

# An Act

ENROLLED HOUSE  
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

Bingman, 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, Barrington and Brown  
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 Section 7, Chapter 430, O.S.L. 2014 and 1210.508, as last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2015, Sections 1210.507 and 1210.508), which relate to the Oklahoma School Testing Program Act; changing the word test to assessment; requiring the State Board of Education to administer assessments by certain means; authorizing school districts to select the means for administering assessments; directing the Board to adopt a statewide system of student assessments by a certain date; requiring system to be aligned with certain standards; requiring the Board to issue request for proposals for assessments and adopt assessments from selected proposals; providing for administration of selected assessments for a certain period beginning during certain school year; listing certain criteria for assessments; specifying assessment subjects to be administered during certain school years; allowing certain types of assessments to be included in the statewide student assessment system; requiring students to take certain assessments in order to graduate from high school; requiring students to meet certain other high school graduation requirements adopted by the Board; directing school districts to 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 for public comment; directing the Board to make a report by a certain date; requiring the Board to adopt the assessment requirements by a certain date; making the assessment requirements subject to legislative review; requiring submission of requirements to certain persons by certain date; providing process for legislative review and approval; allowing the Board to revise or adopt new requirements and submit for legislative review; establishing assessment requirements if requirements are not approved; considering requirements final agency rules upon final approval; requiring submission of requirements to the Secretary of State and certain publication; exempting certain joint resolutions from regular legislative cutoff dates; amending 70 O.S. 2011, Sections 1210.508B, as amended by Section 9, Chapter 430, O.S.L. 2014 and 1210.508C, as last amended by Section 1, Chapter 364, O.S.L. 2015 (70 O.S. Supp. 2015, Sections 1210.508B and 1210.508C), which relate to the Reading Sufficiency Act; amending 70 O.S. 2011, Section 1210.515, as amended by Section 1, Chapter 337, O.S.L. 2013 (70 O.S. Supp. 2015, Section 1210.515), which relates to reading ability required for a driver 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; providing an effective date; and declaring an emergency.

SUBJECT: Education

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

SECTION 1. AMENDATORY 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), is amended to read as follows:

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

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

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

3. "Principal" means any person other than a district superintendent of schools having supervisory or administrative authority over any school or school building having two or more teachers. A teaching principal shall be a principal who devotes at least one-half (1/2) the time school is in session to classroom teaching. Teaching principals shall be required to hold administrative certificates;

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

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

6. "Student teacher" means any student who is enrolled in an institution of higher learning approved by the State Board of Education for teacher training and who is jointly assigned by ~~such~~ the institution of higher learning and a ~~school district's~~ board of education of a school district to perform practice teaching under the direction of a regularly employed and certified teacher. A student teacher, while serving a nonsalaried internship under the supervision of a certified teacher, shall be accorded the same protection of the laws as that accorded the certified teacher;

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

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

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

SECTION 2. AMENDATORY 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, is amended to read as follows:

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

1. "Administrator" means a duly certified person who devotes a majority of time to service as a superintendent, elementary superintendent, principal, supervisor, vice principal or in any other administrative or supervisory capacity in the school district;
2. "Dismissal" means the discontinuance of the teaching service of an administrator or teacher during the term of a written contract, as provided by law;
3. "Nonreemployment" means the nonrenewal of the contract of an administrator or teacher upon expiration of the contract;
4. "Career teacher" means a teacher who:
  - a. is employed by a school district prior to the 2017-2018 school year and has completed three (3) or more consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching contract, or
  - b. is employed for the first time by a school district under a written continuing or temporary teaching contract during the 2017-2018 school year and thereafter:
    - (1) has completed three (3) consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching contract and has achieved a district evaluation rating of "superior" as measured pursuant to the TLE as set forth in Section 6-101.16 of this title for at least two (2) of the three (3) school years,
    - (2) has completed four (4) consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching

contract, has averaged a district evaluation rating of at least "effective" as measured pursuant to the TLE for the four-year period, and has received district evaluation ratings of at least "effective" for the last two (2) years of the four-year period, or

