

**OKLAHOMA HOUSE OF REPRESENTATIVES
COMMITTEE REPORT**

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JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

HB3218

By: Sears et al of the House
 Jolley et al of the Senate

Title: Schools; modifying school testing requirements; effective date;
 emergency.

Coauthored By: Add as coauthor Representative Strohm
 Add as coauthor Representative Brumbaugh
 Add as coauthor Representative Martin
 Add as coauthor Representative Derby
 Add as coauthor Representative Osborn

Recommendation: **DO PASS AS AMENDED BY CS**

Amendments:

1. Committee Substitute Attached



Chr.
Representative Earl Sears

YEAS: 20

Billy, Brown, Casey, Coody (A), Cox, Inman, Johnson, Martin, McCullough, McDaniel (J), McDaniel (R), Ortega, Osborn, Ownbey, Peterson, Rousselot, Russ, Sanders, Sears, Wesselhoft

NAYS: 2

McPeak, Nelson

**OKLAHOMA STATE SENATE
JOINT
COMMITTEE REPORT**

May 20, 2016

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

HB 3218

By: Sears of the House and Jolley and Treat of the Senate

Title: Schools; modifying school testing requirements; effective date; emergency.

Recommendation: **DO PASS AS AMENDED**

Aye: Allen, Anderson, Barrington, Bass, Bice, Boggs, Brooks, Brown, Crain, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Justice, Loveless, Marlatt, Matthews, Newberry, Paddack, Pittman, Quinn, Sharp, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Wyrick, Yen, Treat

Nay: Brecheen

Pass:

Senator Clark Jolley, Chair

Committee Substitute, motion by Senator FORD - Adopted (Request No: 10120)

CONSTITUTIONAL PRIVILEGE: 0

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3218

By: Sears and Casey of the
House

and

Jolley and Treat of the
Senate

COMMITTEE SUBSTITUTE

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

1 administered during certain school years; allowing
2 certain types of assessments to be included in the
3 statewide student assessment system; requiring
4 students to take certain assessments in order to
5 graduate from high school; requiring students to meet
6 certain other high school graduation requirements
7 adopted by the Board; directing school districts to
8 adopt an assessment plan for certain students;
9 directing the Board to promulgate rules to ensure
10 that certain transferred students can be awarded a
11 standard diploma; requiring assessments scores to be
12 reported on the high school transcript of students;
13 modifying remediation requirement; deleting
14 requirement to administer certain criterion-
15 referenced tests; deleting requirement to administer
16 certain end-of-instruction tests; deleting certain
17 retake requirements; deleting requirement to report
18 end-of-instruction test scores on high school
19 transcripts; deleting arts assessment requirements
20 and reports; changing references from criterion-
21 referenced tests and end-of-instruction tests to
22 assessments; adding date for reporting preliminary
23 results; modifying uses of certain data; deleting
24 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
assessments 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;

1 amending 70 O.S. 2011, Sections 1210.508B, as amended
2 by Section 9, Chapter 430, O.S.L. 2014 and 1210.508C,
3 as last amended by Section 1, Chapter 364, O.S.L.
4 2015 (70 O.S. Supp. 2015, Sections 1210.508B and
5 1210.508C), which relate to the Reading Sufficiency
6 Act; amending 70 O.S. 2011, Section 1210.515, as
7 amended by Section 1, Chapter 337, O.S.L. 2013 (70
8 O.S. Supp. 2015, Section 1210.515), which relates to
9 reading ability required for a driver license or
10 permit; amending 70 O.S. 2011, Section 1210.541, as
11 last amended by Section 1, Chapter 163, O.S.L. 2014
12 (70 O.S. Supp. 2015, Section 1210.541), which relates
13 to student performance levels and cut scores;
14 amending 70 O.S. 2011, Section 1210.545, as last
15 amended by Section 1, Chapter 362, O.S.L. 2015 (70
16 O.S. Supp. 2015, Section 1210.545), which relates to
17 annual reports of the Oklahoma School Testing
18 Program; changing references from criterion-
19 referenced tests and end-of-instruction tests to
20 assessments; clarifying statutory language; updating
21 statutory citation; directing the State Department of
22 Education to include certain explanation in school
23 report cards during certain years; requiring the
24 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.

