

1 ENGROSSED HOUSE
2 BILL NO. 3218

By: Hickman, Casey, Strohm,
Brumbaugh, Martin, Derby,
Osborn, Johnson, Bennett,
Walker, Ownbey, Newell,
Rogers, Faught, Pfeiffer,
Murdock, Jordan, Cockroft,
Henke, Kannady, Wallace,
Wright, Mulready, Banz,
Leewright, Nollan, Coody
(Ann), Kirby, Biggs,
Cleveland, Christian, Hall,
Dunlap, Caldwell, Roberts
(Dustin), O'Donnell,
McCullough, Moore, Condit,
Wood, Montgomery, Roberts
(Sean), McBride, Russ,
Denney, Thomsen, Billy and
Sears of the House

and

Jolley, Treat, Smalley,
Ford, Sparks, Newberry,
Silk, Fry, Dossett, Brooks,
Halligan, Crain, Simpson,
Floyd, Sharp, Standridge,
Paddack, Thompson, Jech,
Matthews, Loveless, Quinn,
Boggs, Pittman, Bice, Holt,
Allen and Barrington of the
Senate

An Act relating to schools; amending 70 O.S. 2011,
Section 1-116, as amended by Section 1, Chapter 124,
O.S.L. 2014 (70 O.S. Supp. 2015, Section 1-116), which
relates to definitions of positions in a school system;
amending 70 O.S. 2011, Section 6-101.3, as last amended
by Section 1 of Enrolled House Bill No. 2957 of the 2nd
Session of the 55th Oklahoma Legislature, which relates
to teacher definitions; modifying definitions; amending
70 O.S. 2011, Sections 1210.507, as last amended by

1 Section 7, Chapter 430, O.S.L. 2014 and 1210.508, as
2 last amended by Section 8, Chapter 430, O.S.L. 2014 (70
3 O.S. Supp. 2015, Sections 1210.507 and 1210.508), which
4 relate to the Oklahoma School Testing Program Act;
5 changing the word test to assessment; requiring the
6 State Board of Education to administer assessments by
7 certain means; authorizing school districts to select
8 the means for administering assessments; directing the
9 Board to adopt a statewide system of student
10 assessments by a certain date; requiring system to be
11 aligned with certain standards; requiring the Board to
12 issue request for proposals for assessments and adopt
13 assessments from selected proposals; providing for
14 administration of selected assessments for a certain
15 period beginning during certain school year; listing
16 certain criteria for assessments; specifying assessment
17 subjects to be administered during certain school
18 years; allowing certain types of assessments to be
19 included in the statewide student assessment system;
20 requiring students to take certain assessments in order
21 to graduate from high school; requiring students to
22 meet certain other high school graduation requirements
23 adopted by the Board; directing school districts to
24 adopt an assessment plan for certain students;
directing the Board to promulgate rules to ensure that
certain transferred students can be awarded a standard
diploma; requiring assessments scores to be reported on
the high school transcript of students; modifying
remediation requirement; deleting requirement to
administer certain criterion-referenced tests; deleting
requirement to administer certain end-of-instruction
tests; deleting certain retake requirements; deleting
requirement to report end-of-instruction test scores on
high school transcripts; deleting arts assessment
requirements and reports; changing references from
criterion-referenced tests and end-of-instruction tests
to assessments; adding date for reporting preliminary
results; modifying uses of certain data; deleting
certain coordination requirement; changing duty of the
Board to set the testing window dates; deleting certain
testing window requirements; changing date for
reporting certain results; deleting authorization to
participate in a multistate or multigovernmental
cooperative; requiring the Board to study and develop
assessment requirements in conjunction with certain
entities; specifying certain criteria to be included in
the assessment requirements; requiring an opportunity

1 for public comment; directing the Board to make a
2 report by a certain date; requiring the Board to adopt
3 the assessment requirements by a certain date; making
4 the assessment requirements subject to legislative
5 review; requiring submission of requirements to certain
6 persons by certain date; providing process for
7 legislative review and approval; allowing the Board to
8 revise or adopt new requirements and submit for
9 legislative review; establishing assessment
10 requirements if requirements are not approved;
11 considering requirements final agency rules upon final
12 approval; requiring submission of requirements to the
13 Secretary of State and certain publication; exempting
14 certain joint resolutions from regular legislative
15 cutoff dates; amending 70 O.S. 2011, Sections
16 1210.508B, as amended by Section 9, Chapter 430, O.S.L.
17 2014 and 1210.508C, as last amended by Section 1,
18 Chapter 364, O.S.L. 2015 (70 O.S. Supp. 2015, Sections
19 1210.508B and 1210.508C), which relate to the Reading
20 Sufficiency Act; amending 70 O.S. 2011, Section
21 1210.515, as amended by Section 1, Chapter 337, O.S.L.
22 2013 (70 O.S. Supp. 2015, Section 1210.515), which
23 relates to reading ability required for a driver
24 license or permit; amending 70 O.S. 2011, Section
1210.541, as last amended by Section 1, Chapter 163,
O.S.L. 2014 (70 O.S. Supp. 2015, Section 1210.541),
which relates to student performance levels and cut
scores; amending 70 O.S. 2011, Section 1210.545, as
last amended by Section 1, Chapter 362, O.S.L. 2015 (70
O.S. Supp. 2015, Section 1210.545), which relates to
annual reports of the Oklahoma School Testing Program;
changing references from criterion-referenced tests and
end-of-instruction tests to assessments; clarifying
statutory language; updating statutory citation;
directing the State Department of Education to include
certain explanation in school report cards during
certain years; requiring the Department to issue school
report cards using certain data; repealing 70 O.S.
2011, Sections 1210.506 and 1210.508-1, which relate to
the Oklahoma School Testing Program Act; repealing 70
O.S. 2011, Sections 1210.521, 1210.522, 1210.523, as
last amended by Section 26, Chapter 4, O.S.L. 2014,
1210.525 and 1210.526, as last amended by Section 2 of
Enrolled Senate Bill No. 1105 of the 2nd Session of the
55th Oklahoma Legislature (70 O.S. Supp. 2015, Section
1210.523), which relate to the Achieving Classroom
Excellence Act of 2005; providing for noncodification;

1 providing an effective date; and declaring an
2 emergency.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-116, as
6 amended by Section 1, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2015,
7 Section 1-116), is amended to read as follows:

8 Section 1-116. As used in this ~~act~~ title:

9 1. "Teacher" means any person who is employed to serve as
10 ~~district superintendent, principal, supervisor, a~~ counselor,
11 librarian, ~~school nurse~~ or classroom teacher, or in any other
12 instructional, ~~supervisory, or administrative~~ capacity, ~~is defined~~
13 ~~as a teacher. Such~~ The person shall not be deemed qualified unless
14 the person holds a valid certificate issued by and in accordance
15 with the rules of the State Board of Education, to perform the
16 particular services for which the person is employed;

17 2. "Superintendent" or "superintendent of schools" means the
18 executive officer of the board of education and the administrative
19 head of the school system of a district maintaining an accredited
20 school, provided the person holds an administrator's certificate
21 recognized by the State Board of Education;

22 3. "Principal" means any person other than a district
23 superintendent of schools having supervisory or administrative
24 authority over any school or school building having two or more

1 teachers. A teaching principal shall be a principal who devotes at
2 least one-half (1/2) the time school is in session to classroom
3 teaching. Teaching principals shall be required to hold
4 administrative certificates;

5 4. "Teachers" means, for purposes of complying with the State
6 Aid Law and other statutes, but not any other provision of law,
7 which apportion money on the basis of teaching units or the number
8 of teachers employed or qualified, all persons holding proper
9 certificates and connected in any capacity with the instruction of
10 pupils;

11 5. "Resident teacher" means any certified teacher who is
12 employed in a local school to serve as a classroom teacher under the
13 guidance and assistance of a mentor teacher or teachers and
14 residency committee. ~~Any such person~~ A resident teacher shall have
15 completed ~~the program of~~ the college or school of education program
16 of the accredited institution of higher learning from which the
17 ~~person has been~~ resident teacher graduated;

18 6. "Student teacher" means any student who is enrolled in an
19 institution of higher learning approved by the State Board of
20 Education for teacher training and who is jointly assigned by ~~such~~
21 the institution of higher learning and a ~~school district's~~ board of
22 education of a school district to perform practice teaching under
23 the direction of a regularly employed and certified teacher. A
24 student teacher, while serving a nonsalaried internship under the

1 supervision of a certified teacher, shall be accorded the same
2 protection of the laws as that accorded the certified teacher;

3 7. "School nurse" means a person employed full time by a board
4 of education who is a registered nurse licensed by the Oklahoma
5 State Board of Nurse Registration and Nursing Education, and is
6 certified the same as a teacher by the State ~~Department~~ Board of
7 Education. Provided, that any person who is employed as a full-time
8 school nurse in any school district in Oklahoma, ~~but~~ who is not
9 registered on the effective date of this act, may continue to serve
10 in the same capacity; however, such person shall, under rules
11 adopted by the State Board of Education, attend classes in nursing
12 and prepare to become registered.