- (3) has completed four (4) or more consecutive complete school years in one school district under a written continuing or temporary teaching contract and has not met the requirements of subparagraph a or b of this paragraph, only if the principal of the school at which the teacher is employed submits a petition to the superintendent of the school district requesting that the teacher be granted career status, the superintendent agrees with the petition, and the school district board of education approves the petition. The principal shall specify in the petition the underlying facts supporting the granting of career status to the teacher;

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

6. "Probationary teacher" means a teacher who:

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

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

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

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

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

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

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

C. 1. Students enrolled in an online course or program that is offered by a school district or charter school that is not the district of residence or is not located in the district of residence of the student shall be provided the opportunity to take any ~~test~~ assessment required pursuant to the Oklahoma School Testing Program Act or any other ~~test~~ assessment generally required of students by the school district in which the student is enrolled at an alternative testing location approved by the State Board of Education. The alternative testing locations may be at sites that are not in the school district that is offering the online course or program or the district of residence. Alternative testing locations may include technology center school sites or any other testing location selected by the school district or charter school offering the online course or program. All alternative testing locations

shall be subject to testing location rules promulgated by the State Board of Education. The school district or charter school offering the online course or program shall be responsible for any cost incurred in providing an alternative testing location and any additional cost of administering ~~a test~~ an assessment at an alternative testing location. In order to provide alternative testing locations at geographically dispersed sites, the school district or charter school offering the online course or program shall, at a minimum, provide not less than six alternative testing locations, with at least one location in each quadrant of the state and in each of the two metropolitan areas in the state. Additional alternative testing locations may be provided by the school district or charter school offering the online course or program.

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

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

E. The State Board of Education shall post on the Internet ~~critierion-referenced~~ sample ~~tests~~ assessments for each grade level and subject matter ~~test~~ assessment administered to students pursuant to the Oklahoma School Testing Program Act for the purpose of communicating expectation concerning ~~test~~ the difficulty level and format to teacher, parents and students. The Board shall maintain the sample ~~tests~~ assessments on the Internet throughout the year and, as changes are made in the state academic content standards, shall update the sample ~~tests~~ assessments. The Board shall seek to

expand the number of sample ~~test~~ assessments items each year and to revise ~~test~~ items as needed. The sample ~~tests~~ assessments shall reflect the actual ~~test~~ assessments administered to students and may contain questions used on actual ~~tests~~ assessments given in previous years.

F. The State Board of Education ~~shall seek to~~ may implement an electronic delivery system for all ~~tests~~ assessments administered pursuant to the Oklahoma School Testing Program Act that will allow students to participate in computer-based assessments in order to expedite the delivery and use of the ~~test~~ results. ~~Notwithstanding the requirement to implement online or computer-based assessments as otherwise provided by law, in~~ If the Board implements an electronic delivery system for assessments, the Board shall continue to administer all assessments by another means, including but not limited to printed assessments. If options are available, school districts shall have the authority to select the means of administration of all assessments administered in that district. In circumstances where the administration or delivery of an online or computer-based assessment has been or will be disrupted, delayed or cause problems with student participation, the Board may stop or cancel the online or computer-based assessment and administer the assessment by another means.

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

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

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

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

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

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

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

2. Provide a measure of comparability among other states;

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

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

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

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

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

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

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

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

- a. English Language Arts and Mathematics in grades three through eight and at least once in high school, during the grade span of nine through twelve,
- b. Science not less than once during each grade span of three through five, six through nine and ten through twelve, and
- c. United States History not less than once during the grade span of nine through twelve.

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

- a. assessments in Reading and Writing in certain grades as determined by the Board, and
- b. contingent upon the availability of funds, an additional nationally recognized college- and career-readiness assessment or assessments as recommended by the State Department of Education which will be administered to students in high school at no cost to the student.

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

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

3. For students who start the ninth grade prior to or during the 2016-2017 school year, school districts shall adopt a plan that establishes the assessment or assessments those students are required to take in order to graduate from a public high school with a standard diploma. The plan may also include any or all of the other high school graduation requirements adopted by the Board pursuant to Section 5 of this act that those students will be required to meet in order to graduate from a public high school with a standard diploma.