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;

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

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

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

23 7. "School nurse" means a person employed full time by a board
24 of education who is a registered nurse licensed by the Oklahoma

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

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

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

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

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

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

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

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

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

7 a. is employed by a school district prior to the 2017-
8 2018 school year and has completed three (3) or more
9 consecutive complete school years as a teacher in one
10 school district under a written continuing or
11 temporary teaching contract, or

12 b. is employed for the first time by a school district
13 under a written continuing or temporary teaching
14 contract during the 2017-2018 school year and
15 thereafter:

16 (1) has completed three (3) consecutive complete
17 school years as a teacher in one school district
18 under a written continuing or temporary teaching
19 contract and has achieved a district evaluation
20 rating of "superior" as measured pursuant to the
21 TLE as set forth in Section 6-101.16 of this
22 title for at least two (2) of the three (3)
23 school years,

- 1 (2) has completed four (4) consecutive complete
2 school years as a teacher in one school district
3 under a written continuing or temporary teaching
4 contract, has averaged a district evaluation
5 rating of at least "effective" as measured
6 pursuant to the TLE for the four-year period, and
7 has received district evaluation ratings of at
8 least "effective" for the last two (2) years of
9 the four-year period, or
- 10 (3) has completed four (4) or more consecutive
11 complete school years in one school district
12 under a written continuing or temporary teaching
13 contract and has not met the requirements of
14 subparagraph a or b of this paragraph, only if
15 the principal of the school at which the teacher
16 is employed submits a petition to the
17 superintendent of the school district requesting
18 that the teacher be granted career status, the
19 superintendent agrees with the petition, and the
20 school district board of education approves the
21 petition. The principal shall specify in the
22 petition the underlying facts supporting the
23 granting of career status to the teacher;
- 24

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

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

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

15 b. is employed for the first time by a school district
16 under a written teaching contract during the 2017-2018
17 school year and thereafter and has not met the
18 requirements for career teacher as provided in
19 paragraph 4 of this section;

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

23 8. "Teacher" means a ~~duly certified person who is employed to~~
24 ~~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~~

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

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

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

21 E. The State Board of Education shall post on the Internet
22 ~~criterion-referenced~~ sample ~~tests~~ assessments for each grade level
23 and subject matter ~~test~~ assessment administered to students pursuant
24 to the Oklahoma School Testing Program Act for the purpose of

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

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

1 cause problems with student participation, the Board may stop or
2 cancel the online or computer-based assessment and administer the
3 assessment by another means.

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

7 Section 1210.508 A. 1. ~~The~~ By no later than December 31,
8 2016, the State Board of Education shall ~~develop and administer a~~
9 ~~series of criterion-referenced tests designed to indicate whether~~
10 ~~the subject matter standards, as defined by the State Board of~~
11 ~~Education, which Oklahoma public school students are expected to~~
12 ~~have attained have been achieved. The Board may develop and~~
13 ~~administer any criterion-referenced test in any subject not required~~
14 ~~by federal law, contingent upon the availability of funding~~ adopt a
15 statewide system of student assessments in compliance with the
16 Elementary and Secondary Education Act of 1965 (ESEA), as
17 reauthorized and amended by P.L. No. 114-95, also known as the Every
18 Student Succeeds Act (ESSA).

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

23 B. 1. The Board shall issue a request for proposals for the
24 selection of assessments to be administered to students in grades

1 three through twelve as a part of the statewide student assessment
2 system adopted by the Board pursuant to this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 a. assessments in Reading and Writing in certain grades
21 as determined by the Board, and

22 b. contingent upon the availability of funds, an
23 additional nationally recognized college- and career-
24 readiness assessment or assessments as recommended by

1 the State Department of Education which will be
2 administered to students in high school at no cost to
3 the student.

4 F. 1. Beginning with students entering the ninth grade in the
5 2017-2018 school year, each student shall take the assessment or
6 assessments included in the statewide student assessment system
7 adopted by the Board pursuant to subsection A of this section in
8 order to graduate from a public high school with a standard diploma.
9 All students shall take the assessment or assessments prior to
10 graduation, unless otherwise exempt by law.

11 2. Beginning with students entering the ninth grade in the
12 2017-2018 school year, each student, in addition to taking the
13 assessment or assessments included in the statewide student
14 assessment system adopted by the Board pursuant to subsection A of
15 this subsection, shall meet any other high school graduation
16 requirements adopted by the Board pursuant to Section 5 of this act
17 in order to graduate from a public high school with a standard
18 diploma.

