or sets of competencies which may include, but are not limited
4 to, the following courses:

- 5 a. American Literature,
- 6 b. English Literature,
- 7 c. World Literature,
- 8 d. Advanced English Courses, or
- 9 e. other English courses with content and/or rigor equal
10 to or above grammar and composition;

11 2. Mathematics - 3 units or sets of competencies, to consist of
12 1 unit or set of competencies of Algebra I or Algebra I taught in a
13 contextual methodology, and 2 units or sets of competencies which
14 may include, but are not limited to, the following courses:

- 15 a. Algebra II,
- 16 b. Geometry or Geometry taught in a contextual
17 methodology,
- 18 c. Trigonometry,
- 19 d. Math Analysis or Precalculus,
- 20 e. Calculus,
- 21 f. Statistics and/or Probability,
- 22 g. Computer Science,
- 23 h. (1) contextual mathematics courses which enhance
24 technology preparation, or

1 (2) a science, technology, engineering and math
2 (STEM) block course meeting the requirements for
3 course competencies listed in paragraph 2 of
4 subsection B of this section, whether taught at
5 a:

6 (a) comprehensive high school, or

7 (b) technology center school when taken in the
8 tenth, eleventh or twelfth grade, taught by
9 a certified teacher, and approved by the
10 State Board of Education and the independent
11 district board of education,

12 i. mathematics courses taught at a technology center
13 school by a teacher certified in the secondary subject
14 area when taken in the tenth, eleventh or twelfth
15 grade upon approval of the State Board of Education
16 and the independent district board of education, or

17 j. equal to or above Algebra I;

18 3. Science - 3 units or sets of competencies, to consist of 1
19 unit or set of competencies of Biology I or Biology I taught in a
20 contextual methodology, and 2 units or sets of competencies in the
21 areas of life, physical, or earth science or technology which may
22 include, but are not limited to, the following courses:

23 a. Chemistry I,

24 b. Physics,

- c. Biology II,
- d. Chemistry II,
- e. Physical Science,
- f. Earth Science,
- g. Botany,
- h. Zoology,
- i. Physiology,
- j. Astronomy,
- k. Applied Biology/Chemistry,
- l. Applied Physics,
- m. Principles of Technology,
- n. qualified agricultural education courses,
- o. (1) contextual science courses which enhance
technology preparation, or
(2) a science, technology, engineering and math
(STEM) block course meeting the requirements for
course competencies listed in paragraph 3 of
subsection B of this section, whether taught at
a:
 - (a) comprehensive high school, or
 - (b) technology center school when taken in the
tenth, eleventh or twelfth grade, taught by
a certified teacher, and approved by the

State Board of Education and the independent
district board of education,

- p. science courses taught at a technology center school
by a teacher certified in the secondary subject area
when taken in the tenth, eleventh or twelfth grade
upon approval of the State Board of Education and the
independent district board of education, or
- q. other science courses with content and/or rigor equal
to or above Biology I;

4. Social Studies - 3 units or sets of competencies, to consist
of 1 unit or set of competencies of United States History, 1/2 to 1
unit or set of competencies of United States Government, 1/2 unit or
set of competencies of Oklahoma History, and 1/2 to 1 unit or set of
competencies which may include, but are not limited to, the
following courses:

- a. World History,
- b. Geography,
- c. Economics,
- d. Anthropology, or
- e. other social studies courses with content and/or rigor
equal to or above United States History, United States
Government, and Oklahoma History; and

5. Arts - 2 units or sets of competencies which may include,
but are not limited to, courses in Visual Arts and General Music.

1 E. 1. In addition to the curriculum requirements of either
2 subsection B or D of this section, in order to graduate from a
3 public high school accredited by the State Board of Education
4 students shall complete the requirements for a personal financial
5 literacy passport as set forth in the Passport to Financial Literacy
6 Act and any additional course requirements or recommended elective
7 courses as may be established by the State Board of Education and
8 the district school board. School districts shall strongly
9 encourage students to complete two units or sets of competencies of
10 foreign languages and two units or sets of competencies of physical
11 and health education.

12 2. No student shall receive credit for high school graduation
13 more than once for completion of the same unit or set of
14 competencies to satisfy the curriculum requirements of this section.

15 3. A school district shall not be required to offer every
16 course listed in subsections B and D of this section, but shall
17 offer sufficient courses to allow a student to meet the graduation
18 requirements during the secondary grade years of the student.

19 F. For purposes of this section:

20 1. "Contextual methodology" means academic content and skills
21 taught by utilizing real-world problems and projects in a way that
22 helps students understand the application of that knowledge;

23 2. "Qualified agricultural education courses" means courses
24 that have been determined by the State Board of Education to offer

1 the sets of competencies ~~in the Priority Academic Student Skills~~
2 ~~(PASS), as adopted by the Board,~~ for one or more science content
3 areas and which correspond to academic science courses. Qualified
4 agricultural education courses shall include, but are not limited
5 to, Horticulture, Plant and Soil Science, Natural Resources and
6 Environmental Science, and Animal Science. The courses shall be
7 taught by teachers certified in agricultural education and comply
8 with all rules of the Oklahoma Department of Career and Technology
9 Education;

10 3. "Rigor" means a level of difficulty that is thorough,
11 exhaustive and accurate and is appropriate for the grade level ~~and~~
12 ~~that meets state and/or national standards;~~

13 4. "Sets of competencies" means instruction in those skills and
14 competencies that are specified in the ~~Priority Academic Student~~
15 ~~Skills (PASS), as~~ subject matter standards adopted by the State
16 Board of Education, ~~subchapter 5, Chapter 15, Title 210 of the~~
17 ~~Oklahoma Administrative Code,~~ and other skills and competencies
18 adopted by the Board, without regard to specified instructional
19 time; and

20 5. "Unit" means a Carnegie Unit as defined by the North Central
21 Association's Commission on Schools.

22 G. 1. The State Board of Education shall adopt a plan to
23 ensure that rigor is maintained in the content, teaching
24 methodology, level of expectations for student achievement, and

1 application of learning in all the courses taught to meet the
2 graduation requirements as specified in this section.

3 2. The State Board of Education shall allow as much flexibility
4 at the district level as is possible without diminishing the rigor
5 or undermining the intent of providing these courses. To accomplish
6 this purpose, the State Department of Education shall work with
7 school districts in reviewing and approving courses taught by
8 districts that are not specifically listed in subsections B and D of
9 this section. Options may include, but shall not be limited to,
10 courses taken by concurrent enrollment, advanced placement, or
11 correspondence, or courses bearing different titles.

12 3. Technology center school districts may offer programs
13 designed in cooperation with institutions of higher education which
14 have an emphasis on a focused field of career study upon approval of
15 the State Board of Education and the independent district board of
16 education. Students in the tenth grade may be allowed to attend
17 these programs for up to one-half (1/2) of a school day and credit
18 for the units or sets of competencies required in paragraphs 2 and 3
19 of subsection B or D of this section shall be given if the courses
20 are taught by a teacher certified in the secondary subject area;
21 provided, credit for units or sets of competencies pursuant to
22 subsection B of this section shall be approved for college admission
23 requirements.