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

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

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

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

- ~~a. reading, and~~
- ~~b. mathematics.~~

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

- ~~a. reading,~~
- ~~b. mathematics,~~

- ~~e. science,~~
- ~~d. social studies, which shall consist of the history, Constitution and government of the United States, and geography, and~~
- ~~e. writing of English.~~

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

- ~~a. reading, and~~
- ~~b. mathematics.~~

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

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

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

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

~~6. Except as otherwise provided for in Section 1210.523 of this title, each student who completes the instruction for English II, English III, United States History, Biology I, Algebra I, Geometry, and Algebra II at the secondary level shall complete an end-of-instruction test, when implemented, to measure for attainment in the appropriate subject matter standards in order to graduate from a~~

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

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

- ~~7. a. Each school district shall administer to each student in the school district in grades three through eight an assessment designed to assess the student in the fine arts area in which the student has received instruction.~~
- ~~b. Each school district shall prepare an annual report for approval by the State Board of Education outlining the fine arts assessment strategies used by the district, when the assessments were administered, how~~

~~many students were assessed during the previous year, and the results of the assessments.~~

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

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

3. ~~The State Board of Education in coordination with the Office of Educational Quality and Accountability shall review, realign, and recalibrate, as necessary, the tests in reading and mathematics in third through eighth grade and the end-of-instruction tests. The Commission for Educational Quality and Accountability shall determine the cut scores for the performance levels on the end-of-instruction tests developed pursuant to paragraph 6 of subsection A of this section~~ all statewide assessments. The Commission shall conduct an ongoing review to compare the ~~end-of-instruction test statewide assessment~~ statewide assessment content and performance descriptors with those

of other states. Upon receipt of the review, the Commission may adjust the cut scores as necessary.

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

~~C. J.~~ 1. The State Board of Education shall ~~set~~ promulgate rules setting the testing assessment window dates for each criterion-referenced test required in paragraphs 1 through 5 of subsection A of this section for grades three through eight statewide assessment so that, with the exception of the writing assessments, the tests assessments are administered ~~to students no earlier than April 10 each year according to recommended testing protocols,~~ and so that the test assessment results are reported back to school districts in a timely manner. Each ~~criterion-referenced test required in paragraph 6 of subsection A of this section may be administered to students at a time set by the State Board of Education as near as possible to the end of the course; provided, if a school district is unable to administer the tests online to all students taking the test for the first time and all students retaking the test during the testing window time set by the Board,~~ the school district may elect to administer any of the tests to students retaking the test at any time not more than two (2) weeks prior to the start of the testing window time set by the Board. All results and reports of the ~~criterion-referenced test series required in paragraphs 1 through 5 of subsection A of this section for grades three through eight shall be returned to each school district prior to the beginning of the next school year.~~ The vendor shall provide a final electronic data file of all school site, school district, and state results to the State Department of Education and the Office of Educational Quality and Accountability prior to ~~September~~ August 1 of each year. The Department shall forward the final data files for each school district and each school site in that district to the school district. The Board shall ensure the contract with the ~~testing~~ vendor includes a provision that the vendor report ~~test~~

assessment results directly to the Office of Educational Quality and Accountability at the same time it is reported to the Board.

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

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

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

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

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

A. The State Board of Education in consultation with the Oklahoma State Regents for Higher Education, the Commission for Educational Quality and Accountability, the State Board of Career and Technology Education and the Secretary of Education and Workforce Development shall study and develop assessment requirements which upon final approval shall be implemented in conjunction with the statewide system of student assessments adopted pursuant to Section 1210.508 of Title 70 of the Oklahoma Statutes. In developing the assessment requirements, the State Board of Education in consultation with the Oklahoma State Regents for Higher Education, the Commission for Educational Quality and Accountability, the State Board of Career and Technology Education and the Secretary of Education and Workforce Development shall include:

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

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

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

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

5. Establishment of a multimeasures approach to accountability, as required in Section 1210.545 of Title 70 of the Oklahoma Statutes and in accordance with the Elementary and Secondary Education Act of 1965, as reauthorized and amended by P.L. No. 114-95, also known as

the Every Student Succeeds Act (ESSA) and any federal regulations, and that include, but are not limited to, the following indicators:

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

B. In developing the assessment requirements, the Board shall provide reasonable opportunity for public comment, including but not limited to comments from students, parents, educators, organizations representing students with disabilities and English language learners, higher education representatives, career technology education representatives, experts in the areas of assessments and accountability, community-based organizations, Indian tribal representatives and business community representatives.