13 A school nurse employed by a board of education shall be
14 accorded the same protection of laws and all other benefits accorded
15 a certified teacher; and

16 8. "Support employee" means an employee who provides those
17 services which are not performed by certified teachers, principals,
18 superintendents or administrators and which are necessary for the
19 efficient and satisfactory functioning of a school district.

20 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-101.3, as
21 last amended by Section 1 of Enrolled House Bill No. 2957 of the 2nd
22 Session of the 55th Oklahoma Legislature, is amended to read as
23 follows:

24 Section 6-101.3 As used in Section 6-101 et seq. of this title:

1 1. "Administrator" means a duly certified person who devotes a
2 majority of time to service as a superintendent, elementary
3 superintendent, principal, supervisor, vice principal or in any
4 other administrative or supervisory capacity in the school district;

5 2. "Dismissal" means the discontinuance of the teaching service
6 of an administrator or teacher during the term of a written
7 contract, as provided by law;

8 3. "Nonreemployment" means the nonrenewal of the contract of an
9 administrator or teacher upon expiration of the contract;

10 4. "Career teacher" means a teacher who:

11 a. is employed by a school district prior to the 2017-
12 2018 school year and has completed three (3) or more
13 consecutive complete school years as a teacher in one
14 school district under a written continuing or
15 temporary teaching contract, or

16 b. is employed for the first time by a school district
17 under a written continuing or temporary teaching
18 contract during the 2017-2018 school year and
19 thereafter:

20 (1) has completed three (3) consecutive complete
21 school years as a teacher in one school district
22 under a written continuing or temporary teaching
23 contract and has achieved a district evaluation
24 rating of "superior" as measured pursuant to the

1 TLE as set forth in Section 6-101.16 of this
2 title for at least two (2) of the three (3)
3 school years,

4 (2) has completed four (4) consecutive complete
5 school years as a teacher in one school district
6 under a written continuing or temporary teaching
7 contract, has averaged a district evaluation
8 rating of at least "effective" as measured
9 pursuant to the TLE for the four-year period, and
10 has received district evaluation ratings of at
11 least "effective" for the last two (2) years of
12 the four-year period, or

13 (3) has completed four (4) or more consecutive
14 complete school years in one school district
15 under a written continuing or temporary teaching
16 contract and has not met the requirements of
17 subparagraph a or b of this paragraph, only if
18 the principal of the school at which the teacher
19 is employed submits a petition to the
20 superintendent of the school district requesting
21 that the teacher be granted career status, the
22 superintendent agrees with the petition, and the
23 school district board of education approves the
24 petition. The principal shall specify in the

1 petition the underlying facts supporting the
2 granting of career status to the teacher;

3 5. "Teacher hearing" means the hearing before a school district
4 board of education after a recommendation for dismissal or
5 nonreemployment of a teacher has been made but before any final
6 action is taken on the recommendation, held for the purpose of
7 affording the teacher all rights guaranteed by the United States
8 Constitution and the Constitution of Oklahoma under circumstances
9 and for enabling the board to determine whether to approve or
10 disapprove the recommendation;

11 6. "Probationary teacher" means a teacher who:

- 12 a. is employed by a school district prior to the 2017-
13 2018 school year and has completed fewer than three
14 (3) consecutive complete school years as a teacher in
15 one school district under a written teaching contract,
16 or
17 b. is employed for the first time by a school district
18 under a written teaching contract during the 2017-2018
19 school year and thereafter and has not met the
20 requirements for career teacher as provided in
21 paragraph 4 of this section;

22 7. "Suspension" or "suspended" means the temporary
23 discontinuance of the services of an administrator or teacher, as
24 provided by law;

1 8. "Teacher" means a ~~duly certified person who is employed to~~
2 ~~serve as a counselor, librarian or school nurse or in any~~
3 ~~instructional capacity; an administrator shall be considered a~~
4 ~~teacher only with regard to service in an instructional,~~
5 ~~nonadministrative capacity~~ defined as a teacher in Section 1-116 of
6 this title; and

7 9. "District evaluation rating" means the rating issued based
8 on the components of the TLE as set forth in subsection B of Section
9 6-101.16 of this title.

10 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.507, as
11 last amended by Section 7, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
12 2015, Section 1210.507), is amended to read as follows:

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

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

23 C. 1. Students enrolled in an online course or program that is
24 offered by a school district or charter school that is not the

1 district of residence or is not located in the district of residence
2 of the student shall be provided the opportunity to take any ~~test~~
3 assessment required pursuant to the Oklahoma School Testing Program
4 Act or any other ~~test~~ assessment generally required of students by
5 the school district in which the student is enrolled at an
6 alternative testing location approved by the State Board of
7 Education. The alternative testing locations may be at sites that
8 are not in the school district that is offering the online course or
9 program or the district of residence. Alternative testing locations
10 may include technology center school sites or any other testing
11 location selected by the school district or charter school offering
12 the online course or program. All alternative testing locations
13 shall be subject to testing location rules promulgated by the State
14 Board of Education. The school district or charter school offering
15 the online course or program shall be responsible for any cost
16 incurred in providing an alternative testing location and any
17 additional cost of administering ~~a test~~ an assessment at an
18 alternative testing location. In order to provide alternative
19 testing locations at geographically dispersed sites, the school
20 district or charter school offering the online course or program
21 shall, at a minimum, provide not less than six alternative testing
22 locations, with at least one location in each quadrant of the state
23 and in each of the two metropolitan areas in the state. Additional
24

1 alternative testing locations may be provided by the school district
2 or charter school offering the online course or program.

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

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

23 E. The State Board of Education shall post on the Internet
24 ~~criterion-referenced~~ sample ~~tests~~ assessments for each grade level

1 and subject matter ~~test~~ assessment administered to students pursuant
2 to the Oklahoma School Testing Program Act for the purpose of
3 communicating expectation concerning ~~test~~ the difficulty level and
4 format to teacher, parents and students. The Board shall maintain
5 the sample ~~tests~~ assessments on the Internet throughout the year
6 and, as changes are made in the state academic content standards,
7 shall update the sample ~~tests~~ assessments. The Board shall seek to
8 expand the number of sample ~~test~~ assessments items each year and to
9 revise ~~test~~ items as needed. The sample ~~tests~~ assessments shall
10 reflect the actual ~~test~~ assessments administered to students and may
11 contain questions used on actual ~~tests~~ assessments given in previous
12 years.

13 F. The State Board of Education ~~shall seek to~~ may implement an
14 electronic delivery system for all ~~tests~~ assessments administered
15 pursuant to the Oklahoma School Testing Program Act that will allow
16 students to participate in computer-based assessments in order to
17 expedite the delivery and use of the ~~test~~ results. ~~Notwithstanding~~
18 ~~the requirement to implement online or computer-based assessments as~~
19 ~~otherwise provided by law, in~~ If the Board implements an electronic
20 delivery system for assessments, the Board shall continue to
21 administer all assessments by another means, including but not
22 limited to printed assessments. If options are available, school
23 districts shall have the authority to select the means of
24 administration of all assessments administered in that district. In

1 circumstances where the administration or delivery of an online or
2 computer-based assessment has been or will be disrupted, delayed or
3 cause problems with student participation, the Board may stop or
4 cancel the online or computer-based assessment and administer the
5 assessment by another means.

6 SECTION 4. AMENDATORY 70 O.S. 2011, Section 1210.508, as
7 last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
8 2015, Section 1210.508), is amended to read as follows:

9 Section 1210.508 A. 1. ~~The~~ By no later than December 31,
10 2016, the State Board of Education shall develop and administer a
11 ~~series of criterion-referenced tests designed to indicate whether~~
12 ~~the subject matter standards, as defined by the State Board of~~
13 ~~Education, which Oklahoma public school students are expected to~~
14 ~~have attained have been achieved. The Board may develop and~~
15 ~~administer any criterion-referenced test in any subject not required~~
16 ~~by federal law, contingent upon the availability of funding~~ adopt a
17 statewide system of student assessments in compliance with the
18 Elementary and Secondary Education Act of 1965 (ESEA), as
19 reauthorized and amended by P.L. No. 114-95, also known as the Every
20 Student Succeeds Act (ESSA).

21 2. The statewide student assessment system adopted by the Board
22 pursuant to this subsection shall be aligned with the Oklahoma
23 Academic Standards as adopted by the Board and which prepare
24 students for college and careers.