1 4. If a student enrolls in a concurrent course, the school
2 district shall not be responsible for any costs incurred for that
3 course, unless the school district does not offer enough course
4 selection during the student's secondary grade years to allow the
5 student to receive the courses needed to meet the graduation
6 requirements of this section. If the school district does not offer
7 the necessary course selection during the student's secondary grade
8 years, it shall be responsible for the cost of resident tuition at
9 an institution in The Oklahoma State System of Higher Education,
10 fees, and books for the concurrent enrollment course, and providing
11 for transportation to and from the institution to the school site.

12 It is the intent of the Legislature that for students enrolled
13 in a concurrent enrollment course which is paid for by the school
14 district pursuant to this paragraph, the institution charge only the
15 supplementary and special service fees that are directly related to
16 the concurrent enrollment course and enrollment procedures for that
17 student. It is further the intent of the Legislature that fees for
18 student activities and student service facilities, including the
19 student health care and cultural and recreational service fees, not
20 be charged to such students.

21 5. Credit for the units or sets of competencies required in
22 subsection B or D of this section shall be given when such units or
23 sets of competencies are taken prior to ninth grade if the teachers
24

1 are certified or authorized to teach the subjects for high school
2 credit and the required rigor is maintained.

3 6. The three units or sets of competencies in mathematics
4 required in subsection B or D of this section shall be completed in
5 the ninth through twelfth grades. If a student completes any
6 required courses or sets of competencies in mathematics prior to
7 ninth grade, the student may take any other mathematics courses or
8 sets of competencies to fulfill the requirement to complete three
9 units or sets of competencies in grades nine through twelve after
10 the student has satisfied the requirements of subsection B or D of
11 this section.

12 7. All units or sets of competencies required for graduation
13 may be taken in any sequence recommended by the school district.

14 H. As a condition of receiving accreditation from the State
15 Board of Education, all students in grades nine through twelve shall
16 enroll in a minimum of six periods, or the equivalent in block
17 scheduling or other scheduling structure that allows for instruction
18 in sets of competencies, of rigorous academic and/or rigorous
19 vocational courses each day, which may include arts, vocal and
20 instrumental music, speech classes, and physical education classes.

21 I. 1. Academic and vocational-technical courses designed to
22 offer sets of competencies integrated or embedded within the course
23 that provide for the teaching and learning of the appropriate skills
24 and knowledge in the ~~Priority Academic Student Skills (PASS)~~ subject

1 matter standards, as adopted by the State Board of Education, may
2 upon approval of the Board, in consultation with the Oklahoma
3 Department of Career and Technology Education if the courses are
4 offered at a technology center school district, be counted for
5 academic credit and toward meeting the graduation requirements of
6 this section.

7 2. Internet-based courses offered by a technology center school
8 that are taught by a certified teacher and provide for the teaching
9 and learning of the appropriate skills and knowledge in the ~~PASS~~
10 subject matter standards may, upon approval of the State Board of
11 Education and the independent district board of education, be
12 counted for academic credit and toward meeting the graduation
13 requirements of this section.

14 3. Internet-based courses or vocational-technical courses
15 utilizing integrated or embedded skills for which no ~~Priority~~
16 ~~Academic Student Skills~~ subject matter standards have been adopted
17 by the State Board of Education may be approved by the Board, in
18 consultation with the Oklahoma Department of Career and Technology
19 Education if the courses are offered at a technology center school
20 district, if such courses incorporate standards of nationally
21 recognized professional organizations and are taught by certified
22 teachers.

23 4. Courses offered by a supplemental education organization
24 that is accredited by a national accrediting body and that are

1 taught by a certified teacher and provide for the teaching and
2 learning of the appropriate skills and knowledge in the ~~PASS~~ subject
3 matter standards may, upon approval of the State Board of Education
4 and the school district board of education, be counted for academic
5 credit and toward meeting the graduation requirements of this
6 section.

7 J. The State Board of Education shall provide an option for
8 high school graduation based upon attainment of the desired levels
9 of competencies as required in tests pursuant to the provisions of
10 Section 1210.508 of this title. Such option shall be in lieu of the
11 amount of course credits earned.

12 K. The State Board of Education shall prescribe, adopt and
13 approve a promotion system based on the attainment by students of
14 specified levels of competencies in each area of the core
15 curriculum.

16 L. Children who have individualized education programs pursuant
17 to the Individuals with Disabilities Education Act (IDEA), and who
18 satisfy the graduation requirements through the individualized
19 education program for that student shall be awarded a standard
20 diploma.

21 M. Students who enter the ninth grade in or prior to the 2007-
22 08 school year who are enrolled in an alternative education program
23 and meet the requirements of their plans leading to high school
24

1 graduation developed pursuant to Section 1210.568 of this title
2 shall be awarded a standard diploma.

3 N. Any student who completes the curriculum requirements of the
4 International Baccalaureate Diploma Program shall be awarded a
5 standard diploma.

6 O. Any student who successfully completes an advanced
7 mathematics or science course offered pursuant to Section 1210.404
8 of this title shall be granted academic credit toward meeting the
9 graduation requirements pursuant to paragraph 2 or 3, as
10 appropriate, of subsection B or D of this section.

11 P. For purposes of this section, the courses approved for
12 college admission requirements shall be courses which are approved
13 by the Oklahoma State Regents for Higher Education for admission to
14 an institution within The Oklahoma State System of Higher Education.

15 Q. The State Department of Education shall collect and report
16 data by school site and district on the number of students who
17 enroll in the core curriculum as provided in subsection D of this
18 section.

19 SECTION 3. AMENDATORY 70 O.S. 2011, Section 11-103.6a,
20 is amended to read as follows:

21 Section 11-103.6a A. Each Beginning with the 2014-15 school
22 year, each area of subject matter curriculum standards, except for
23 standards for career and technology curriculum education adopted
24 pursuant to Section 14-103 of this title, shall be adopted by the

1 State Board of Education ~~for implementation~~ and shall be subject to
2 legislative review and approval as provided for in Section 4 of this
3 act. The subject matter standards shall be implemented statewide by
4 the beginning of the 2003-04 school year every public school
5 district in this state. The subject matter standards shall be
6 thoroughly reviewed by the State Board every six (6) years according
7 to and in coordination with the existing subject area textbook
8 adoption cycle, ~~and.~~ After review, the State Board shall ~~implement~~
9 adopt any revisions in such ~~curriculum~~ subject matter standards
10 deemed necessary to achieve further improvements in the quality of
11 education for the students of this state. Any revisions adopted by
12 the State Board of Education shall be subject to review and approval
13 as provided for in Section 4 of this act. The adoption of subject
14 matter standards or revisions to the standards by the State Board of
15 Education pursuant to this section shall not be promulgated as rules
16 and shall not be subject to Article I of the Administrative
17 Procedures Act.