19 3. For students who start the ninth grade prior to or during
20 the 2016-2017 school year, school districts shall adopt a plan that
21 establishes the assessment or assessments those students are
22 required to take in order to graduate from a public high school with
23 a standard diploma. The plan may also include any or all of the
24 other high school graduation requirements adopted by the Board

1 pursuant to Section 5 of this act that those students will be
2 required to meet in order to graduate from a public high school with
3 a standard diploma.

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

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

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

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

1 a. ~~reading, and~~

2 b. ~~mathematics.~~

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

5 a. ~~reading,~~

6 b. ~~mathematics,~~

7 c. ~~science,~~

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

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

10 ~~geography, and~~

11 e. ~~writing of English.~~

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

15 a. ~~reading, and~~

16 b. ~~mathematics.~~

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

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

21 a. ~~reading,~~

22 b. ~~mathematics,~~

23 c. ~~science,~~

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

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

8 ~~6. Except as otherwise provided for in Section 1210.523 of this~~
9 ~~title, each student who completes the instruction for English II,~~
10 ~~English III, United States History, Biology I, Algebra I, Geometry,~~
11 ~~and Algebra II at the secondary level shall complete an end-of-~~
12 ~~instruction test, when implemented, to measure for attainment in the~~
13 ~~appropriate subject matter standards in order to graduate from a~~
14 ~~public high school with a standard diploma. All students shall take~~
15 ~~the tests prior to graduation, unless otherwise exempt by law. The~~
16 ~~State Board of Education shall administer the criterion-referenced~~
17 ~~tests. The Board shall develop and field test the end-of-~~
18 ~~instruction tests in English III, Geometry, and Algebra II during~~
19 ~~the 2006-07 school year, implement the tests during the 2007-08~~
20 ~~school year, and administer them each year thereafter. The Board~~
21 ~~shall administer the multiple choice portion of the end-of-~~
22 ~~instruction tests online with raw score test results reported~~
23 ~~immediately and complete results reported in less than two (2) weeks~~
24 ~~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~~

1 ~~fine arts area in which the student has received~~
2 ~~instruction.~~

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

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

22 2. The State Department of Education shall annually evaluate
23 the results of the ~~critterion-refereneed tests~~ assessments. The
24 State Board of Education shall ensure that ~~test~~ preliminary results

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

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

24

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

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

15 ~~C. J.~~ 1. The State Board of Education shall ~~set~~ promulgate
16 rules setting the testing assessment window dates for each
17 ~~criterion-referenced test required in paragraphs 1 through 5 of~~
18 ~~subsection A of this section for grades three through eight~~
19 statewide assessment so that, ~~with the exception of the writing~~
20 ~~assessments,~~ the ~~tests~~ assessments are administered ~~to students no~~
21 ~~earlier than April 10 each year~~ according to recommended testing
22 protocols, and so that the ~~test~~ assessment results are reported back
23 to school districts in a timely manner. ~~Each criterion-referenced~~
24 ~~test required in paragraph 6 of subsection A of this section may be~~

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

22 2. State, district, and site level results of all ~~tests~~
23 assessments required in this section shall be disaggregated by
24 gender, race, ethnicity, disability status, migrant status, English

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

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

22 ~~E. L.~~ The State Board of Education shall develop, administer,
23 and incorporate as a part of the Oklahoma School Testing Program,
24 other ~~testing~~ assessment programs or procedures, including

1 appropriate accommodations for the ~~testing~~ assessment of students
2 with disabilities as required by the Individuals with Disabilities
3 Education Act (IDEA), 20 ~~USE~~ U.S.C., Section 1400 et seq.

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

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

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

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

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

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

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

22 5. Establishment of a multimeasures approach to accountability,
23 as required in Section 1210.545 of Title 70 of the Oklahoma Statutes
24 and in accordance with the Elementary and Secondary Education Act of

1 1965, as reauthorized and amended by P.L. No. 114-95, also known as
2 the Every Student Succeeds Act (ESSA) and any federal regulations,
3 and that include, but are not limited to, the following indicators:

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

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

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

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

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

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

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

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

18 7. Upon final approval of the assessment requirements, the
19 requirements shall be considered final agency rules. The Board
20 shall submit a copy of the assessment requirements to the Secretary
21 of State, who shall include the requirements in the publication
22 known as the "Oklahoma Administrative Code" in the same manner as
23 agency rules are published in the Code as provided for in the
24 Administrative Procedures Act. All assessment requirements approved

1 and published as provided for in this subsection shall have the same
2 force and effect of law as agency rules promulgated pursuant to the
3 Administrative Procedures Act.