1 B. 1. The Board shall issue a request for proposals for the
2 selection of assessments to be administered to students in grades
3 three through twelve as a part of the statewide student assessment
4 system adopted by the Board pursuant to this section.

5 2. The Board shall adopt assessments from the selected
6 proposals that were submitted pursuant to paragraph 1 of this
7 subsection. The adopted assessments shall be administered by the
8 Board for a period that is in coordination with the six-year subject
9 area textbook adoption cycle unless the vendor does not fulfill the
10 terms of the contract or fails to comply with or violates the terms
11 of the contract. The Board shall administer the assessments
12 beginning with the 2017-2018 school year.

13 C. The statewide student assessment system adopted by the Board
14 pursuant to this section shall include assessments that:

15 1. Are aligned with the Oklahoma subject matter standards as
16 adopted by the Board;

17 2. Provide a measure of comparability among other states;

18 3. Yield both norm-referenced scores and criterion-referenced
19 scores;

20 4. Have a track record of statistical reliability and accuracy;
21 and

22 5. For assessments administered in high school, provide a
23 measure of future academic performance.

1 D. For the 2016-2017 school year, the Board shall administer
2 assessments in:

3 1. English Language Arts or Reading and Mathematics in grades
4 three through eight and at least once in high school, during the
5 grade span of nine through twelve;

6 2. Science not less than once during each grade span of three
7 through five, six through nine and ten through twelve; and

8 3. United States History not less than once during the grade
9 span of nine through twelve.

10 E. 1. Beginning with the 2017-2018 school year, the statewide
11 student assessment system shall include assessments in:

12 a. English Language Arts and Mathematics in grades three
13 through eight and at least once in high school, during
14 the grade span of nine through twelve,

15 b. Science not less than once during each grade span of
16 three through five, six through nine and ten through
17 twelve, and

18 c. United States History not less than once during the
19 grade span of nine through twelve.

20 2. Beginning with the 2017-2018 school year, the statewide
21 student assessment system may include:

22 a. assessments in Reading and Writing in certain grades
23 as determined by the Board, and

1 b. contingent upon the availability of funds, an
2 additional nationally recognized college- and career-
3 readiness assessment or assessments as recommended by
4 the State Department of Education which will be
5 administered to students in high school at no cost to
6 the student.

7 F. 1. Beginning with students entering the ninth grade in the
8 2017-2018 school year, each student shall take the assessment or
9 assessments included in the statewide student assessment system
10 adopted by the Board pursuant to subsection A of this section in
11 order to graduate from a public high school with a standard diploma.
12 All students shall take the assessment or assessments prior to
13 graduation, unless otherwise exempt by law.

14 2. Beginning with students entering the ninth grade in the
15 2017-2018 school year, each student, in addition to taking the
16 assessment or assessments included in the statewide student
17 assessment system adopted by the Board pursuant to subsection A of
18 this subsection, shall meet any other high school graduation
19 requirements adopted by the Board pursuant to Section 5 of this act
20 in order to graduate from a public high school with a standard
21 diploma.

22 3. For students who start the ninth grade prior to or during
23 the 2016-2017 school year, school districts shall adopt a plan that
24 establishes the assessment or assessments those students are

1 required to take in order to graduate from a public high school with
2 a standard diploma. The plan may also include any or all of the
3 other high school graduation requirements adopted by the Board
4 pursuant to Section 5 of this act that those students will be
5 required to meet in order to graduate from a public high school with
6 a standard diploma.

7 4. The Board shall promulgate rules to ensure that students who
8 transfer into an Oklahoma school district from out-of-state after
9 the junior year of high school shall not be denied the opportunity
10 to be awarded a standard diploma due to differing testing
11 requirements.

12 G. In order to provide an indication of the levels of
13 competency attained by the student in a permanent record for
14 potential future employers and institutions of higher education,
15 school districts shall report on the high school transcript of the
16 student the highest-achieved score on the assessment or assessments
17 included in the statewide student assessment system adopted by the
18 Board pursuant to subsection A of this subsection and any business-
19 and industry-recognized endorsements attained.

20 H. Students who do not perform at ~~least at the proficient~~ a
21 proficiency level on ~~tests~~ assessments shall be remediated as
22 established in the assessment requirements adopted by the Board
23 pursuant to Section 5 of this act, subject to the availability of
24 funding.

1 ~~2. 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 three and four in:~~

4 ~~a. reading, and~~

5 ~~b. mathematics.~~

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

8 ~~a. reading,~~

9 ~~b. mathematics,~~

10 ~~c. science,~~

11 ~~d. social studies, which shall consist of the history,~~
12 ~~Constitution and government of the United States, and~~
13 ~~geography, and~~

14 ~~e. writing of English.~~

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

18 ~~a. reading, and~~

19 ~~b. mathematics.~~

20 ~~In addition, the Board shall administer a criterion-referenced~~
21 ~~test in geography in grade seven.~~

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

24 ~~a. reading,~~

1 ~~b. mathematics,~~

2 ~~c. science,~~

3 ~~d. social studies, which shall consist of the history,~~

4 ~~Constitution, and government of the United States, and~~

5 ~~e. writing of English.~~

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

10 ~~6. Except as otherwise provided for in Section 1210.523 of this~~
11 ~~title, each student who completes the instruction for English II,~~
12 ~~English III, United States History, Biology I, Algebra I, Geometry,~~
13 ~~and Algebra II at the secondary level shall complete an end-of-~~
14 ~~instruction test, when implemented, to measure for attainment in the~~
15 ~~appropriate subject matter standards in order to graduate from a~~
16 ~~public high school with a standard diploma. All students shall take~~
17 ~~the tests prior to graduation, unless otherwise exempt by law. The~~
18 ~~State Board of Education shall administer the criterion-referenced~~
19 ~~tests. The Board shall develop and field test the end-of-~~
20 ~~instruction tests in English III, Geometry, and Algebra II during~~
21 ~~the 2006-07 school year, implement the tests during the 2007-08~~
22 ~~school year, and administer them each year thereafter. The Board~~
23 ~~shall administer the multiple choice portion of the end-of-~~
24 ~~instruction tests online with raw score test results reported~~

1 ~~immediately and complete results reported in less than two (2) weeks~~
2 ~~beginning in the 2008-09 school year.~~

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

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

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

12 B. I. 1. All ~~critierion-refereneed tests~~ assessments required
13 by this section shall measure academic competencies in correlation
14 with the subject matter standards adopted by the Board pursuant to
15 Sections 11-103.6 and 11-103.6a of this title and referred to as the
16 Oklahoma Academic Standards. The State Board of Education shall
17 evaluate the subject matter standards to ensure the competencies
18 reflect high standards, are specific, well-defined, measurable,
19 challenging, and will prepare elementary students for next-grade-
20 level course work and secondary students for postsecondary studies
21 at institutions of higher education or technology center schools
22 without the need for remediation. All subject matter standards
23 shall reflect the goals as set forth in Section 11-103.6 of this
24 title and of improving the state average ACT score.

1 2. The State Department of Education shall annually evaluate
2 the results of the ~~critierion-referenced tests~~ assessments. The
3 State Board of Education shall ensure that ~~test~~ preliminary results
4 for all statewide assessments are reported to districts no later
5 than June 1 of each year and are presented in a manner that yields
6 detailed, diagnostic information for the purpose of guiding
7 instruction and student remediation. As improvements are made to
8 the ~~critierion-referenced tests~~ assessments required by this section,
9 the Board shall seek to increase the depth of knowledge assessed for
10 each subject. The State Board of Education shall seek to ensure
11 that data yielded from the ~~tests~~ assessments required in this
12 section are utilized at the school district level to ~~prescribe~~
13 ~~reinforcement and/or remediation by requiring school districts to~~
14 ~~develop and implement a specific program of improvement based on the~~
15 ~~test results~~ inform instruction, professional development, school
16 improvement and remediation for students.

17 3. ~~The State Board of Education in coordination with the Office~~
18 ~~of Educational Quality and Accountability shall review, realign, and~~
19 ~~recalibrate, as necessary, the tests in reading and mathematics in~~
20 ~~third through eighth grade and the end-of-instruction tests.~~ The
21 Commission for Educational Quality and Accountability shall
22 determine the cut scores for the performance levels on ~~the end-of-~~
23 ~~instruction tests developed pursuant to paragraph 6 of subsection A~~
24 ~~of this section~~ all statewide assessments. The Commission shall

1 conduct an ongoing review to compare the ~~end-of-instruction test~~
2 statewide assessment content and performance descriptors with those
3 of other states. Upon receipt of the review, the Commission may
4 adjust the cut scores as necessary.