18 B. ~~By~~ 1. In addition to the requirements set forth in
19 subsection A of this section, on or before August 1, 2010 2016, the
20 State Board of Education, in consultation with the State Regents for
21 Higher Education, the State Board of Career and Technology Education
22 and the Oklahoma Department of Commerce, shall adopt ~~revisions to~~
23 ~~the subject matter curriculum standards adopted by the State Board~~
24 ~~for English Language Arts and Mathematics as is necessary to align~~

1 ~~the curriculum with the K-12 Common Core State Standards developed~~
2 ~~by the Common Core State Standards Initiative, an effort coordinated~~
3 ~~by the National Governors Association Center for Best Practices and~~
4 ~~the Council of Chief State School Officers. The revised curriculum~~
5 ~~shall reflect the K-12 Common Core State Standards in their entirety~~
6 ~~and may include additional standards as long as the amount of~~
7 ~~additional standards is not more than fifteen percent (15%) of the~~
8 ~~K-12 Common Core State Standards~~ which are college- and career-ready
9 and will replace current standards. To be considered college- and
10 career-ready, the standards shall be evaluated by the State
11 Department of Education, the State Regents for Higher Education, the
12 State Board of Career and Technology Education and the Oklahoma
13 Department of Commerce and be determined to be such that the
14 standards will address the goals of reducing the need for remedial
15 coursework at the postsecondary level and increasing successful
16 completion of postsecondary education. The subject matter standards
17 and corresponding student assessments for English Language Arts and
18 Mathematics shall be solely approved and controlled by the state
19 through the State Board of Education.

20 2. Upon the effective date of this act, the State Board of
21 Education shall begin the process of adopting the English Language
22 Arts and Mathematics standards and shall provide reasonable
23 opportunity, consistent with best practices, for public comment on
24 the revision of the standards, including but not limited to comments

1 from students, parents, educators, organizations representing
2 students with disabilities and English language learners, higher
3 education representatives, career technology education
4 representatives, subject matter experts, community-based
5 organizations, Native American tribal representatives and business
6 community representatives.

7 3. Until the statewide student assessments for English Language
8 Arts and Mathematics are implemented as provided for in paragraph 1
9 of subsection C of this section, the State Board of Education shall
10 implement the subject matter standards for English Language Arts and
11 Mathematics which were in place prior to the revisions adopted by
12 the Board in June 2010.

13 4. Upon the effective date of this act, the State Board of
14 Education shall seek certification from the State Regents for Higher
15 Education that the subject matter standards for English Language
16 Arts and Mathematics which were in place prior to the revisions
17 adopted by the Board in June 2010 are college- and career-ready as
18 defined in the Federal Elementary and Secondary Education Act (ESEA)
19 Flexibility document issued by the United States Department of
20 Education and referenced in Option B of Principle 1: College and
21 Career-Ready Expectations for All Students. The State Regents shall
22 provide the Board a detailed description of the certification
23 process and results, including a list of deficiencies if the State
24 Regents conclude that the standards are not college- and career-

1 ready. The Board shall post all documents, materials, reports,
2 descriptions and correspondence produced by the State Regents or
3 used by the State Regents in the certification process on the
4 website for the State Department of Education.

5 C. 1. On or before the 2017-18 school year, the State Board of
6 Education, in consultation with the State Regents for Higher
7 Education, the State Board of Career and Technology Education and
8 the Oklahoma Department of Commerce, shall direct the process of the
9 development of annual high-quality statewide student assessments for
10 English Language Arts and Mathematics as provided for in Section
11 1210.508 of this title that align with the college- and career-ready
12 subject matter standards developed pursuant to subsection B of this
13 section.

14 2. The statewide student assessments for English Language Arts
15 and Mathematics shall continue to assess standards and objectives
16 found in the subject matter standards for English Language Arts and
17 Mathematics which were in place prior to the revisions adopted by
18 the Board in June 2010 and the test blueprints shall continue to
19 align to the standards and objectives found in such subject matter
20 standards for English Language Arts and Mathematics until the new
21 assessments are implemented as provided for in paragraph 1 of this
22 subsection.

23 D. 1. The State Board of Education shall not enter into any
24 agreement, memorandum of understanding or contract with any federal

1 agency or private entity which in any way cedes or limits state
2 discretion or control over the process of development, adoption or
3 revision of subject matter standards and corresponding student
4 assessments in the public school system, including, but not limited
5 to, agreements, memoranda of understanding and contracts in exchange
6 for funding for public schools and programs. If the State Board of
7 Education is a party to such an agreement, memorandum of
8 understanding or contract on the effective date of this act, the
9 State Board of Education shall initiate necessary efforts to amend
10 the agreement, memorandum of understanding or contract to comply
11 with the requirements of this subsection.

12 2. Nothing in this section shall be construed to prohibit the
13 State Board of Education from seeking and being granted a waiver
14 from federal law, provided that the conditions for the waiver do not
15 require the state to cede or limit its discretion or control over
16 the process of development, adoption or revision of subject matter
17 standards and corresponding statewide student assessments.

18 3. The State Department of Education may participate in a
19 multistate or multigovernmental cooperative pursuant to the
20 requirements of the Oklahoma Central Purchasing Act, but shall not
21 bind the state, contractually or otherwise, to the authority of any
22 other state, organization or entity which may supersede the
23 authority of the State Board of Education.

1 E. The content of all subject matter standards and
2 corresponding student assessments shall be solely approved and
3 controlled by the state through the State Board of Education. The
4 State Board of Education shall maintain independence of all subject
5 matter standards referenced in Section 11-103.6 of this title and
6 corresponding statewide student assessments and shall not relinquish
7 authority over Oklahoma subject matter standards and corresponding
8 statewide student assessments. Nothing in this section shall
9 prohibit benchmarking the state subject matter standards and
10 corresponding student assessments with those of other states or
11 nations to allow comparison of Oklahoma subject matter standards and
12 corresponding student assessments with those of other states and
13 nations.

14 F. School districts shall exclusively determine the
15 instruction, curriculum, reading lists and instructional materials
16 and textbooks, subject to any applicable provisions or requirements
17 as set forth in law, to be used in meeting the subject matter
18 standards. School districts may, at their discretion, adopt
19 supplementary student assessments which are in addition to the
20 statewide student assessments.

21 G. 1. Upon completion of the adoption of English Language Arts
22 and Mathematics subject matter standards pursuant to subsection B of
23 this section, the State Board of Education shall compare such
24 English Language Arts and Mathematics standards with the English

1 Language Arts and Mathematics standards that were adopted by the
2 State Board of Education prior to implementation of this act. The
3 State Board of Education shall consider public comments, the use of
4 best practices, evidence and research in the evaluation of both sets
5 of standards. The State Board of Education shall compare the
6 standards in the areas of:

7 a. effective preparation for active citizenship and
8 postsecondary education or the workforce,

9 b. subject matter content,

10 c. sequencing of subject matter content and relationship
11 to measurement of student performance and the
12 application of subject matter standards,

13 d. developmental appropriateness of grade-level
14 expectations, academic content and instructional
15 rigor,

16 e. clarity for educators and parents,

17 f. exemplars tied to the standards,

18 g. measurability of student proficiency in the subject
19 matter,

20 h. pedagogy,

21 i. development of critical thinking skills, and

22 j. demonstration of application of acquired knowledge and
23 skills.