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

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

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

4. By adoption of a joint resolution, the Legislature shall approve the assessment requirements in whole and with or without instructions or disapprove the requirements in whole and with or without instructions, provided that such joint resolution becomes law in accordance with Section 11 of Article VI of the Oklahoma Constitution. If the joint resolution is vetoed by the Governor in accordance with Section 11 of Article VI of the Oklahoma Constitution and the veto has not been overridden, the requirements shall be deemed disapproved. If the Legislature fails to adopt a joint resolution within thirty (30) calendar days following submission of the assessment requirements, the requirements shall be deemed disapproved.

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

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

7. Upon final approval of the assessment requirements, the requirements shall be considered final agency rules. The Board shall submit a copy of the assessment requirements to the Secretary of State, who shall include the requirements in the publication known as the "Oklahoma Administrative Code" in the same manner as agency rules are published in the Code as provided for in the Administrative Procedures Act. All assessment requirements approved and published as provided for in this subsection shall have the same force and effect of law as agency rules promulgated pursuant to the Administrative Procedures Act.

8. Unless otherwise provided by specific vote of the Legislature, joint resolutions introduced for purposes of approving

or disapproving the assessment requirements shall not be subject to regular legislative cutoff dates, shall be limited to such provisions as may be necessary for approving or disapproving the requirements and any such other direction or mandate regarding the requirements deemed necessary by the Legislature. The joint resolution shall contain no other provisions.

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

Section 1210.508B A. The Legislature finds that it is essential for children in the public schools to read early and well in elementary school. The Legislature further finds that clear and visible goals, assessments to determine the reading level at each elementary school, annual measurements of elementary school reading improvement, and accountability in each level of the educational system will result in a significant increase in the number of children reading at or above grade level.

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

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

D. The reading goal for Oklahoma public schools is as follows: By July 1, 2008, and each year thereafter, all third-grade students will read at or above grade level by the end of their third-grade year, excluding up to fifteen percent (15%) of those students who have an individualized education program (IEP), pursuant to the Individuals with Disabilities Education Act (IDEA), and excluding 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 ~~riterion-referenced test assessment~~ 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:

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

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

3. Classroom assistants, which may include parents, grandparents, or other volunteers, shall be provided in kindergarten

classes to assist with the screening of students if a teacher aide is not already employed to assist in a kindergarten classroom.

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

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

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

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

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

2. Document the validity and reliability of each assessment;

3. Can be used for diagnosis and progress monitoring;

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

5. Accompanied by a data management system that provides profiles for students, class, grade level and school building. The profiles shall identify each student's instructional point of need

and reading achievement level. The State Board shall also determine other comparable reading assessments for diagnostic purposes and for periodic and post assessments to be used for students at risk of reading failure. The State Board shall ensure that any assessments approved are in alignment with the subject matter standards adopted by the State Board of Education.

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

- a. sufficient additional in-school instructional time for the acquisition of phonemic awareness, phonics, reading fluency, vocabulary, and comprehension,
- b. if necessary, tutorial instruction after regular school hours, on Saturdays and during summer; however, such instruction may not be counted toward the one-hundred-eighty-day or one-thousand-eighty-hour school year required in Section 1-109 of this title, and
- c. assessments identified for diagnostic purposes and periodic monitoring to measure the acquisition of reading skills including, but not limited to, phonemic awareness, phonics, reading fluency, vocabulary, and comprehension, as identified in the student's program of reading instruction.

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

- a. the parent or guardian of the student,
- b. the teacher assigned to the student who had responsibility for reading instruction in that academic year,

- c. a teacher who is responsible for reading instruction and is assigned to teach in the next grade level of the student, and
- d. a certified reading specialist, if one is available.