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

17 ~~C. J.~~ 1. The State Board of Education shall ~~set~~ promulgate
18 rules setting the ~~testing~~ assessment window dates for each
19 ~~criterion-referenced test required in paragraphs 1 through 5 of~~
20 ~~subsection A of this section for grades three through eight~~
21 statewide assessment so that, ~~with the exception of the writing~~
22 ~~assessments,~~ the ~~tests~~ assessments are administered ~~to students no~~
23 ~~earlier than April 10 each year~~ according to recommended testing
24 protocols, and so that the ~~test~~ assessment results are reported back

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

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

13 ~~D. K.~~ The State Board of Education shall be responsible for the
14 ~~development, field-testing, and validation of the criterion-~~
15 ~~referenced test series~~ statewide assessment system required in
16 subsection A of this section. ~~In the interest of economy the Board~~
17 ~~may participate in a multistate or multigovernmental cooperative~~
18 ~~pursuant to the requirements of The Oklahoma Central Purchasing Act,~~
19 ~~but shall not bind the state, contractually or otherwise, to the~~
20 ~~authority of any other state, organization or entity which may~~
21 ~~supersede the authority of the Board, for the purpose of adapting~~
22 ~~criterion-referenced tests, to the extent that such tests are~~
23 ~~appropriate for use in the testing program to be administered to~~
24 ~~Oklahoma students.~~

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

7 ~~F.~~ M. For purposes of developing and administering alternate
8 assessments for students with the most significant cognitive
9 disabilities, the State Board of Education shall not be subject to
10 subsections D and E of Section 11-103.6a of this title.

11 SECTION 5. NEW LAW A new section of law not to be
12 codified in the Oklahoma Statutes reads as follows:

13 A. The State Board of Education in consultation with the
14 Oklahoma State Regents for Higher Education, the Commission for
15 Educational Quality and Accountability, the State Board of Career
16 and Technology Education and the Secretary of Education and
17 Workforce Development shall study and develop assessment
18 requirements which upon final approval shall be implemented in
19 conjunction with the statewide system of student assessments adopted
20 pursuant to Section 1210.508 of Title 70 of the Oklahoma Statutes.
21 In developing the assessment requirements, the State Board of
22 Education in consultation with the Oklahoma State Regents for Higher
23 Education, the Commission for Educational Quality and
24 Accountability, the State Board of Career and Technology Education

1 and the Secretary of Education and Workforce Development shall
2 include:

3 1. Establishment of a multimeasures approach to high school
4 graduation. For purposes of this paragraph, "multimeasures" may
5 include but are not limited to designated statewide assessments,
6 alternative assessments, local performance assessments, nationally
7 recognized assessments, assessment performance bands, grades and
8 course records;

9 2. A determination of the performance level on the assessments
10 at which students will be provided remediation or intervention and
11 the type of remediation or intervention to be provided;

12 3. Establishment of a means for ensuring student accountability
13 on the assessments which may include calculating assessment scores
14 in the final grade or grade-point average of a student;

15 4. Ways to make the school testing program as set forth in the
16 Oklahoma School Testing Program Act that is in operation as of the
17 effective date of this act more efficient and effective while still
18 achieving the objective of having assessments designed to indicate
19 whether students have attained an understanding of the Oklahoma
20 subject matter standards, including but not limited to, combining
21 different subject area assessments into one assessment, combining
22 different grade-level assessments into one assessment or adding
23 additional subject area assessments; and
24

1 5. Establishment of a multimeasures approach to accountability,
2 as required in Section 1210.545 of Title 70 of the Oklahoma Statutes
3 and in accordance with the Elementary and Secondary Education Act of
4 1965, as reauthorized and amended by P.L. No. 114-95, also known as
5 the Every Student Succeeds Act (ESSA) and any federal regulations,
6 and that include, but are not limited to, the following indicators:

- 7 a. statewide assessments including the establishment of
- 8 student performance bands,
- 9 b. graduation rates for high schools,
- 10 c. statewide academic measures for elementary and middle
- 11 schools,
- 12 d. English language proficiency for English learners, and
- 13 e. at least one additional statewide measure of school
- 14 quality or student success, including but not limited
- 15 to school climate, school safety, student engagement,
- 16 educator engagement, advanced coursework and
- 17 postsecondary readiness.

18 B. In developing the assessment requirements, the Board shall
19 provide reasonable opportunity for public comment, including but not
20 limited to comments from students, parents, educators, organizations
21 representing students with disabilities and English language
22 learners, higher education representatives, career technology
23 education representatives, experts in the areas of assessments and
24

1 accountability, community-based organizations, Indian tribal
2 representatives and business community representatives.

3 C. 1. The Board shall make a report of the study of the
4 assessment requirements by October 31, 2016.

5 2. By January 1, 2017, the Board shall adopt the assessment
6 requirements as studied and developed pursuant to this section. The
7 requirements shall be subject to legislative review as set forth in
8 this section. The assessment requirements shall not be implemented
9 by the Board until the legislative review process is completed as
10 provided for in this section.

11 3. After adoption of the assessment requirements, the Board
12 shall submit the adopted requirements to the Speaker of the House of
13 Representatives or a designee and the President Pro Tempore of the
14 Senate or a designee on or prior to the first day of the 1st Session
15 of the 56th Oklahoma Legislature.

16 4. By adoption of a joint resolution, the Legislature shall
17 approve the assessment requirements in whole and with or without
18 instructions or disapprove the requirements in whole and with or
19 without instructions, provided that such joint resolution becomes
20 law in accordance with Section 11 of Article VI of the Oklahoma
21 Constitution. If the joint resolution is vetoed by the Governor in
22 accordance with Section 11 of Article VI of the Oklahoma
23 Constitution and the veto has not been overridden, the requirements
24 shall be deemed disapproved. If the Legislature fails to adopt a

1 joint resolution within thirty (30) calendar days following
2 submission of the assessment requirements, the requirements shall be
3 deemed disapproved.

4 5. If the assessment requirements are disapproved in whole with
5 or without instructions as provided for in this section, the Board
6 may adopt new requirements or revise the requirements and submit the
7 new or revised requirements prior to the last thirty (30) calendar
8 days of the legislative session for legislative review pursuant to
9 this section. If the assessment requirements are adopted in whole
10 with instructions, the Board may revise the requirements in
11 accordance with the legislative instructions and implement the
12 requirements.

13 6. If the assessment requirements are disapproved in whole and
14 the Board does not act to resubmit new requirements or revised
15 requirements, the assessment or assessments adopted pursuant to
16 Section 1210.508 of Title 70 of the Oklahoma Statutes shall be
17 administered by the Board beginning with the 2017-2018 school year,
18 and the performance level on the assessment or assessments shall be
19 calculated in the final grade or grade point average of the student
20 until otherwise provided for by law.

21 7. Upon final approval of the assessment requirements, the
22 requirements shall be considered final agency rules. The Board
23 shall submit a copy of the assessment requirements to the Secretary
24 of State, who shall include the requirements in the publication

1 known as the "Oklahoma Administrative Code" in the same manner as
2 agency rules are published in the Code as provided for in the
3 Administrative Procedures Act. All assessment requirements approved
4 and published as provided for in this subsection shall have the same
5 force and effect of law as agency rules promulgated pursuant to the
6 Administrative Procedures Act.

7 8. Unless otherwise provided by specific vote of the
8 Legislature, joint resolutions introduced for purposes of approving
9 or disapproving the assessment requirements shall not be subject to
10 regular legislative cutoff dates, shall be limited to such
11 provisions as may be necessary for approving or disapproving the
12 requirements and any such other direction or mandate regarding the
13 requirements deemed necessary by the Legislature. The joint
14 resolution shall contain no other provisions.

15 SECTION 6. AMENDATORY 70 O.S. 2011, Section 1210.508B,
16 as amended by Section 9, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
17 2015, Section 1210.508B), is amended to read as follows:

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

1 system will result in a significant increase in the number of
2 children reading at or above grade level.

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

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

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

determined not to be proficient in English as defined by a state-designated English proficiency assessment. To achieve the reading goal, each public elementary school shall:

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

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

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

SECTION 7. AMENDATORY 70 O.S. 2011, Section 1210.508C, as last amended by Section 1, Chapter 364, O.S.L. 2015 (70 O.S. Supp. 2015, Section 1210.508C), is amended to read as follows:

1 Section 1210.508C A. 1. Each student enrolled in kindergarten
2 in a public school in this state shall be screened for reading
3 skills including, but not limited to, phonemic awareness, letter
4 recognition, and oral language skills as identified in the subject
5 matter standards adopted by the State Board of Education. A
6 screening instrument approved by the State Board shall be utilized
7 for the purposes of this section.