1 2. Upon completion of the comparison of the English Language
2 Arts and Mathematics subject matter standards, the State Board of
3 Education shall submit to the Governor, the Speaker of the House of
4 Representatives, the President Pro Tempore of the Senate, the
5 Minority Leader of the House of Representatives and the Minority
6 Leader of the Senate a report outlining the results of the
7 comparison of the standards.

8 H. All subject matter standards and corresponding statewide
9 student assessments adopted by the State Board of Education shall be
10 carefully circumscribed to reflect direct application to subject
11 matter proficiency and shall not include standards or assessment
12 questions that are designed to collect or measure noncognitive,
13 emotional or psychological characteristics, attributes or skills of
14 students.

15 I. Any rule, including but not limited to Rules 210:15-4-1
16 through 210:15-4-3 of the Oklahoma Administrative Code, which
17 conflicts with the requirements of this section, shall be amended or
18 repealed by the State Board of Education as necessary to comply with
19 the requirements of this section.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 11-103.6a-1 of Title 70, unless
22 there is created a duplication in numbering, reads as follows:

23 A. All subject matter standards and revisions to the standards
24 adopted by the State Board of Education pursuant to Section 11-

1 103.6a of Title 70 of the Oklahoma Statutes shall be subject to
2 legislative review as set forth in this section. The standards
3 shall not be implemented by the State Board of Education until the
4 legislative review process is completed as provided for in this
5 section.

6 B. Upon adoption of any subject matter standards, the State
7 Board of Education shall submit the adopted standards to the Speaker
8 of the House of Representatives or a designee and the President Pro
9 Tempore of the Senate or a designee prior to the last thirty (30)
10 days of the legislative session.

11 C. By adoption of a joint resolution, the Legislature shall
12 approve the standards, disapprove the standards in whole or in part,
13 amend the standards in whole or in part or disapprove the standards
14 in whole or in part with instructions to the State Board of
15 Education, provided that such joint resolution becomes law in
16 accordance with Section 11 of Article VI of the Oklahoma
17 Constitution. If the joint resolution is vetoed by the Governor in
18 accordance with Section 11 of Article VI of the Oklahoma
19 Constitution and the veto has not been overridden, the standards
20 shall be deemed approved. If the Legislature fails to adopt a joint
21 resolution within thirty (30) legislative days following submission
22 of the standards, the standards shall be deemed approved.

23 D. If the subject matter standards are disapproved in whole or
24 are disapproved in whole with instructions as provided for in this

1 section, the State Board of Education may adopt new standards and
2 submit the new standards for legislative review pursuant to this
3 section. The State Board of Education shall continue to implement
4 current standards in place until the new standards have been
5 reviewed by the Legislature and approved as provided for in this
6 section. If the subject matter standards are amended, approved in
7 part or are disapproved in part with instructions, the State Board
8 of Education may revise the standards in accordance with the
9 legislative changes and implement the standards.

10 E. Upon final approval of the standards, the standards shall be
11 considered final agency rules. The Board shall submit a copy of the
12 standards to the Secretary of State, who shall include the standards
13 in the publication known as the "Oklahoma Administrative Code" in
14 the same manner as agency rules are published in the "Code" as
15 provided for in the Administrative Procedures Act. All standards
16 approved and published as provided for in this subsection shall have
17 the same force and effect of law as agency rules promulgated
18 pursuant to the Administrative Procedures Act.

19 F. Unless otherwise provided by specific vote of the
20 Legislature, joint resolutions introduced for purposes of approving,
21 disapproving, amending or disapproving with instructions any subject
22 matter standards shall not be subject to regular legislative cutoff
23 dates, shall be limited to such provisions as may be necessary for
24 approving, disapproving, amending or disapproving with instructions

1 any subject matter standards and any such other direction or mandate
2 regarding the standards deemed necessary by the Legislature. The
3 joint resolution shall contain no other provisions.

4 SECTION 5. AMENDATORY 70 O.S. 2011, Section 11-103.9, is
5 amended to read as follows:

6 Section 11-103.9 A. Except as otherwise provided for in this
7 section, the State Board of Education shall require, as a condition
8 of accreditation, that school districts provide to all students
9 physical education programs which may include athletics.

10 B. The Board shall require, as a condition of accreditation,
11 that public elementary schools provide instruction, for students in
12 full-day kindergarten and grades one through five, in physical
13 education or exercise programs for a minimum of an average of sixty
14 (60) minutes each week. The time students participate in recess
15 shall not be counted toward the sixty-minutes-per-week physical
16 education requirement. Schools may exclude from participation in
17 the physical education or exercise programs required in this
18 subsection those students who have been placed into an in-house
19 suspension or detention class or placement or those students who are
20 under an in-school restriction or are subject to an administrative
21 disciplinary action.

22 C. The Board shall require, as a condition of accreditation,
23 that public elementary schools provide to students in full-day
24 kindergarten and grades one through five, in addition to the

1 requirements set forth in subsection B of this section, an average
2 of sixty (60) minutes each week of physical activity, which may
3 include, but not be limited to, physical education, exercise
4 programs, fitness breaks, recess, and classroom activities, and
5 wellness and nutrition education. Each school district board of
6 education shall determine the specific activities and means of
7 compliance with the provisions of this subsection, giving
8 consideration to the recommendations of each school's Healthy and
9 Fit ~~Schools~~ School Advisory Committee as submitted to the school
10 principal pursuant to the provisions of Section 24-100a of this
11 title.

12 D. The Board shall disseminate information to each school
13 district on the benefits of physical education programs and shall
14 strongly encourage districts to provide physical education
15 instruction to students in grades six through twelve. The Board
16 shall also strongly encourage school districts to incorporate
17 physical activity into the school day by providing to students in
18 full-day kindergarten and grades one through five at least a twenty-
19 minute daily recess, which shall be in addition to the sixty (60)
20 minutes of physical education as required by subsection B of this
21 section, and by allowing all students brief physical activity breaks
22 throughout the day, physical activity clubs, and special events.

23

24

1 E. School districts shall provide to parents or guardians of
2 students a physical activity report. The report shall be provided
3 to parents and guardians at least annually and shall include:

4 1. A summary on how physical activity is being incorporated
5 into the school day;

6 2. A summary of the types of physical activities the students
7 are exposed to in the physical education programs;

8 3. Suggestions on monitoring the physical activity progress of
9 a child and how to encourage regular participation in physical
10 activity; and

11 4. Information on the benefits of physical education and
12 physical activity.

13 F. Instruction in physical education required in this section
14 shall be aligned with the ~~Priority Academic Student Skills~~ subject
15 matter standards as adopted by the Board.

16 G. The physical education curriculum shall be sequential,
17 developmentally appropriate, and designed, implemented, and
18 evaluated to enable students to develop the motor and self-
19 management skills and knowledge necessary to participate in physical
20 activity throughout life. Each school district shall establish
21 specific objectives and goals the district intends to accomplish
22 through the physical education curriculum.

