

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1823

By: Martin of the House and Jolley of the Senate

Title: Schools; Oklahoma School Testing Program; directing Board to study and make recommendations for calculation metrics of school report cards; emergency.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House concurs in the Senate Amendment.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

SENATE CONFEREES

Jolley	_____
Ford	_____
Stanislawski	_____
Sharp	_____
Smalley	_____
Garrison	_____
Floyd	_____

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1823

By: Martin and McCullough of
the House

and

Jolley of the Senate

8 An Act relating to schools; amending 70 O.S. 2011,
Section 1210.545, as last amended by Section 2,
9 Chapter 163, O.S.L. 2014 (70 O.S. Supp. 2014, Section
1210.545), which relates to the annual reports for
10 the Oklahoma School Testing Program; directing the
Board to study and make recommendations for the
11 calculation metrics of the school report cards;
requiring submission of a report by certain date; and
12 declaring an emergency.

13
14
15 AUTHOR: Add the following House Coauthor: Caldwell

16 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

17
18 "An Act relating to schools; amending 70 O.S. 2011,
Section 1210.545, as last amended by Section 2,
19 Chapter 163, O.S.L. 2014 (70 O.S. Supp. 2014, Section
1210.545), which relates to the annual reports for
20 the Oklahoma School Testing Program; directing the
Board to study and make recommendations for the
21 calculation metrics of the school report cards;
directing the Board to seek certain certification;
22 directing the State Regents for Higher Education to
provide certain description; requiring submission of
23 a report by certain date; and declaring an emergency.

1
2 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

3 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.545, as
4 last amended by Section 2, Chapter 163, O.S.L. 2014 (70 O.S. Supp.
5 2014, Section 1210.545), is amended to read as follows:

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

12 2. The Board shall study and may recommend revisions to the
13 Legislature to the calculation metrics of all components of the
14 school report cards to ensure that the evaluation system is clear,
15 transparent, statistically trustworthy, credible, and aligned with
16 the state assessment system. The Board shall seek certification
17 from the Oklahoma State Regents for Higher Education that
18 recommended revisions, if adopted, will improve the clarity,
19 transparency, statistical trustworthiness, credibility, and
20 alignment of the evaluation system. The State Regents shall provide
21 the Board a detailed description of the certification process and
22 results, including a list of any deficiencies the State Regents find
23 with the study or the resulting recommendations. The Board shall
24 issue a report by December 31, 2015, and submit a copy of the report

1 to the Governor, the Speaker of the House of Representatives, the
2 President Pro Tempore of the Senate, the Minority Leader of the
3 House of Representatives, and the Minority Leader of the Senate.

4 The Board shall prescribe the design and content of the reports,
5 which shall include, without limitation, descriptions of the
6 performance of all schools participating in the Oklahoma School
7 Testing Program and all of the major student populations as
8 determined by the Board, and shall also include the median scores of
9 all eligible students who scored at or in the lowest twenty-fifth
10 percentile of the state in the previous school year. The
11 confidentiality of individual student records shall be preserved as
12 required by law.

13 B. The annual report as required pursuant to subsection A of
14 this section shall identify school sites as having one of the
15 following grades, defined according to rules of the State Board of
16 Education:

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

21 and

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

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

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

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

20 3. The academic performance of students who are enrolled full-
21 time in an online program that is offered by a school district or
22 charter school that is not the district of residence or is not
23 located in the district of residence of the student shall be
24 reported separately by the school district or charter school and

1 shall not be included when determining the grade of the school site
2 or charter school.

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

4 1. Fifty percent (50%) on whole school performance, as measured
5 by allocating one point for each student who scores proficient or
6 advanced on the criterion-referenced tests and end-of-instruction
7 tests administered under Section 1210.508 of this title and
8 alternative test scores administered to students pursuant to Section
9 1210.523 of this title divided by the number of students taking the
10 tests;

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

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

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

4 1. For schools comprised of high school grades:

- 5 a. five points for meeting the criteria for an "A" for
6 the high school graduation rate of the school, as
7 defined by rules adopted by the Board,
- 8 b. one point for meeting the criteria for an "A" for
9 performance or participation of students in College
10 Board Advanced Placement courses, International
11 Baccalaureate courses, concurrent enrollment courses,
12 Advanced International Certificate of Education
13 courses, or the achievement of students on national
14 industry certification, as defined by rules adopted by
15 the Board,
- 16 c. one point for meeting the criteria for an "A" for
17 participation or performance in SAT tests administered
18 by the College Board or the American College Test
19 (ACT), as defined by rules adopted by the Board,
- 20 d. one point for meeting the criteria for an "A" for the
21 high school graduation rate of students who scored at
22 limited knowledge or unsatisfactory on the eighth-
23 grade criterion-referenced tests in reading and
24 mathematics,

- e. as valid data becomes available, one point for the performance of students on the end-of-instruction tests administered under Section 1210.508 of this title, as defined by rules adopted by the Board, and
- f. one point for the growth or decline in the components listed in subparagraphs a through e of this paragraph from year to year, as defined by rules adopted by the Board;

2. For schools comprised of middle school grades:

- a. two points for meeting the criteria for an "A" for the drop-out rate of the school, as defined by rules adopted by the Board,
- b. two points for meeting the criteria for an "A" for the percentage of students who are taking higher level coursework at a satisfactory or higher level, as defined by rules adopted by the Board, and
- c. six points for meeting the criteria for an "A" for attendance, as defined by rules adopted by the Board; and