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

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

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

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

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

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

19 1. Assess for phonemic awareness, phonics, reading fluency, and
20 comprehension;

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

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

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

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

10 D. 1. The program of reading instruction required in
11 subsection B of this section shall align with the subject matter
12 standards adopted by the State Board of Education and shall include
13 provisions of the READ Initiative adopted by the school district as
14 provided for in subsection O of this section. A program of reading
15 instruction may include, but is not limited to:

- 16 a. sufficient additional in-school instructional time for
17 the acquisition of phonemic awareness, phonics,
18 reading fluency, vocabulary, and comprehension,
- 19 b. if necessary, tutorial instruction after regular
20 school hours, on Saturdays and during summer; however,
21 such instruction may not be counted toward the one-
22 hundred-eighty-day or one-thousand-eighty-hour school
23 year required in Section 1-109 of this title, and

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

7 2. A student enrolled in first or second grades who has been
8 assessed as provided for in subsection B of this section and found
9 not to be reading at the corresponding grade level, shall be
10 entitled to individualized remediation in reading until the student
11 is determined by the results of a screening instrument to be reading
12 on grade level. The program of reading instruction for each student
13 shall be developed by a Student Reading Proficiency Team and shall
14 include individualized remediation. Each team shall be composed of:

- 15 a. the parent or guardian of the student,
16 b. the teacher assigned to the student who had
17 responsibility for reading instruction in that
18 academic year,
19 c. a teacher who is responsible for reading instruction
20 and is assigned to teach in the next grade level of
21 the student, and
22 d. a certified reading specialist, if one is available.

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

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

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

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

15 H. 1. Any first-grade, second-grade or third-grade student who
16 demonstrates proficiency in reading at the third-grade level through
17 a screening instrument which meets the acquisition of reading skills
18 criteria pursuant to subsection B of this section shall not be
19 subject to the retention guidelines found in this section. Upon
20 demonstrating the proficiency through the screening, the district
21 shall provide notification to the parent(s) and/or guardian(s) of
22 the student that they have satisfied the requirements of the Reading
23 Sufficiency Act and will not be subject to retention pursuant to
24 this section.

1 2. If a third-grade student is identified at any point of the
2 academic year as having a significant reading deficiency, which
3 shall be defined as scoring below proficient on a screening
4 instrument which meets the acquisition of reading skills criteria
5 pursuant to subsection B of this section, the district shall
6 immediately begin a student reading portfolio as provided by
7 subsection K of this section and shall provide notice to the parent
8 of the deficiency pursuant to subsection I of this section.

9 3. If a student has not yet satisfied the proficiency
10 requirements of this section prior to the completion of third grade
11 and still has a significant reading deficiency, as identified based
12 on assessments administered as provided for in subsection B of this
13 section, has not accumulated evidence of third-grade proficiency
14 through a student portfolio as provided in subsection K, or is not
15 subject to a good cause exemption as provided in subsection K, then
16 the student shall not be eligible for automatic promotion to fourth
17 grade.

18 4. a. For the 2015-2016 school year, a student not eligible
19 for automatic promotion as provided for under
20 paragraph 3 of this subsection and who scores at the
21 unsatisfactory level on the reading portion of the
22 third-grade statewide criterion-referenced test may be
23 evaluated for "probationary promotion" by the Student
24 Reading Proficiency Team. For the 2016-2017 and 2017-

1 2018 school years, a student not eligible for
2 automatic promotion as provided for under paragraph 3
3 of this subsection and who scores at the
4 unsatisfactory or limited knowledge levels on the
5 reading portion of the third-grade statewide
6 criterion-referenced test may be evaluated for
7 "probationary promotion" by the Student Reading
8 Proficiency Team. The Student Reading Proficiency
9 Team shall be composed of:

- 10 (1) the parent(s) and/or guardian(s) of the student,
11 (2) the teacher assigned to the student who had
12 responsibility for reading instruction in that
13 academic year,
14 (3) a teacher in reading who teaches in the
15 subsequent grade level, and
16 (4) a certified reading specialist.

17 b. The student shall be promoted to the fourth grade if
18 the team members unanimously recommend "probationary
19 promotion" to the school principal and the school
20 district superintendent and the principal and
21 superintendent approve the recommendation that
22 promotion is the best option for the student. If a
23 student is allowed a "probationary promotion", the
24 team shall continue to review the reading performance

1 of the student and repeat the requirements of this
2 paragraph each academic year until the student
3 demonstrates grade-level reading proficiency, as
4 identified through a screening instrument which meets
5 the acquisition of reading skills criteria pursuant to
6 subsection B of this section, for the corresponding
7 grade level in which the student is enrolled or
8 transitions to the requirements set forth by the
9 Achieving Classroom Excellence Act.

10 5. Beginning with the 2016-2017 school year, students who score
11 below the proficient level on the reading portion of the statewide
12 third-grade ~~critierion-referenced test~~ assessment administered
13 pursuant to Section 1210.508 of this title, who are not subject to a
14 good cause exemption as provided in subsection K of this section,
15 and who do not qualify for promotion or "probationary promotion" as
16 provided in this subsection, shall be retained in the third grade
17 and provided intensive instructional services and supports as
18 provided for in subsection N of this section.

19 6. Each school district shall annually report to the State
20 Department of Education the number of students promoted to the
21 fourth grade pursuant to this subsection. Following the 2015-2016,
22 2016-2017 and 2017-2018 school years, each school district shall
23 report the number of students promoted to a subsequent grade
24 pursuant to the provisions in paragraph 4 of this subsection. The

1 State Department of Education shall publicly report the aggregate
2 and district specific number of students promoted on their website
3 and shall provide electronic copies of the report to the Governor,
4 Secretary of Education, President Pro Tempore of the Senate, Speaker
5 of the House of Representatives, and to the respective chairs of the
6 committees with responsibility for common education policy in each
7 legislative chamber.

8 7. Nothing shall prevent a school district from applying the
9 principles of paragraphs 3 and 4 of this subsection in grades
10 kindergarten through second grade.

11 8. To determine the promotion and retention of third-grade
12 students pursuant to the Reading Sufficiency Act, the State Board of
13 Education shall use only the reading comprehension and vocabulary
14 scores portion of the statewide third-grade ~~criterion-referenced~~
15 ~~test~~ assessment administered pursuant to Section 1210.508 of this
16 title and shall not use the other language arts scores portions of
17 the ~~test~~ assessment.

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

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

1 2. A description of the current services that are provided to
2 the student pursuant to a conjoint measurement model such that a
3 reader and a text are placed on the same scale;

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

7 4. That the student will not be promoted to the fourth grade if
8 the reading deficiency is not remediated by the end of the third
9 grade, unless the student is otherwise promoted as provided for in
10 subsection H of this section or is exempt for good cause as set
11 forth in subsection K of this section;

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

14 6. The grade-level performance scores of the student;

15 7. That while the results of the statewide ~~criterion-referenced~~
16 ~~tests~~ assessments administered pursuant to Section 1210.508 of this
17 title are the initial determinant, they are not the sole determiner
18 of promotion and that portfolio reviews and assessments are
19 available; and

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

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

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

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

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

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

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

18 5. Students with disabilities who participate in the statewide
19 ~~criterion-referenced tests~~ assessments administered pursuant to
20 Section 1210.508 of this title and who have an individualized
21 education program that reflects that the student has received
22 intensive remediation in reading for more than two (2) years but
23 still demonstrates a deficiency in reading and was previously
24

1 retained in prekindergarten for academic reasons, kindergarten,
2 first grade, second grade, or third grade;

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

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

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

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

23 1. Documentation submitted from the teacher of the student to
24 the school principal that indicates the student meets one of the

1 good-cause exemptions and promotion of the student is appropriate.

2 In order to minimize paperwork requirements, the documentation shall
3 consist only of the alternative assessment results or student
4 portfolio work and the individual education plan (IEP), as
5 applicable;

6 2. The principal of the school shall review and discuss the
7 documentation with the teacher and, if applicable, the other members
8 of the team as described in subsection H of this section. If the
9 principal determines that the student meets one of the good-cause
10 exemptions and should be promoted based on the documentation
11 provided, the principal shall make a recommendation in writing to
12 the school district superintendent; and

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

15 N. Each school district shall:

16 1. Conduct a review of the program of reading instruction for
17 all students who score below the proficient level on the reading
18 portion of the statewide ~~criterion-referenced test~~ assessment
19 administered pursuant to Section 1210.508 of this title and did not
20 meet the criteria for one of the good-cause exemptions as set forth
21 in subsection K of this section. The review shall address
22 additional supports and services, as described in this subsection,
23 needed to remediate the identified areas of reading deficiency. The
24

1 school district shall require a student portfolio to be completed
2 for each retained student;

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

- 11 a. small group instruction,
- 12 b. reduced teacher-student ratios,
- 13 c. more frequent progress monitoring,
- 14 d. tutoring or mentoring,
- 15 e. transition classes containing third- and fourth-grade
16 students,
- 17 f. extended school day, week, or year, and
- 18 g. summer reading academies as provided for in Section
19 1210.508E of this title, if available;