1 H. In identifying the essential knowledge and skills, the State
2 Board of Education shall ensure that the ~~Priority Academic Student~~
3 ~~Skills~~ subject matter standards for physical education:

4 1. ~~Emphasizes~~ Emphasize the knowledge and skills capable of
5 being used during a lifetime of regular physical activity;

6 2. ~~Is~~ Are consistent with national physical education standards
7 for:

8 a. the information that students should learn about
9 physical activity, and

10 b. the physical activities that students should be able
11 to perform;

12 3. ~~Requires~~ Require that, on a weekly basis, at least fifty
13 percent (50%) of the physical education class be used for actual
14 student physical activity and that the activity be, to the extent
15 practicable, at a moderate or vigorous level;

16 4. ~~Offers~~ Offer students an opportunity to choose among many
17 types of physical activity in which to participate;

18 5. ~~Offers~~ Offer students both cooperative and competitive
19 games;

20 6. ~~Meets~~ Meet the needs of students of all physical ability
21 levels, including students who have a disability, chronic health
22 problem, or other special need that precludes the student from
23 participating in regular physical education instruction but who
24 might be able to participate in physical education that is suitably

1 adapted and, if applicable, included in the student's individualized
2 education program;

3 7. ~~Teaches~~ Teach self-management and movement skills;

4 8. ~~Teaches~~ Teach cooperation, fair play, and responsible
5 participation in physical activity;

6 9. ~~Promotes~~ Promote student participation in physical activity
7 outside of school; and

8 10. ~~Allows~~ Allow physical education classes to be an enjoyable
9 experience for students.

10 I. The Board shall adopt rules to implement the provisions of
11 this section.

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 11-106.1 of Title 70, unless
14 there is created a duplication in numbering, reads as follows:

15 A. All instructional material, including but not limited to
16 teacher manuals, films, tapes or other supplementary instructional
17 material in any format, used by a public school as part of the
18 educational curriculum, shall be available for inspection by the
19 parents or guardians of students enrolled in the school.

20 B. Each school district shall develop and adopt policies
21 pertaining to the inspection of instructional materials in
22 consultation with parents and guardians. The policies shall include
23 procedures for granting a request by a parent for reasonable access
24

1 to instructional material within a reasonable period of time after
2 the request is received.

3 C. For the purposes of this section, "instructional material"
4 means instructional content that is provided to a student,
5 regardless of the format, including printed or representational
6 materials, audio-visual materials and materials in electronic or
7 digital formats.

8 SECTION 7. AMENDATORY 70 O.S. 2011, Section 1210.507, as
9 amended by Section 2, Chapter 74, O.S.L. 2013 (70 O.S. Supp. 2013,
10 Section 1210.507), is amended to read as follows:

11 Section 1210.507 A. The State Board of Education shall
12 promulgate rules necessary for the implementation and administration
13 of the provisions of the Oklahoma School Testing Program Act.

14 B. The State Board of Education shall require school district
15 boards of education to annually provide information to the
16 district's students, parents of students, and the public at large
17 about the proper meaning and use of tests administered pursuant to
18 the provisions of the Oklahoma School Testing Program Act. The
19 Department shall develop materials and make them available to school
20 districts regarding the Oklahoma School Testing Program.

21 C. 1. Students enrolled in an online course or program that is
22 offered by a school district or charter school that is not the
23 district of residence or is not located in the district of residence
24 of the student shall be provided the opportunity to take any test

1 required pursuant to the Oklahoma School Testing Program Act or any
2 other test generally required of students by the school district in
3 which the student is enrolled at an alternative testing location
4 approved by the State Board of Education. The alternative testing
5 locations may be at sites that are not in the school district that
6 is offering the online course or program or the district of
7 residence. Alternative testing locations may include technology
8 center school sites or any other testing location selected by the
9 school district or charter school offering the online course or
10 program. All alternative testing locations shall be subject to
11 testing location rules promulgated by the State Board of Education.
12 The school district or charter school offering the online course or
13 program shall be responsible for any cost incurred in providing an
14 alternative testing location and any additional cost of
15 administering a test at an alternative testing location. In order
16 to provide alternative testing locations at geographically dispersed
17 sites, the school district or charter school offering the online
18 course or program shall, at a minimum, provide not less than six
19 alternative testing locations, with at least one location in each
20 quadrant of the state and in each of the two metropolitan areas in
21 the state. Additional alternative testing locations may be provided
22 by the school district or charter school offering the online course
23 or program.

1 2. The performance of students on any test required pursuant to
2 the Oklahoma School Testing Program Act or any other test generally
3 required of students by the school district who are enrolled full-
4 time in an online program that is offered by a school district or
5 charter school that is not the district of residence or is not
6 located in the district of residence of the student shall be
7 reported separately by the school district or charter school and
8 shall not be included when determining the performance levels of the
9 school district or charter school in the Oklahoma School Testing
10 Program as reported in the Oklahoma Educational Indicators Program.

11 D. The State Board of Education shall seek to establish and
12 post on the Internet a sample test item bank that will be made
13 available to teachers and will allow them to create and deliver
14 classroom assessments throughout the school year to check for
15 student mastery of key concepts assessed by the criterion-referenced
16 tests administered to students pursuant to the Oklahoma School
17 Testing Program Act. Subject to the availability of funds, the
18 Board shall annually release end-of-instruction test items and make
19 them available to the public.

20 E. The State Board of Education shall post on the Internet
21 criterion-referenced sample tests for each grade level and subject
22 matter test administered to students pursuant to the Oklahoma School
23 Testing Program Act for the purpose of communicating expectation
24 concerning test difficulty level and format to teacher, parents and

1 students. The Board shall maintain the sample tests on the Internet
2 throughout the year and, as changes are made in the state academic
3 content standards, ~~known as the Priority Academic Student Skills~~
4 ~~Curriculum, the Board~~ shall update the sample tests. The Board
5 shall seek to expand the number of sample test items each year and
6 to revise test items as needed. The sample tests shall reflect the
7 actual test administered to students and may contain questions used
8 on actual tests given in previous years.

9 F. The State Board of Education shall seek to implement an
10 electronic delivery system for all tests administered pursuant to
11 the Oklahoma School Testing Program Act that will allow students to
12 participate in computer-based assessments in order to expedite the
13 delivery and use of the test results. Notwithstanding the
14 requirement to implement online or computer-based assessments as
15 otherwise provided by law, in circumstances where the administration
16 or delivery of an online or computer-based assessment has been or
17 will be disrupted, delayed or cause problems with student
18 participation, the Board may stop or cancel the online or computer-
19 based assessment and administer the assessment by another means.

20 SECTION 8. AMENDATORY 70 O.S. 2011, Section 1210.508, as
21 last amended by Section 1, Chapter 403, O.S.L. 2013 (70 O.S. Supp.
22 2013, Section 1210.508), is amended to read as follows:

23 Section 1210.508 A. 1. The State Board of Education shall
24 develop and administer a series of criterion-referenced tests

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

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

- 13 a. reading, and
- 14 b. mathematics.