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

12 SECTION 6. AMENDATORY 70 O.S. 2011, Section 1210.508B,
13 as amended by Section 9, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
14 2015, Section 1210.508B), is amended to read as follows:

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

23 B. The purpose of the Reading Sufficiency Act is to ensure that
24 each child attains the necessary reading skills by completion of the

1 third grade which will enable that student to continue development
2 of reading skills and to succeed throughout school and life.

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

14 D. The reading goal for Oklahoma public schools is as follows:
15 By July 1, 2008, and each year thereafter, all third-grade students
16 will read at or above grade level by the end of their third-grade
17 year, excluding up to fifteen percent (15%) of those students who
18 have an individualized education program (IEP), pursuant to the
19 Individuals with Disabilities Education Act (IDEA), and excluding
20 those students who are English language learners who have been
21 determined not to be proficient in English as defined by a state-
22 designated English proficiency assessment. To achieve the reading
23 goal, each public elementary school shall:

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

7 2. Set and achieve annual improvement goals necessary to
8 progress from the baseline established in 2005 to the reading goal
9 by July 1, 2008. The annual improvement goals shall be included in
10 the district's reading sufficiency plan required in Section
11 1210.508C of this title.

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

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

22 Section 1210.508C A. 1. Each student enrolled in kindergarten
23 in a public school in this state shall be screened for reading
24 skills including, but not limited to, phonemic awareness, letter

1 recognition, and oral language skills as identified in the subject
2 matter standards adopted by the State Board of Education. A
3 screening instrument approved by the State Board shall be utilized
4 for the purposes of this section.

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

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

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

21 2. Any student who is assessed and found not to be reading at
22 the appropriate grade level shall be provided a program of reading
23 instruction designed to enable the student to acquire the
24 appropriate grade level reading skills. Beginning with students

1 entering the first grade in the 2011-2012 school year, the program
2 of reading instruction shall include provisions of the READ
3 Initiative adopted by the school district as provided for in
4 subsection O of this section.

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

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

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

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

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

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

21 5. Accompanied by a data management system that provides
22 profiles for students, class, grade level and school building. The
23 profiles shall identify each student's instructional point of need
24 and reading achievement level. The State Board shall also determine

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

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

- 12 a. sufficient additional in-school instructional time for
13 the acquisition of phonemic awareness, phonics,
14 reading fluency, vocabulary, and comprehension,
- 15 b. if necessary, tutorial instruction after regular
16 school hours, on Saturdays and during summer; however,
17 such instruction may not be counted toward the one-
18 hundred-eighty-day or one-thousand-eighty-hour school
19 year required in Section 1-109 of this title, and
- 20 c. assessments identified for diagnostic purposes and
21 periodic monitoring to measure the acquisition of
22 reading skills including, but not limited to, phonemic
23 awareness, phonics, reading fluency, vocabulary, and
24

1 comprehension, as identified in the student's program
2 of reading instruction.

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

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

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

22 F. 1. Every school district shall adopt, and implement a
23 district reading sufficiency plan which has had input from school
24 administrators, teachers, and parents and if possible a reading

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

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

23 G. For any third-grade student found not to be reading at grade
24 level as determined by reading assessments administered pursuant to

1 this section, a new program of reading instruction, including
2 provisions of the READ Initiative adopted by the school district as
3 provided for in subsection O of this section, shall be developed and
4 implemented as specified in this section. If possible, a fourth-
5 grade teacher shall be involved in the development of the program of
6 reading instruction. In addition to other requirements of the
7 Reading Sufficiency Act, the plan may include specialized tutoring.

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

18 2. If a third-grade student is identified at any point of the
19 academic year as having a significant reading deficiency, which
20 shall be defined as scoring below proficient on a screening
21 instrument which meets the acquisition of reading skills criteria
22 pursuant to subsection B of this section, the district shall
23 immediately begin a student reading portfolio as provided by
24

1 subsection K of this section and shall provide notice to the parent
2 of the deficiency pursuant to subsection I of this section.