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

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

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

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

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

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

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

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

4. a. For the 2015-2016 school year, a student not eligible for automatic promotion as provided for under paragraph 3 of this subsection and who scores at the unsatisfactory level on the reading portion of the third-grade statewide criterion-referenced test may be evaluated for "probationary promotion" by the Student Reading Proficiency Team. For the 2016-2017 and 2017-2018 school years, a student not eligible for automatic promotion as provided for under paragraph 3 of this subsection and who scores at the unsatisfactory or limited knowledge levels on the reading portion of the third-grade statewide

criterion-referenced test may be evaluated for "probationary promotion" by the Student Reading Proficiency Team. The Student Reading Proficiency Team shall be composed of:

- (1) the parent(s) and/or guardian(s) of the student,
  - (2) the teacher assigned to the student who had responsibility for reading instruction in that academic year,
  - (3) a teacher in reading who teaches in the subsequent grade level, and
  - (4) a certified reading specialist.
- b. The student shall be promoted to the fourth grade if the team members unanimously recommend "probationary promotion" to the school principal and the school district superintendent and the principal and superintendent approve the recommendation that promotion is the best option for the student. If a student is allowed a "probationary promotion", the team shall continue to review the reading performance of the student and repeat the requirements of this paragraph each academic year until the student demonstrates grade-level reading proficiency, as identified through a screening instrument which meets the acquisition of reading skills criteria pursuant to subsection B of this section, for the corresponding grade level in which the student is enrolled or transitions to the requirements set forth by the Achieving Classroom Excellence Act.

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

6. Each school district shall annually report to the State Department of Education the number of students promoted to the fourth grade pursuant to this subsection. Following the 2015-2016, 2016-2017 and 2017-2018 school years, each school district shall report the number of students promoted to a subsequent grade pursuant to the provisions in paragraph 4 of this subsection. The State Department of Education shall publicly report the aggregate and district specific number of students promoted on their website and shall provide electronic copies of the report to the Governor, Secretary of Education, President Pro Tempore of the Senate, Speaker of the House of Representatives, and to the respective chairs of the committees with responsibility for common education policy in each legislative chamber.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Students with disabilities who participate in the statewide ~~critierion-referenced tests~~ assessments administered pursuant to Section 1210.508 of this title and who have an individualized education program that reflects that the student has received intensive remediation in reading for more than two (2) years but still demonstrates a deficiency in reading and was previously retained in prekindergarten for academic reasons, kindergarten, first grade, second grade, or third grade;

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

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

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

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

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

2. The principal of the school shall review and discuss the documentation with the teacher and, if applicable, the other members of the team as described in subsection H of this section. If the principal determines that the student meets one of the good-cause

exemptions and should be promoted based on the documentation provided, the principal shall make a recommendation in writing to the school district superintendent; and

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

N. Each school district shall:

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

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

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

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

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

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

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

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

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

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

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

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

- a. assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level,
- b. provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension,
- c. provides a scientific-research-based and reliable assessment,
- d. provides initial and ongoing analysis of the reading progress of each student,
- e. is implemented during regular school hours,
- f. provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects,
- g. establishes at each school, where applicable, an Intensive Acceleration Class for retained third-grade students who subsequently score below the proficient

level on the reading portion of the statewide ~~critierion-refereneed tests~~ assessment administered pursuant to Section 1210.508 of this title. The focus of the Intensive Acceleration Class shall be to increase the reading level of a child at least two grade levels in one (1) school year. The Intensive Acceleration Class shall:

- (1) be provided to any student in the third grade who scores below the proficient level on the reading portion of the statewide ~~critierion-refereneed tests~~ assessments and who was retained in the third grade the prior year because of scoring below the proficient level on the reading portion of the statewide ~~critierion-refereneed tests~~ assessments,
  - (2) have a reduced teacher-student ratio,
  - (3) provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the fourth-grade state standards in other core subject areas,
  - (4) use a reading program that is scientific-research-based and has proven results in accelerating student reading achievement within the same school year,
  - (5) provide intensive language and vocabulary instruction using a scientific-research-based program, including use of a speech-language therapist,
  - (6) include weekly progress monitoring measures to ensure progress is being made, and
  - (7) provide reports to the State Department of Education, in the manner described by the Department, outlining the progress of students in the class at the end of the first semester,
- h. provide reports to the State Board of Education, upon request, on the specific intensive reading

interventions and supports implemented by the school district. The State Superintendent of Public Instruction shall annually prescribe the required components of the reports, and