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

- 17 a. reading,
- 18 b. mathematics,
- 19 c. science,
- 20 d. social studies, which shall consist of the history,
- 21 Constitution and government of the United States, and
- 22 geography, and
- 23 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. Except as otherwise provided for in Section 1210.523 of this
21 title, each student who completes the instruction for English II,
22 English III, United States History, Biology I, Algebra I, Geometry,
23 and Algebra II at the secondary level shall complete an end-of-
24 instruction test, when implemented, to measure for attainment in the

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

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

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

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

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

B. 1. All criterion-referenced tests required by this section shall measure academic competencies in correlation with the ~~state~~ ~~academic content~~ subject matter standards adopted by the Board pursuant to ~~Section~~ Sections 11-103.6 and 11-103.6a of this title

1 ~~and known as the Priority Academic Student Skills Curriculum.~~ The
2 State Board of Education shall evaluate the ~~academic content~~ subject
3 matter standards to ensure the competencies reflect high standards,
4 are specific, well-defined, measurable, challenging, and will
5 prepare elementary students for next-grade-level course work and
6 secondary students for postsecondary studies at institutions of
7 higher education or technology center schools without the need for
8 remediation ~~in core curriculum areas.~~ All ~~state academic content~~
9 subject matter standards shall reflect ~~the benchmarks of the~~
10 ~~American Diploma Project and the goal~~ goals as set forth in Section
11 11-103.6 of this title and of improving the state average ACT score.

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

1 3. The State Board of Education in coordination with the Office
2 of Educational Quality and Accountability shall review, realign, and
3 recalibrate, as necessary, the tests in reading and mathematics in
4 third through eighth grade and the end-of-instruction tests. The
5 Commission for Educational Quality and Accountability shall
6 determine the cut scores for the performance levels on the end-of-
7 instruction tests developed pursuant to paragraph 6 of subsection A
8 of this section. The Commission shall conduct an ongoing review to
9 compare the end-of-instruction test content and performance
10 descriptors with those of other states. Upon receipt of the review,
11 the Commission may adjust the cut scores as necessary.

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

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

1 for each school district and each school site in that district to
2 the school district. The Board shall ensure the contract with the
3 testing vendor includes a provision that the vendor report test
4 results directly to the Office of Educational Quality and
5 Accountability at the same time it is reported to the Board.

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

18 D. The State Board of Education shall be responsible for the
19 development, field-testing, and validation of the criterion-
20 referenced test series required in subsection A of this section. In
21 the interest of economy the Board ~~shall adapt criterion-referenced~~
22 ~~tests that have been developed by or in collaboration with other~~
23 ~~states or are otherwise commercially available, or portions of such~~
24 ~~tests,~~ may participate in a multistate or multigovernmental

1 cooperative pursuant to the requirements of the Oklahoma Central
2 Purchasing Act, but shall not bind the state, contractually or
3 otherwise, to the authority of any other state, organization or
4 entity which may supersede the authority of the Board, for the
5 purpose of adapting criterion-referenced tests, to the extent that
6 such tests are appropriate for use in the testing program to be
7 administered to Oklahoma students.

8 E. The State Board of Education shall develop, administer, and
9 incorporate as a part of the Oklahoma School Testing Program, other
10 testing programs or procedures, including appropriate accommodations
11 for the testing of students with disabilities as required by the
12 Individuals with Disabilities Education Act (IDEA), 20 USC, Section
13 1400 et seq.

14 F. For purposes of developing and administering alternate
15 assessments for students with the most significant cognitive
16 disabilities, the State Board of Education shall not be subject to
17 subsections D and E of Section 11-103.6a of this title.

18 SECTION 9. AMENDATORY 70 O.S. 2011, Section 1210.508B,
19 is amended to read as follows:

20 Section 1210.508B A. The Legislature finds that it is
21 essential for children in the public schools to read early and well
22 in elementary school. The Legislature further finds that clear and
23 visible goals, assessments to determine the reading level at each
24 elementary school, annual measurements of elementary school reading

1 improvement, and accountability in each level of the educational
2 system will result in a significant increase in the number of
3 children reading at or above grade level.

4 B. The purpose of the Reading Sufficiency Act is to ensure that
5 each child attains the necessary reading skills by completion of the
6 third grade which will enable that student to continue development
7 of reading skills and to succeed throughout school and life.

8 C. Each public school district in this state shall ensure that
9 a majority of the instructional time each day of the school year in
10 kindergarten through third grade is focused on reading and
11 mathematics. The State Board of Education shall encourage school
12 districts to integrate the teaching of the other curricular areas in
13 the ~~Priority Academic Student Skills (PASS)~~ subject matter standards
14 adopted by the Board with the instruction of reading and
15 mathematics. All teachers of reading in the public schools in this
16 state in kindergarten through third grade shall incorporate into
17 instruction the five elements of reading instruction which are
18 phonemic awareness, phonics, reading fluency, vocabulary, and
19 comprehension.

20 D. The reading goal for Oklahoma public schools is as follows:
21 By July 1, 2008, and each year thereafter, all third-grade students
22 will read at or above grade level by the end of their third-grade
23 year, excluding up to fifteen percent (15%) of those students who
24 have an individualized education program (IEP), pursuant to the

1 Individuals with Disabilities Education Act (IDEA), and excluding
2 those students who are English language learners who have been
3 determined not to be proficient in English as defined by a state-
4 designated English proficiency assessment. To achieve the reading
5 goal, each public elementary school shall:

6 1. Determine its baseline no later than September 1, 2005,
7 which shall be the percentage of students reading at or above third-
8 grade level as determined by the percentage of students scoring
9 proficient or above on the third-grade criterion-referenced test in
10 reading, administered pursuant to Section 1210.508 of this title;
11 and

12 2. Set and achieve annual improvement goals necessary to
13 progress from the baseline established in 2005 to the reading goal
14 by July 1, 2008. The annual improvement goals shall be included in
15 the district's reading sufficiency plan required in Section
16 1210.508C of this title.

17 E. The State Board of Education shall recognize schools and
18 districts that attain or make progress toward achieving the reading
19 goal and shall provide technical assistance to schools and districts
20 that do not make progress toward the reading goal. The district
21 reading sufficiency plan shall be submitted to the State Board if
22 the district has any schools that are not achieving the required
23 annual improvement goals pursuant to this section.

SECTION 10. AMENDATORY 70 O.S. 2011, Section 1210.508C, as last amended by Section 96, Chapter 15, O.S.L. 2013 (70 O.S. Supp. 2013, Section 1210.508C), is amended to read as follows:

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

2. For those kindergarten children at risk for reading difficulties, teachers shall emphasize reading skills as identified in the ~~PASS~~ subject matter standards adopted by the State Board of Education, monitor progress throughout the year and measure year-end reading progress.