20 3. Provide written notification to the parent or guardian of
21 any student who is to be retained as set forth in subsection H of
22 this section that the student has not met the proficiency level
23 required for promotion and was not otherwise promoted and the
24 reasons the student is not eligible for a good-cause exemption. The

1 notification shall include a description of proposed interventions
2 and intensive instructional supports that will be provided to the
3 student to remediate the identified areas of reading deficiency;

4 4. Implement a policy for the midyear promotion of a retained
5 student who can demonstrate that the student is a successful and
6 independent reader, is reading at or above grade level, and is ready
7 to be promoted to the fourth grade. Tools that school districts may
8 use in reevaluating any retained student may include subsequent
9 assessments, alternative assessments, and portfolio reviews, in
10 accordance with rules of the State Board of Education. Retained
11 students may only be promoted midyear prior to November 1 and only
12 upon demonstrating a level of proficiency required to score at the
13 proficient level on the statewide third-grade ~~criterion-referenced~~
14 ~~test~~ assessment administered pursuant to Section 1210.508 of this
15 title, or upon demonstrating proficiency in reading at the third-
16 grade level through a screening instrument administered pursuant to
17 subsection B of this section, and upon showing progress sufficient
18 to master appropriate fourth-grade-level skills, as determined by
19 the school. A midyear promotion shall be made only upon agreement
20 of the parent or guardian of the student and the school principal;

21 5. Provide students who are retained with a high-performing
22 teacher who can address the needs of the student, based on student
23 performance data and above-satisfactory performance appraisals; and
24

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

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

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

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

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

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

- 5 a. assists students assessed as exhibiting a reading
6 deficiency in developing the ability to read at grade
7 level,
- 8 b. provides skill development in phonemic awareness,
9 phonics, fluency, vocabulary, and comprehension,
- 10 c. provides a scientific-research-based and reliable
11 assessment,
- 12 d. provides initial and ongoing analysis of the reading
13 progress of each student,
- 14 e. is implemented during regular school hours,
- 15 f. provides a curriculum in core academic subjects to
16 assist the student in maintaining or meeting
17 proficiency levels for the appropriate grade in all
18 academic subjects,
- 19 g. establishes at each school, where applicable, an
20 Intensive Acceleration Class for retained third-grade
21 students who subsequently score below the proficient
22 level on the reading portion of the statewide
23 ~~criterion-referenced tests~~ assessment administered
24 pursuant to Section 1210.508 of this title. The focus

1 of the Intensive Acceleration Class shall be to
2 increase the reading level of a child at least two
3 grade levels in one (1) school year. The Intensive
4 Acceleration Class shall:

- 5 (1) be provided to any student in the third grade who
6 scores below the proficient level on the reading
7 portion of the statewide ~~criterion-referenced~~
8 ~~tests~~ assessments and who was retained in the
9 third grade the prior year because of scoring
10 below the proficient level on the reading portion
11 of the statewide ~~criterion-referenced tests~~
12 assessments,
- 13 (2) have a reduced teacher-student ratio,
- 14 (3) provide uninterrupted reading instruction for the
15 majority of student contact time each day and
16 incorporate opportunities to master the fourth-
17 grade state standards in other core subject
18 areas,
- 19 (4) use a reading program that is scientific-
20 research-based and has proven results in
21 accelerating student reading achievement within
22 the same school year,
- 23 (5) provide intensive language and vocabulary
24 instruction using a scientific-research-based

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

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

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

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

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

1 P. In addition to the requirements set forth in this section,
2 each school district board of education shall annually report to the
3 parent or guardian of each student in the district the progress of
4 the student toward achieving state and district expectations for
5 proficiency in reading, writing, science, and mathematics. The
6 school district board of education shall report to the parent or
7 guardian of each student the results on statewide ~~criterion-~~
8 ~~referenced tests~~ assessments administered pursuant to Section
9 1210.508 of this title. The evaluation of the progress of each
10 student shall be based upon classroom work, observations, tests,
11 district and state assessments, and other relevant information.
12 Progress reporting shall be provided to the parent or guardian in
13 writing.

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

- 18 a. the provisions of this section relating to public
19 school student progression and the policies and
20 procedures of the school district on student retention
21 and promotion,
- 22 b. by grade, the number and percentage of all students in
23 grades three through ten performing below the
24 proficient level on the reading portion of the

1 statewide ~~criterion-referenced tests~~ assessment
2 administered pursuant to Section 1210.508 of this
3 title,

4 c. by grade, the number and percentage of all students
5 retained in grades three through ten,

6 d. information on the total number and percentage of
7 students who were promoted for good cause, by each
8 category of good cause as specified above, and

9 e. any revisions to the policies of the school district
10 on student retention and promotion from the prior
11 year.

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

21 R. The State Department of Education shall provide technical
22 assistance as needed to aid school districts in administering the
23 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~~ assessment administered pursuant to
24 Section 1210.508 of this title;

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 8. AMENDATORY 70 O.S. 2011, Section 1210.515, as
14 amended by Section 1, Chapter 337, O.S.L. 2013 (70 O.S. Supp. 2015,
15 Section 1210.515), is amended to read as follows:

16 Section 1210.515 A. Pursuant to the provisions of paragraph 2
17 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma
18 Statutes, any person under the age of eighteen (18) years wishing to
19 apply for a driver license or permit shall successfully demonstrate
20 a satisfactory reading ability at the eighth-grade reading level by
21 meeting the following criteria:

22 1. A student enrolled in a public school shall successfully
23 complete the reading portion of the ~~state criterion-referenced test~~
24 statewide assessment administered pursuant to Section 1210.058 of

1 this title and that is offered in the eighth grade. Following the
2 administration of this ~~test~~ assessment in the eighth grade, any
3 student not successfully completing the reading portion shall be
4 assigned a plan of remedial reading. Any student not successful in
5 completing the reading portion of the state ~~criterion-referenced~~
6 ~~test~~ assessment may take a comparable alternative reading
7 proficiency test in order to satisfy the criteria for a driver
8 license or permit. Alternative reading proficiency tests shall be
9 approved by the State Department of Education. Subsequent
10 successful completion of an alternative reading proficiency test
11 shall serve to satisfy any ~~test-retaking~~ retake requirement ~~which~~
12 ~~may be required~~ for the reading portion of the state ~~criterion-~~
13 ~~referenced test~~ assessment in the eighth grade in the Oklahoma
14 School Testing Program. School districts shall notify, in writing,
15 each student who takes the reading portion of the state ~~criterion-~~
16 ~~referenced test~~ assessment for the eighth grade or who takes an
17 alternative reading proficiency test and the student's parent or
18 legal guardian of the ~~test~~ results. If the student fails to perform
19 satisfactorily on the test, the notice shall inform the student of
20 the reading proficiency driver license requirement and the school's
21 remediation plan for the student. Upon the student's successful
22 completion of the test, the school shall furnish the student with
23 the documentation needed for the driver license application in
24 Oklahoma;

1 2. Unless alternatively documented according to the provisions
2 of subsection C of this section, students under the age of eighteen
3 (18) years shall successfully complete a reading proficiency test
4 approved by the State Department of Education; and

5 3. Any student who wishes to apply for a restricted license to
6 operate a motorcycle may take an alternative reading proficiency
7 test, subject to the provisions of this section.

8 B. Alternative reading proficiency tests shall be offered by
9 testing sites, which shall include the public schools at least four
10 times per calendar year, and may include any of the following which
11 chose to participate, the technology center school districts,
12 Regional Education Service Centers, colleges, accredited private
13 schools, and other sites approved by the State Department of
14 Education. A student may take the test as often as wished, subject
15 to the provisions of this section. Testing sites shall provide the
16 first alternative reading proficiency test for each student at no
17 cost to the student. Students may be assessed a fee not to exceed
18 Twenty-five Dollars (\$25.00) by the testing site for each subsequent
19 alternative reading proficiency test taken.

20 C. A school district shall provide for alternative
21 documentation of reading proficiency for the purposes of paragraph 2
22 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma
23 Statutes for any student with an individualized education program
24 that, at a minimum, is in an area related to reading. The

1 alternative documentation shall be furnished to such student who is
2 performing satisfactorily in reading pursuant to the individualized
3 education program of the student. Parents of disabled students
4 educated pursuant to the provisions of Section 4 of Article XIII of
5 the Oklahoma Constitution may satisfy the requirement of paragraph 2
6 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma
7 Statutes by signing an affidavit that, based upon their best
8 information and belief, their child would qualify for an
9 individualized education program that, at a minimum, is in an area
10 related to reading if enrolled in public school, and that in their
11 judgment their child is performing satisfactorily in reading and is
12 therefore academically qualified to satisfy the requirement of
13 paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the
14 Oklahoma Statutes.