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

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

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

- a. the provisions of this section relating to public school student progression and the policies and procedures of the school district on student retention and promotion,
- b. by grade, the number and percentage of all students in grades three through ten performing below the proficient level on the reading portion of the statewide ~~critierion-referenced tests~~ assessment administered pursuant to Section 1210.508 of this title,

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

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

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

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

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

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

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

4. The number and percentage of students scoring at each performance level on the reading portion of the statewide third-grade ~~critierion-referenced test~~ assessment administered pursuant to Section 1210.508 of this title;

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

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

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

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

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

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

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

1. A student enrolled in a public school shall successfully complete the reading portion of the ~~state critierion-referenced test~~ statewide assessment administered pursuant to Section 1210.508 of this title and that is offered in the eighth grade. Following the administration of this ~~test~~ assessment in the eighth grade, any student not successfully completing the reading portion shall be assigned a plan of remedial reading. Any student not successful in

completing the reading portion of the state ~~riterion-referenced test~~ assessment may take a comparable alternative reading proficiency test in order to satisfy the criteria for a driver license or permit. Alternative reading proficiency tests shall be approved by the State Department of Education. Subsequent successful completion of an alternative reading proficiency test shall serve to satisfy any ~~test-retaking~~ retake requirement ~~which may be required~~ for the reading portion of the state ~~riterion-referenced test~~ assessment in the eighth grade in the Oklahoma School Testing Program. School districts shall notify, in writing, each student who takes the reading portion of the state ~~riterion-referenced test~~ assessment for the eighth grade or who takes an alternative reading proficiency test and the student's parent or legal guardian of the ~~test~~ results. If the student fails to perform satisfactorily on the test, the notice shall inform the student of the reading proficiency driver license requirement and the school's remediation plan for the student. Upon the student's successful completion of the test, the school shall furnish the student with the documentation needed for the driver license application in Oklahoma;

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

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

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

C. A school district shall provide for alternative documentation of reading proficiency for the purposes of paragraph 2

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

D. Any person under the age of eighteen (18) who has previously completed and successfully passed a reading proficiency test from another state may submit the results of such test to the State Department of Education for verification and approval. The State Department of Education shall have thirty (30) days from receipt of the reading proficiency results submitted by the person to verify that the reading proficiency requirements from the other state are equivalent or comparable to the reading proficiency requirements established for Oklahoma students pursuant to this section. Upon verification and approval by the State Department of Education, the Department shall furnish the person with the documentation needed for the driver license application in Oklahoma. If the reading proficiency documentation submitted by the person is disapproved by the Department, the person may take an alternative reading proficiency test as provided for in subsection B of this section.

SECTION 9. AMENDATORY 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), is amended to read as follows:

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

B. The Commission for Educational Quality and Accountability shall have the authority to set cut scores using any method which

the State Board of Education was authorized to use in setting cut scores prior to July 1, 2013.

C. The performance levels shall be set by a method that indicates students are ready for the next grade, course, or level of education, as applicable. The Commission for Educational Quality and Accountability shall establish panels to review and revise the performance level descriptors for each subject and grade level. The Commission shall ensure that the ~~critierion-referenced tests~~ assessments developed and administered by the State Board of Education pursuant to the Oklahoma School Testing Program Act in grades three through eight and ~~the end-of-instruction tests~~ administered at the secondary level are vertically aligned by content across grade levels to ensure consistency, continuity, alignment and clarity. The Commission shall adopt performance levels that are labeled and defined as follows:

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

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

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

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

D. The State Board of Education shall develop and implement in accordance with the Elementary and Secondary Education Act of ~~2001~~ 1965 (ESEA), as reauthorized and amended by P.L. No. 107-110 114-95, also known as the ~~No Child Left Behind Act of 2001~~ Every Student Succeeds Act (ESSA), an accountability system as provided for in 20 U.S.C., 6311 and any related federal regulations. The accountability system shall be implemented beginning with the 2002-2003 school year and shall be based on the data as established pursuant to Section 1210.545 of this title and as modified to meet the mandates of the ESEA. For the 2002-2003 school year and every year thereafter the State Board of Education shall publish and ensure that each local education agency is provided with data annually by site so that the local education agency can make

determinations to identify schools for rewards and sanctions. The State Board of Education shall establish a system of recognition, rewards, sanctions and technical assistance, as required by state law and the Elementary and Secondary Education Act of ~~2001~~ 1965 (ESEA) as reauthorized and amended by P.L. No. 114-95, also known as the Every Student Succeeds Act (ESSA).