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

B. 1. Each student enrolled in kindergarten, first, second and third grade of the public schools of this state shall be assessed at the beginning of each school year using a screening instrument approved by the State Board of Education for the acquisition of 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 screening
16 instruments for use at the beginning of the school year, for
17 monitoring of progress, and for measurement of reading skills at the
18 end of the school year as required in subsections A and B of this
19 section; provided, at least one of the screening instruments shall
20 meet the following criteria:

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

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

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

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

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

22 2. If necessary, tutorial instruction after regular school
23 hours, on Saturdays and during summer; however, such instruction may
24

1 not be counted toward the one-hundred-eighty-day or one-thousand-
2 eighty-hour school year required in Section 1-109 of this title; and

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

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

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

1 for approval. The district reading sufficiency plan shall include a
2 plan for each site which includes an analysis of the data provided
3 by the Oklahoma School Testing Program and other reading assessments
4 utilized as required in this section, and which outlines how each
5 school site will comply with the provisions of the Reading
6 Sufficiency Act.

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

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

17 G. For any third-grade student found not to be reading at grade
18 level as determined by reading assessments administered pursuant to
19 this section, a new program of reading instruction, including
20 provisions of the READ Initiative adopted by the school district as
21 provided for in subsection O of this section, shall be developed and
22 implemented as specified in this section. If possible, a fourth-
23 grade teacher shall be involved in the development of the program of
24

1 reading instruction. In addition to other requirements of the
2 Reading Sufficiency Act, the plan may include specialized tutoring.

3 H. Beginning with students entering the first grade in the
4 2011-2012 school year, if the reading deficiency of a student, as
5 identified based on assessments administered as provided for in
6 subsection B of this section, is not remedied by the end of third
7 grade, as demonstrated by scoring at the unsatisfactory level on the
8 reading portion of the statewide third-grade criterion-referenced
9 test, the student shall be retained in the third grade.

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

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

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

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

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

1 grade, unless the student is exempt for good cause as set forth in
2 subsection K of this section;

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

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

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

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

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

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

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

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

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

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

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

20 7. Students who have been granted an exemption for medical
21 emergencies by the State Department of Education.

22 L. A student who is promoted for good cause as provided for in
23 subsection K of this section shall be provided intensive reading
24 instruction during an altered instructional day that includes

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

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

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

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

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

1 N. Beginning with the 2011-2012 school year, each school
2 district shall:

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

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

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

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

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

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

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;

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

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

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

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

c. a mentor or tutor with specialized reading training.

O. Beginning with the 2011-2012 school year, each school
district shall establish a Reading Enhancement and Acceleration
Development (READ) Initiative. The focus of the READ Initiative
shall be to prevent the retention of third-grade students by
offering intensive accelerated reading instruction to third-grade
students who failed to meet standards for promotion to fourth grade

1 and to kindergarten through third-grade students who are exhibiting
2 a reading deficiency. The READ Initiative shall:

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

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

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

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

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

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

- 12 (1) be provided to any student in the third grade who
13 scores at the unsatisfactory level on the reading
14 portion of the statewide criterion-referenced
15 tests and who was retained in the third grade the
16 prior year because of scoring at the
17 unsatisfactory level on the reading portion of
18 the statewide criterion-referenced tests,
19 (2) have a reduced teacher-student ratio,
20 (3) provide uninterrupted reading instruction for the
21 majority of student contact time each day and
22 incorporate opportunities to master the fourth-
23 grade state standards in other core subject
24 areas,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 SECTION 11. AMENDATORY Section 1, Chapter 318, O.S.L.
14 2012 (70 O.S. Supp. 2013, Section 1210.516), is amended to read as
15 follows:

16 Section 1210.516 A. The State Board of Education shall
17 establish the Oklahoma Bridge to Literacy Program. The purpose of
18 the Program is to improve reading skills of children up through the
19 fourth grade, as measured by mastery of the skills identified in the
20 ~~Priority Academic Student Skills (PASS)~~ subject matter standards
21 adopted by the State Board of Education, by training and assisting
22 private entities, as defined in subsection C of this section, to
23 offer reading instruction to children before school, after school,
24 on Saturdays and during summer periods.

1 B. The State Department of Education shall issue a request for
2 proposals on or before October 1, 2012, and each October 1
3 thereafter for which the Oklahoma Bridge to Literacy Program is
4 funded, seeking applications for the Oklahoma Bridge to Literacy
5 Program. The Department shall review the applications for
6 compliance with the established requirements.

7 C. Private entities eligible to submit applications for the
8 Oklahoma Bridge to Literacy Program shall include the following:

9 1. Nonprofit organizations or programs which are exempt from
10 taxation pursuant to the provisions of Section 501(c)(3) of the
11 Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

12 2. Community-based programs, centers, organizations or services
13 which maintain community participation or supervision in their
14 planning, operation and evaluation; and

15 3. Churches or religious organizations, associations, or
16 societies or nonprofit organizations or programs operated,
17 supervised or controlled by or in conjunction with a religious
18 organization, association or society.

19 D. The State Board of Education may approve applications that
20 meet the requirements set forth in this subsection and as
21 established by the Board. Approved applications shall establish
22 reading programs for children up through the fourth grade. The
23 reading programs may be offered before school, after school, on
24 Saturdays or during summer periods. The reading programs shall

1 offer reading instruction designed to enable the children to acquire
2 the appropriate level reading skills and shall provide diagnostic
3 assessments and measurement of reading skills to determine reading
4 success. The reading program shall focus on the acquisition of
5 reading skills including, but not limited to, phonological
6 awareness, phonics, spelling, reading fluency, vocabulary, and
7 comprehension.

8 E. On or before December 1, 2012, and each December 1
9 thereafter for which the Oklahoma Bridge to Literacy Program is
10 funded, the Department shall forward applications that the
11 Department has determined meet the requirements of this section to
12 the Board. On or before February 1, 2013, and each February 1
13 thereafter for which the Oklahoma Bridge to Literacy Program is
14 funded, the Board shall award, through a competitive bid process,
15 one or more grants to private entities to provide reading
16 instruction programs through the Oklahoma Bridge to Literacy
17 Program. To the extent possible, grants shall be awarded on a
18 statewide basis. The grant funding shall be used to provide the
19 reading instruction program, provide employees and volunteers for
20 the program and to purchase materials for the program.

21 F. In addition to the grant funding, the Department shall
22 provide to the private entities awarded grants pursuant to this
23 section the following:
24

1 1. Reading instruction training, academies or courses designed
2 to train the private entity employees or volunteers in reading
3 instruction and remediation strategies;

4 2. Resources and materials on reading instruction and
5 remediation; and

6 3. Any other appropriate assistance.

7 G. The Board shall provide for independent evaluations of
8 programs funded pursuant to this section.

9 H. Beginning June 30, 2013, and each year thereafter for which
10 the Oklahoma Bridge to Literacy Program is funded, the Board shall
11 prepare and submit a report to the Governor, the Speaker of the
12 House of Representatives and the President Pro Tempore of the Senate
13 containing:

14 1. Descriptions of the reading programs approved and funded
15 through the Oklahoma Bridge to Literacy Program;

16 2. Number and amount of grants awarded;

17 3. Number of children served through approved programs; and

18 4. Achievement data for children served through approved
19 programs.