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

12 4. a. For the 2015-2016 school year, a student not eligible
13 for automatic promotion as provided for under
14 paragraph 3 of this subsection and who scores at the
15 unsatisfactory level on the reading portion of the
16 third-grade statewide criterion-referenced test may be
17 evaluated for "probationary promotion" by the Student
18 Reading Proficiency Team. For the 2016-2017 and 2017-
19 2018 school years, a student not eligible for
20 automatic promotion as provided for under paragraph 3
21 of this subsection and who scores at the
22 unsatisfactory or limited knowledge levels on the
23 reading portion of the third-grade statewide
24 criterion-referenced test may be evaluated for

1 "probationary promotion" by the Student Reading
2 Proficiency Team. The Student Reading Proficiency
3 Team shall be composed of:

- 4 (1) the parent(s) and/or guardian(s) of the student,
- 5 (2) the teacher assigned to the student who had
6 responsibility for reading instruction in that
7 academic year,
- 8 (3) a teacher in reading who teaches in the
9 subsequent grade level, and
- 10 (4) a certified reading specialist.

11 b. The student shall be promoted to the fourth grade if
12 the team members unanimously recommend "probationary
13 promotion" to the school principal and the school
14 district superintendent and the principal and
15 superintendent approve the recommendation that
16 promotion is the best option for the student. If a
17 student is allowed a "probationary promotion", the
18 team shall continue to review the reading performance
19 of the student and repeat the requirements of this
20 paragraph each academic year until the student
21 demonstrates grade-level reading proficiency, as
22 identified through a screening instrument which meets
23 the acquisition of reading skills criteria pursuant to
24 subsection B of this section, for the corresponding

1 grade level in which the student is enrolled or
2 transitions to the requirements set forth by the
3 Achieving Classroom Excellence Act.

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

13 6. Each school district shall annually report to the State
14 Department of Education the number of students promoted to the
15 fourth grade pursuant to this subsection. Following the 2015-2016,
16 2016-2017 and 2017-2018 school years, each school district shall
17 report the number of students promoted to a subsequent grade
18 pursuant to the provisions in paragraph 4 of this subsection. The
19 State Department of Education shall publicly report the aggregate
20 and district specific number of students promoted on their website
21 and shall provide electronic copies of the report to the Governor,
22 Secretary of Education, President Pro Tempore of the Senate, Speaker
23 of the House of Representatives, and to the respective chairs of the
24

1 committees with responsibility for common education policy in each
2 legislative chamber.

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

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

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

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

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

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

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

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

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

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

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

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

22 K. For those students who do not meet the academic requirements
23 for promotion and who are not otherwise promoted as provided for in
24 subsection H of this section, a school district may promote the

1 student for good cause only. Good-cause exemptions for promotion
2 shall be limited to the following:

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

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

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

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

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

23 6. Students who have received intensive remediation in reading
24 through a program of reading instruction for two (2) or more years

1 but still demonstrate a deficiency in reading and who were
2 previously retained in prekindergarten for academic reasons,
3 kindergarten, first grade, second grade, or third grade for a total
4 of two (2) years; and

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

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

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

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

1 portfolio work and the individual education plan (IEP), as
2 applicable;

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

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

12 N. Each school district shall:

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

23 2. Provide to students who have been retained as set forth in
24 subsection H of this section with intensive interventions in

1 reading, intensive instructional services and supports to remediate
2 the identified areas of reading deficiency, including a minimum of
3 ninety (90) minutes of daily, uninterrupted, scientific-research-
4 based reading instruction. Retained students shall be provided
5 other strategies prescribed by the school district, which may
6 include, but are not limited to:

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

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

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

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

21 6. In addition to required reading enhancement and acceleration
22 strategies, provide students who are retained with at least one of
23 the following instructional options:
24

- 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

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

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

1 grade levels in one (1) school year. The Intensive
2 Acceleration Class shall:

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

1 (6) include weekly progress monitoring measures to
2 ensure progress is being made, and

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

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

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

22 P. In addition to the requirements set forth in this section,
23 each school district board of education shall annually report to the
24 parent or guardian of each student in the district the progress of