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

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

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

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

SECTION 10. AMENDATORY 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), is amended to read as follows:

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

2. The Board shall study and may recommend revisions to the Legislature to the calculation metrics of all components of the school report cards to ensure that the evaluation system is clear, transparent, statistically trustworthy, credible, and aligned with the state assessment system. The Board shall seek certification from the Oklahoma State Regents for Higher Education that recommended revisions, if adopted, will improve the clarity, transparency, statistical trustworthiness, credibility, and alignment of the evaluation system. The State Regents shall provide the Board a detailed description of the certification process and results, including a list of any deficiencies the State Regents find with the study or the resulting recommendations. The Board shall issue a report by December 31, 2015, and submit a copy of the report to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate. The Board shall prescribe the design and content of the reports, which shall include, without limitation, descriptions of the performance of all schools participating in the Oklahoma School Testing Program and all of the major student populations as determined by the Board, and shall also include the median scores of all eligible students who scored at or in the lowest twenty-fifth percentile of the state in the previous school year. The confidentiality of individual student records shall be preserved as required by law.

B. The annual report as required pursuant to subsection A of this section shall identify school sites as having one of the following grades, defined according to rules of the State Board of 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 the school serving a combination of students in kindergarten through grade three are scheduled to be assigned to the graded school; and

3. The academic performance of students who are enrolled full-time in an online program that is offered by a school district or charter school that is not the district of residence or is not located in the district of residence of the student shall be reported separately by the school district or charter school and shall not be included when determining the grade of the school site or charter school.

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

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

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

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

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

1. For schools comprised of high school grades:
  - a. five points for meeting the criteria for an "A" for the high school graduation rate of the school, as defined by rules adopted by the Board,
  - b. one point for meeting the criteria for an "A" for performance or participation of students in College Board Advanced Placement courses, International Baccalaureate courses, concurrent enrollment courses, Advanced International Certificate of Education courses, or the achievement of students on national industry certification, as defined by rules adopted by the Board,
  - c. one point for meeting the criteria for an "A" for participation or performance in SAT tests administered by the College Board or the American College Test (ACT), as defined by rules adopted by the Board,
  - d. one point for meeting the criteria for an "A" for the high school graduation rate of students who scored at limited knowledge or unsatisfactory on the eighth-grade ~~riterion-referenced tests~~ assessments in reading and mathematics administered pursuant to Section 1210.508 of this title,
  - e. as valid data becomes available, one point for the performance of students on the ~~end-of-instruction tests~~ high school assessments administered under Section 1210.508 of this title, as defined by rules adopted by the Board, and

f. one point for the growth or decline in the components listed in subparagraphs a through e of this paragraph from year to year, as defined by rules adopted by the Board;

2. For schools comprised of middle school grades:

a. two points for meeting the criteria for an "A" for the drop-out rate of the school, as defined by rules adopted by the Board,

b. two points for meeting the criteria for an "A" for the percentage of students who are taking higher level coursework at a satisfactory or higher level, as defined by rules adopted by the Board, and

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

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

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

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

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

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

b. the participation rate 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, 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,
- e. earning of a national industry certification identified pursuant to rules adopted by the Board,
- f. the aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT test administered by the College Board and the ACT,
- g. the high school graduation rate of all eligible students enrolled in the school who scored at limited knowledge or unsatisfactory on the eighth-grade ~~eriterion-referenced tests~~ assessments in reading and mathematics administered under Section 1210.508 of this title,
- h. the performance of students on statewide ~~end-of-instruction tests~~ high school assessments administered under Section 1210.508 of this title, and

- i. the growth or decline in the data components listed in subparagraphs a through h of this paragraph from year to year.

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

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

H. The annual report shall identify the performance of each school as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the student and school performance data of the current year to the

previous year data. Schools that improve at least one grade level are eligible for school recognition as established by the Board through the accountability system developed pursuant to Section 1210.541 of this title.

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

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

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

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

SECTION 12. REPEALER 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), are hereby repealed.

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

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

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

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 25th day of May, 2016.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
By: \_\_\_\_\_