15 D. Any person under the age of eighteen (18) who has previously
16 completed and successfully passed a reading proficiency test from
17 another state may submit the results of such test to the State
18 Department of Education for verification and approval. The State
19 Department of Education shall have thirty (30) days from receipt of
20 the reading proficiency results submitted by the person to verify
21 that the reading proficiency requirements from the other state are
22 equivalent or comparable to the reading proficiency requirements
23 established for Oklahoma students pursuant to this section. Upon
24 verification and approval by the State Department of Education, the

1 Department shall furnish the person with the documentation needed
2 for the driver license application in Oklahoma. If the reading
3 proficiency documentation submitted by the person is disapproved by
4 the Department, the person may take an alternative reading
5 proficiency test as provided for in subsection B of this section.

6 SECTION 9. AMENDATORY 70 O.S. 2011, Section 1210.541, as
7 last amended by Section 1, Chapter 163, O.S.L. 2014 (70 O.S. Supp.
8 2015, Section 1210.541), is amended to read as follows:

9 Section 1210.541 A. The Commission for Educational Quality and
10 Accountability shall determine and adopt a series of student
11 performance levels and the corresponding cut scores pursuant to the
12 Oklahoma School Testing Program Act.

13 B. The Commission for Educational Quality and Accountability
14 shall have the authority to set cut scores using any method which
15 the State Board of Education was authorized to use in setting cut
16 scores prior to July 1, 2013.

17 C. The performance levels shall be set by a method that
18 indicates students are ready for the next grade, course, or level of
19 education, as applicable. The Commission for Educational Quality
20 and Accountability shall establish panels to review and revise the
21 performance level descriptors for each subject and grade level. The
22 Commission shall ensure that the ~~criterion-referenced tests~~
23 assessments developed and administered by the State Board of
24 Education pursuant to the Oklahoma School Testing Program Act in

1 grades three through eight and ~~the end-of-instruction tests~~
2 ~~administered~~ at the secondary level are vertically aligned by
3 content across grade levels to ensure consistency, continuity,
4 alignment and clarity. The Commission shall adopt performance
5 levels that are labeled and defined as follows:

6 1. Advanced, which shall indicate that students demonstrate
7 superior performance on challenging subject matter;

8 2. Proficient, which shall indicate that students demonstrate
9 mastery over appropriate grade-level subject matter and that
10 students are ready for the next grade, course, or level of
11 education, as applicable;

12 3. Limited knowledge, which shall indicate that students
13 demonstrate partial mastery of the essential knowledge and skills
14 appropriate to their grade level or course; and

15 4. Unsatisfactory, which shall indicate that students have not
16 performed at least at the limited knowledge level.

17 D. The State Board of Education shall develop and implement in
18 accordance with the Elementary and Secondary Education Act of ~~2001~~
19 1965 (ESEA), as reauthorized and amended by P.L. No. ~~107-110~~ 114-95,
20 also known as the ~~No Child Left Behind Act of 2001~~ Every Student
21 Succeeds Act (ESSA), an accountability system as provided for in 20
22 U.S.C., 6311 and any related federal regulations. The
23 accountability system shall be implemented beginning with the 2002-
24 2003 school year and shall be based on the data as established

1 pursuant to Section 1210.545 of this title and as modified to meet
2 the mandates of the ESEA. For the 2002-2003 school year and every
3 year thereafter the State Board of Education shall publish and
4 ensure that each local education agency is provided with data
5 annually by site so that the local education agency can make
6 determinations to identify schools for rewards and sanctions. The
7 State Board of Education shall establish a system of recognition,
8 rewards, sanctions and technical assistance, as required by state
9 law and the Elementary and Secondary Education Act of ~~2001~~ 1965
10 (ESEA) as reauthorized and amended by P.L. No. 114-95, also known as
11 the Every Student Succeeds Act (ESSA).

12 E. A school that is identified as in need of improvement by the
13 State Board of Education pursuant to this section, because of
14 failure to meet either an academic performance target or an
15 attendance or graduation performance target, or both, and is
16 identified as in need of improvement pursuant to the Elementary and
17 Secondary Education Act of 1965 (ESEA), as reauthorized and amended
18 by P.L. No. 114-95, also known as the Every Student Succeeds Act
19 (ESSA), shall utilize the assistance of a school support team or
20 other similar team formed by the State Department of Education to
21 provide support for schools in need of improvement, subject to
22 school support team capacity. The school support team shall review
23 and analyze all facets of operation of the school including the
24

1 design and operation of the instructional program. The school
2 support team shall assist the school in:

3 1. Incorporating strategies based on scientifically based
4 research that will strengthen the core academic subjects in the
5 school and address the specific academic issues that caused the
6 school to be identified for school improvement;

7 2. Incorporating strategies to promote high quality
8 professional development; and

9 3. Training teachers to analyze classroom and school-level data
10 and use the data to inform instruction.

11 SECTION 10. AMENDATORY 70 O.S. 2011, Section 1210.545,
12 as last amended by Section 1, Chapter 362, O.S.L. 2015 (70 O.S.
13 Supp. 2015, Section 1210.545), is amended to read as follows:

14 Section 1210.545 A. 1. Except as otherwise provided, as part
15 of the accountability system developed as provided for in Section
16 1210.541 of this title, the State Board of Education shall prepare
17 annual reports of the results of the Oklahoma School Testing Program
18 which describe student achievement in the state and each school
19 site.

20 2. The Board shall study and may recommend revisions to the
21 Legislature to the calculation metrics of all components of the
22 school report cards to ensure that the evaluation system is clear,
23 transparent, statistically trustworthy, credible, and aligned with
24 the state assessment system. The Board shall seek certification

1 from the Oklahoma State Regents for Higher Education that
2 recommended revisions, if adopted, will improve the clarity,
3 transparency, statistical trustworthiness, credibility, and
4 alignment of the evaluation system. The State Regents shall provide
5 the Board a detailed description of the certification process and
6 results, including a list of any deficiencies the State Regents find
7 with the study or the resulting recommendations. The Board shall
8 issue a report by December 31, 2015, and submit a copy of the report
9 to the Governor, the Speaker of the House of Representatives, the
10 President Pro Tempore of the Senate, the Minority Leader of the
11 House of Representatives, and the Minority Leader of the Senate.
12 The Board shall prescribe the design and content of the reports,
13 which shall include, without limitation, descriptions of the
14 performance of all schools participating in the Oklahoma School
15 Testing Program and all of the major student populations as
16 determined by the Board, and shall also include the median scores of
17 all eligible students who scored at or in the lowest twenty-fifth
18 percentile of the state in the previous school year. The
19 confidentiality of individual student records shall be preserved as
20 required by law.

21 B. The annual report as required pursuant to subsection A of
22 this section shall identify school sites as having one of the
23 following grades, defined according to rules of the State Board of
24 Education:

1. "A" means schools making excellent progress;
2. "B" means schools making above average progress;
3. "C" means schools making satisfactory progress;
4. "D" means schools making less than satisfactory progress;

and

5. "F" means schools failing to make adequate progress.

C. Each school that has students who are tested and included in the school grading system as provided for in this section shall receive a school grade, except as follows:

1. A school shall not receive a school grade if the number of students tested and included in the school grading system is less than the minimum sample size necessary for statistical reliability and prevention of the unlawful release of personally identifiable student data. The State Board of Education is directed to establish the lowest minimum sample size necessary to meet the requirements of this paragraph;

2. A school that serves any combination of students in kindergarten through grade three which does not receive a school grade because the students are not tested and included in the school grading system shall receive the school grade designation of a feeder pattern school identified by the State Department of Education and verified by the school district. A school feeder pattern exists if at least sixty percent (60%) of the students in

1 the school serving a combination of students in kindergarten through
2 grade three are scheduled to be assigned to the graded school; and

3 3. The academic performance of students 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 grade of the school site
9 or charter school.

10 D. The grade of a school shall be based on a combination of:

11 1. Fifty percent (50%) on whole school performance, as measured
12 by allocating one point for each student who scores proficient or
13 advanced on the ~~criterion-referenced tests and end-of-instruction~~
14 ~~tests~~ assessments administered under Section 1210.508 of this title
15 and alternative test scores administered to students ~~pursuant to~~
16 ~~Section 1210.523 of this title~~ divided by the number of students
17 taking the ~~tests~~ assessments;

18 2. Twenty-five percent (25%) on whole school growth, as
19 measured by allocating one point for each student who improves
20 proficiency levels or improves substantially within a proficiency
21 level on ~~criterion-referenced tests and end-of-instruction tests~~
22 assessments administered under Section 1210.508 of this title
23 divided by the number of students taking the ~~tests~~ assessments; and
24

1 3. Twenty-five percent (25%) on growth in the bottom quartile
2 of students, as measured by allocating one point for each student in
3 the bottom quartile who improves proficiency levels or improves
4 substantially within a proficiency level on ~~critierion-referenced~~
5 ~~tests and end-of-instruction tests~~ assessments administered under
6 Section 1210.508 of this title divided by the number of students
7 taking the ~~tests~~ assessments.