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

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

- 15 a. the provisions of this section relating to public
16 school student progression and the policies and
17 procedures of the school district on student retention
18 and promotion,
- 19 b. by grade, the number and percentage of all students in
20 grades three through ten performing below the
21 proficient level on the reading portion of the
22 statewide ~~criterion-referenced tests~~ assessment
23 administered pursuant to Section 1210.508 of this
24 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

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

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

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

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

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

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

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

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

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

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

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

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

20 1. A student enrolled in a public school shall successfully
21 complete the reading portion of the ~~state criterion-referenced test~~
22 statewide assessment administered pursuant to Section 1210.058 of
23 this title and that is offered in the eighth grade. Following the
24 administration of this ~~test~~ assessment in the eighth grade, any

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

23 2. Unless alternatively documented according to the provisions
24 of subsection C of this section, students under the age of eighteen

1 (18) years shall successfully complete a reading proficiency test
2 approved by the State Department of Education; and

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

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

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

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

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

1 proficiency documentation submitted by the person is disapproved by
2 the Department, the person may take an alternative reading
3 proficiency test as provided for in subsection B of this section.

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

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

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

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

1 content across grade levels to ensure consistency, continuity,
2 alignment and clarity. The Commission shall adopt performance
3 levels that are labeled and defined as follows:

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

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

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

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

15 D. The State Board of Education shall develop and implement in
16 accordance with the Elementary and Secondary Education Act of ~~2001~~
17 1965 (ESEA), as reauthorized and amended by P.L. No. 107-110 114-95,
18 also known as the ~~No Child Left Behind Act of 2001~~ Every Student
19 Succeeds Act (ESSA), an accountability system as provided for in 20
20 U.S.C., 6311 and any related federal regulations. The
21 accountability system shall be implemented beginning with the 2002-
22 2003 school year and shall be based on the data as established
23 pursuant to Section 1210.545 of this title and as modified to meet
24 the mandates of the ESEA. For the 2002-2003 school year and every

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

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

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

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

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

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

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

18 2. The Board shall study and may recommend revisions to the
19 Legislature to the calculation metrics of all components of the
20 school report cards to ensure that the evaluation system is clear,
21 transparent, statistically trustworthy, credible, and aligned with
22 the state assessment system. The Board shall seek certification
23 from the Oklahoma State Regents for Higher Education that
24 recommended revisions, if adopted, will improve the clarity,

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

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

- 23 1. "A" means schools making excellent progress;
- 24 2. "B" means schools making above average progress;

1 3. "C" means schools making satisfactory progress;

2 4. "D" means schools making less than satisfactory progress;

3 and

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

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

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

15 2. A school that serves any combination of students in
16 kindergarten through grade three which does not receive a school
17 grade because the students are not tested and included in the school
18 grading system shall receive the school grade designation of a
19 feeder pattern school identified by the State Department of
20 Education and verified by the school district. A school feeder
21 pattern exists if at least sixty percent (60%) of the students in
22 the school serving a combination of students in kindergarten through
23 grade three are scheduled to be assigned to the graded school; and

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

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

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

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

22 3. Twenty-five percent (25%) on growth in the bottom quartile
23 of students, as measured by allocating one point for each student in
24 the bottom quartile who improves proficiency levels or improves

1 substantially within a proficiency level on ~~critierion-referenced~~
2 ~~tests and end-of-instruction tests~~ assessments administered under
3 Section 1210.508 of this title divided by the number of students
4 taking the ~~tests~~ assessments.

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

8 1. For schools comprised of high school grades:

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

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

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

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

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

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

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

19 b. the participation rate of all eligible students
20 enrolled in the school in College Board Advanced
21 Placement courses whether taught at a high school, a
22 technology center school, or a regional site of the
23 Oklahoma School of Science and Mathematics,
24 International Baccalaureate courses, concurrent

1 enrollment courses, Advanced International Certificate
2 of Education courses, courses or sequence of courses
3 leading to national industry certification identified
4 pursuant to rules adopted by the Board, courses or
5 sequence of courses granted cooperative college
6 alliance credit taken at a technology center school,
7 and science, technology, engineering and mathematics
8 courses taken at a regional site of the Oklahoma
9 School of Science and Mathematics,

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

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

22 e. earning of a national industry certification
23 identified pursuant to rules adopted by the Board,
24

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

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

- 23 1. Ninety-seven percent (97%) to one hundred percent (100%) =
24 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.

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

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

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

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

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

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

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

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