20 SECTION 12. AMENDATORY 75 O.S. 2011, Section 250.4, as
21 amended by Section 1 of Enrolled Senate Bill No. 1694 of the 2nd
22 Session of the 54th Oklahoma Legislature, is amended to read as
23 follows:
24

1 Section 250.4 A. 1. Except as is otherwise specifically
2 provided in this subsection, each agency is required to comply with
3 Article I of the Administrative Procedures Act.

4 2. The Corporation Commission shall be required to comply with
5 the provisions of Article I of the Administrative Procedures Act
6 except for subsections A, B, C and E of Section 303 of this title
7 and Section 306 of this title. To the extent of any conflict or
8 inconsistency with Article I of the Administrative Procedures Act,
9 pursuant to Section 35 of Article IX of the Oklahoma Constitution,
10 it is expressly declared that Article I of the Administrative
11 Procedures Act is an amendment to and alteration of Sections 18
12 through 34 of Article IX of the Oklahoma Constitution.

13 3. The Oklahoma Military Department shall be exempt from the
14 provisions of Article I of the Administrative Procedures Act to the
15 extent it exercises its responsibility for military affairs.

16 4. The Oklahoma Ordnance Works Authority, the Northeast
17 Oklahoma Public Facilities Authority, the Oklahoma Office of
18 Homeland Security and the Board of Trustees of the Oklahoma College
19 Savings Plan shall be exempt from Article I of the Administrative
20 Procedures Act.

21 5. The Transportation Commission and the Department of
22 Transportation shall be exempt from Article I of the Administrative
23 Procedures Act to the extent they exercise their authority in
24 adopting standard specifications, special provisions, plans, design

standards, testing procedures, federally imposed requirements and generally recognized standards, project planning and programming, and the operation and control of the State Highway System.

6. The Oklahoma State Regents for Higher Education shall be exempt from Article I of the Administrative Procedures Act with respect to:

- a. prescribing standards of higher education,
- b. prescribing functions and courses of study in each institution to conform to the standards,
- c. granting of degrees and other forms of academic recognition for completion of the prescribed courses,
- d. allocation of state-appropriated funds, and
- e. fees within the limits prescribed by the Legislature.

7. Institutional governing boards within The Oklahoma State System of Higher Education shall be exempt from Article I of the Administrative Procedures Act.

8. a. The Commissioner of Public Safety shall be exempt from Sections 303.1, 304, 307.1, 308 and 308.1 of this title insofar as it is necessary to promulgate rules pursuant to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act, to maintain a current incorporation of federal motor carrier safety and hazardous material regulations, or pursuant to Chapter 6 of Title 47 of the Oklahoma Statutes, to

1 maintain a current incorporation of federal commercial
2 driver license regulations, for which the Commissioner
3 has no discretion when the state is mandated to
4 promulgate rules identical to federal rules and
5 regulations.

6 b. Such rules may be adopted by the Commissioner and
7 shall be deemed promulgated twenty (20) days after
8 notice of adoption is published in "The Oklahoma
9 Register". Such publication need not set forth the
10 full text of the rule but may incorporate the federal
11 rules and regulations by reference.

12 c. Such copies of promulgated rules shall be filed with
13 the Secretary as required by Section 251 of this
14 title.

15 d. For any rules for which the Commissioner has
16 discretion to allow variances, tolerances or
17 modifications from the federal rules and regulations,
18 the Commissioner shall fully comply with Article I of
19 the Administrative Procedures Act.

20 9. The Council on Judicial Complaints shall be exempt from
21 Section 306 of Article I of the Administrative Procedures Act, with
22 respect to review of the validity or applicability of a rule by an
23 action for declaratory judgment, or any other relief based upon the
24 validity or applicability of a rule, in the district court or by an

1 appellate court. A party aggrieved by the validity or applicability
2 of a rule made by the Council on Judicial Complaints may petition
3 the Court on the Judiciary to review the rules and issue opinions
4 based upon them.

5 10. The Department of Corrections, State Board of Corrections,
6 county sheriffs and managers of city jails shall be exempt from
7 Article I of the Administrative Procedures Act with respect to:

- 8 a. prescribing internal management procedures for the
9 management of the state prisons, county jails and city
10 jails and for the management, supervision and control
11 of all incarcerated prisoners, and
- 12 b. prescribing internal management procedures for the
13 management of the probation and parole unit of the
14 Department of Corrections and for the supervision of
15 probationers and parolees.

16 11. The State Board of Education shall be exempt from Article I
17 of the Administrative Procedures Act with respect to prescribing
18 subject matter standards as provided for in Section 11-103.6a of
19 Title 70 of the Oklahoma Statutes.

20 B. As specified, the following agencies or classes of agency
21 activities are not required to comply with the provisions of Article
22 II of the Administrative Procedures Act:

- 23 1. The Oklahoma Tax Commission;
- 24 2. The Commission for Human Services;

1 3. The Oklahoma Ordnance Works Authority;

2 4. The Corporation Commission;

3 5. The Pardon and Parole Board;

4 6. The Midwestern Oklahoma Development Authority;

5 7. The Grand River Dam Authority;

6 8. The Northeast Oklahoma Public Facilities Authority;

7 9. The Council on Judicial Complaints;

8 10. The Board of Trustees of the Oklahoma College Savings Plan;

9 11. The supervisory or administrative agency of any penal,
10 mental, medical or eleemosynary institution, only with respect to
11 the institutional supervision, custody, control, care or treatment
12 of inmates, prisoners or patients therein; provided, that the
13 provisions of Article II shall apply to and govern all
14 administrative actions of the Oklahoma Alcohol Prevention, Training,
15 Treatment and Rehabilitation Authority;

16 12. The Board of Regents or employees of any university,
17 college, or other institution of higher learning;

18 13. The Oklahoma Horse Racing Commission, its employees or
19 agents only with respect to hearing and notice requirements on the
20 following classes of violations which are an imminent peril to the
21 public health, safety and welfare:

22 a. any rule regarding the running of a race,

23 b. any violation of medication laws and rules,

1 c. any suspension or revocation of an occupation license
2 by any racing jurisdiction recognized by the
3 Commission,

4 d. any assault or other destructive acts within
5 Commission-licensed premises,

6 e. any violation of prohibited devices, laws and rules,
7 or

8 f. any filing of false information;

9 14. The Commissioner of Public Safety only with respect to
10 driver license hearings and hearings conducted pursuant to the
11 provisions of Section 2-115 of Title 47 of the Oklahoma Statutes;

12 15. The Administrator of the Department of Securities only with
13 respect to hearings conducted pursuant to provisions of the Oklahoma
14 Take-over Disclosure Act of 1985;

15 16. Hearings conducted by a public agency pursuant to Section
16 962 of Title 47 of the Oklahoma Statutes;

17 17. The Oklahoma Military Department;

18 18. The University Hospitals Authority, including all hospitals
19 or other institutions operated by the University Hospitals
20 Authority;

21 19. The Oklahoma Health Care Authority Board and the
22 Administrator of the Oklahoma Health Care Authority; and

23 20. The Oklahoma Office of Homeland Security.
24

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

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