8 E. In addition to the components outlined in subsection D of
9 this section, the following bonus points shall be considered in
10 determining the grade of a school site:

11 1. For schools comprised of high school grades:

- 12 a. five points for meeting the criteria for an "A" for
13 the high school graduation rate of the school, as
14 defined by rules adopted by the Board,
- 15 b. one point for meeting the criteria for an "A" for
16 performance or participation of students in College
17 Board Advanced Placement courses, International
18 Baccalaureate courses, concurrent enrollment courses,
19 Advanced International Certificate of Education
20 courses, or the achievement of students on national
21 industry certification, as defined by rules adopted by
22 the Board,
- 23 c. one point for meeting the criteria for an "A" for
24 participation or performance in SAT tests administered

- 1 by the College Board or the American College Test
2 (ACT), as defined by rules adopted by the Board,
- 3 d. one point for meeting the criteria for an "A" for the
4 high school graduation rate of students who scored at
5 limited knowledge or unsatisfactory on the eighth-
6 grade ~~criterion-referenced tests~~ assessments in
7 reading and mathematics administered pursuant to
8 Section 1210.508 of this title,
- 9 e. as valid data becomes available, one point for the
10 performance of students on the ~~end-of-instruction~~
11 ~~tests~~ high school assessments administered under
12 Section 1210.508 of this title, as defined by rules
13 adopted by the Board, and
- 14 f. one point for the growth or decline in the components
15 listed in subparagraphs a through e of this paragraph
16 from year to year, as defined by rules adopted by the
17 Board;

18 2. For schools comprised of middle school grades:

- 19 a. two points for meeting the criteria for an "A" for the
20 drop-out rate of the school, as defined by rules
21 adopted by the Board,
- 22 b. two points for meeting the criteria for an "A" for the
23 percentage of students who are taking higher level
24

1 coursework at a satisfactory or higher level, as
2 defined by rules adopted by the Board, and

3 c. six points for meeting the criteria for an "A" for
4 attendance, as defined by rules adopted by the Board;
5 and

6 3. For schools comprised of elementary school grades, ten
7 points for meeting the criteria for an "A" for attendance, as
8 defined by rules adopted by the Board.

9 F. Student test data used in determining school grades shall
10 include:

11 1. The aggregate scores of all eligible students enrolled in
12 the school who have been administered the ~~critterion-referenced tests~~
13 ~~and end-of-instruction tests~~ assessments administered under Section
14 1210.508 of this title; and

15 2. For schools comprised of high school grades, the data listed
16 in paragraph 1 of this subsection, and the following data as the
17 State Department of Education determines the data are valid and
18 available:

19 a. the high school graduation rate of the school as
20 calculated by the Department,

21 b. the participation rate of all eligible students
22 enrolled in the school in College Board Advanced
23 Placement courses whether taught at a high school, a
24 technology center school, or a regional site of the

Oklahoma School of Science and Mathematics,
International Baccalaureate courses, concurrent
enrollment courses, Advanced International Certificate
of Education courses, courses or sequence of courses
leading to national industry certification identified
pursuant to rules adopted by the Board, courses or
sequence of courses granted cooperative college
alliance credit taken at a technology center school,
and science, technology, engineering and mathematics
courses taken at a regional site of the Oklahoma
School of Science and Mathematics,

c. the aggregate scores of all eligible students enrolled
in the school in College Board Advanced Placement
courses whether taught at a high school, a technology
center school, or a regional site of the Oklahoma
School of Science and Mathematics, International
Baccalaureate courses, and Advanced International
Certificate of Education courses,

d. earning of college credit by all eligible students
enrolled in the school in concurrent enrollment
programs as provided for in Section 628.13 of this
title and in cooperative college alliance courses
taken at a technology center school,

- 1 e. earning of a national industry certification
2 identified pursuant to rules adopted by the Board,
- 3 f. the aggregate scores of all eligible students enrolled
4 in the school in reading, mathematics, and other
5 subjects as measured by the SAT test administered by
6 the College Board and the ACT,
- 7 g. the high school graduation rate of all eligible
8 students enrolled in the school who scored at limited
9 knowledge or unsatisfactory on the eighth-grade
10 ~~critierion-referenced tests~~ assessments in reading and
11 mathematics administered under Section 1210.508 of
12 this title,
- 13 h. the performance of students on statewide ~~end-of-~~
14 ~~instruction tests~~ high school assessments administered
15 under Section 1210.508 of this title, and
- 16 i. the growth or decline in the data components listed in
17 subparagraphs a through h of this paragraph from year
18 to year.

19 G. Grades shall be calculated by combining the points earned
20 for whole school performance, whole school growth and growth in the
21 bottom quartile of students, measured pursuant to subsection D of
22 this section, and any bonus points earned pursuant to subsection E
23 of this section. Grades shall be assigned based on the following
24 scale:

- 1 1. Ninety-seven percent (97%) to one hundred percent (100%) =
- 2 A+;
- 3 2. Ninety-three percent (93%) to ninety-six percent (96%) = A;
- 4 3. Ninety percent (90%) to ninety-two percent (92%) = A-;
- 5 4. Eighty-seven percent (87%) to eighty-nine percent (89%) =
- 6 B+;
- 7 5. Eighty-three percent (83%) to eighty-six percent (86%) = B;
- 8 6. Eighty percent (80%) to eighty-two percent (82%) = B-;
- 9 7. Seventy-seven percent (77%) to seventy-nine percent (79%) =
- 10 C+;
- 11 8. Seventy-three percent (73%) to seventy-six percent (76%) =
- 12 C;
- 13 9. Seventy percent (70%) to seventy-two percent (72%) = C-;
- 14 10. Sixty-seven percent (67%) to sixty-nine percent (69%) = D+;
- 15 11. Sixty-three percent (63%) to sixty-six percent (66%) = D;
- 16 12. Sixty percent (60%) to sixty-two percent (62%) = D-; and
- 17 13. Fifty-nine percent (59%) and below = F.

18 H. The annual report shall identify the performance of each
19 school as having improved, remained the same, or declined. This
20 school improvement rating shall be based on a comparison of the
21 student and school performance data of the current year to the
22 previous year data. Schools that improve at least one grade level
23 are eligible for school recognition as established by the Board

24

1 through the accountability system developed pursuant to Section
2 1210.541 of this title.

3 I. The State Department of Education shall annually develop, in
4 collaboration with school districts and the Office of Educational
5 Quality and Accountability, a school site report card to be
6 delivered to parents throughout each school district. The report
7 card shall include the grade for the school, information regarding
8 school improvement, an explanation of school performance as
9 evaluated in accordance with the Elementary and Secondary Education
10 Act of ~~2001~~ 1965 (ESEA), as reauthorized and amended by P.L. No.
11 ~~107-110~~ 114-95, also known as the ~~No Child Left Behind Act of 2001~~
12 Every Student Succeeds Act (ESSA), and indicators of return on
13 investment. The report card for each school site shall be published
14 annually by the Department on its website, and every school district
15 shall provide the school site report card to the parent or guardian
16 of each student enrolled in the school site. In order to provide
17 information regarding school performance for school site report
18 cards issued during the 2016-2017 and 2017-2018 school year, the
19 Department shall include an explanation of the changes to the
20 statewide system of student assessments as required in Section
21 1210.508 of this title and how the transition in assessments may
22 impact school performance. The Department shall issue school site
23 report cards using the 2016-2017 school year assessment data that is
24 available.

1 J. The Legislature may factor in the performance of schools in
2 calculating any performance-based funding policy that is provided to
3 public school districts.

4 K. The State Board of Education shall promulgate rules to
5 implement the provisions of this section.

6 SECTION 11. REPEALER 70 O.S. 2011, Sections 1210.506 and
7 1210.508-1, are hereby repealed.

8 SECTION 12. REPEALER 70 O.S. 2011, Sections 1210.521,
9 1210.522, 1210.523, as last amended by Section 26, Chapter 4, O.S.L.
10 2014, 1210.525 and 1210.526, as last amended by Section 2 of
11 Enrolled Senate Bill No. 1105 of the 2nd Session of the 55th
12 Oklahoma Legislature (70 O.S. Supp. 2015, Section 1210.523), are
13 hereby repealed.

14 SECTION 13. This act shall become effective July 1, 2016.

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

1 Passed the House of Representatives the 23rd day of May, 2016.

2
3
4 Presiding Officer of the House
of Representatives

5
6 Passed the Senate the ____ day of _____, 2016.

7
8 Presiding Officer of the Senate