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

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

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

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

- 9 a. the high school graduation rate of the school as
10 calculated by the Department,
- 11 b. the participation rate of all eligible students
12 enrolled in the school in College Board Advanced
13 Placement courses whether taught at a high school, a
14 technology center school, or a regional site of the
15 Oklahoma School of Science and Mathematics,
16 International Baccalaureate courses, concurrent
17 enrollment courses, Advanced International Certificate
18 of Education courses, courses or sequence of courses
19 leading to national industry certification identified
20 pursuant to rules adopted by the Board, courses or
21 sequence of courses granted cooperative college
22 alliance credit taken at a technology center school,
23 and science, technology, engineering and mathematics

1 courses taken at a regional site of the Oklahoma
2 School of Science and Mathematics,

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

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

15 e. earning of a national industry certification
16 identified pursuant to rules adopted by the Board,

17 f. the aggregate scores of all eligible students enrolled
18 in the school in reading, mathematics, and other
19 subjects as measured by the SAT test administered by
20 the College Board and the ACT,

21 g. the high school graduation rate of all eligible
22 students enrolled in the school who scored at limited
23 knowledge or unsatisfactory on the eighth-grade
24 criterion-referenced tests in reading and mathematics,

1 h. the performance of students on statewide end-of-
2 instruction tests administered under Section 1210.508
3 of this title, and

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

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

13 1. Ninety-seven percent (97%) to one hundred percent (100%) =
14 A+;

15 2. Ninety-three percent (93%) to ninety-six percent (96%) = A;

16 3. Ninety percent (90%) to ninety-two percent (92%) = A-;

17 4. Eighty-seven percent (87%) to eighty-nine percent (89%) =
18 B+;

19 5. Eighty-three percent (83%) to eighty-six percent (86%) = B;

20 6. Eighty percent (80%) to eighty-two percent (82%) = B-;

21 7. Seventy-seven percent (77%) to seventy-nine percent (79%) =
22 C+;

23 8. Seventy-three percent (73%) to seventy-six percent (76%) =
24 C;

- 1 9. Seventy percent (70%) to seventy-two percent (72%) = C-;
- 2 10. Sixty-seven percent (67%) to sixty-nine percent (69%) = D+;
- 3 11. Sixty-three percent (63%) to sixty-six percent (66%) = D;
- 4 12. Sixty percent (60%) to sixty-two percent (62%) = D-; and
- 5 13. Fifty-nine percent (59%) and below = F.

6 H. The annual report shall identify the performance of each
7 school as having improved, remained the same, or declined. This
8 school improvement rating shall be based on a comparison of the
9 student and school performance data of the current year to the
10 previous year data. Schools that improve at least one grade level
11 are eligible for school recognition as established by the Board
12 through the accountability system developed pursuant to Section
13 1210.541 of this title.

14 I. The State Department of Education shall annually develop, in
15 collaboration with school districts and the Office of Educational
16 Quality and Accountability, a school site report card to be
17 delivered to parents throughout each school district. The report
18 card shall include the grade for the school, information regarding
19 school improvement, an explanation of school performance as
20 evaluated in accordance with the Elementary and Secondary Education
21 Act of 2001 (ESEA), P.L. No. 107-110, also known as the No Child
22 Left Behind Act of 2001, and indicators of return on investment.
23 The report card for each school site shall be published annually by
24 the Department on its website, and every school district shall

1 provide the school site report card to the parent or guardian of
2 each student enrolled in the school site.

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

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

8 SECTION 2. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval."

12 Passed the Senate the 20th day of April, 2015.

13
14 _____
15 Presiding Officer of the Senate

16 Passed the House of Representatives the ____ day of _____,
17 2015.

18
19 _____
20 Presiding Officer of the House
21 of Representatives
22
23
24

1 ENGROSSED HOUSE
2 BILL NO. 1823

By: Martin and McCullough of
the House

3 and

4 Jolley of the Senate
5
6
7

8 An Act relating to schools; amending 70 O.S. 2011,
9 Section 1210.545, as last amended by Section 2,
10 Chapter 163, O.S.L. 2014 (70 O.S. Supp. 2014, Section
11 1210.545), which relates to the annual reports for
12 the Oklahoma School Testing Program; directing the
Board to study and make recommendations for the
calculation metrics of the school report cards;
requiring submission of a report by certain date; and
declaring an emergency.

13
14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.545, as
17 last amended by Section 2, Chapter 163, O.S.L. 2014 (70 O.S. Supp.
18 2014, Section 1210.545), is amended to read as follows:

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

1 2. The Board shall study and may recommend revisions to the
2 Legislature to the calculation metrics of all components of the
3 school report cards to ensure that the evaluation system is clear,
4 transparent, statistically trustworthy, credible and aligned with
5 the state assessment system. The Board shall issue a report by
6 December 31, 2015, and submit a copy of the report to the Governor,
7 the Speaker of the House of Representatives, the President Pro
8 Tempore of the Senate, the Minority Leader of the House of
9 Representatives and the Minority Leader of the Senate. The Board
10 shall prescribe the design and content of the reports, which shall
11 include, without limitation, descriptions of the performance of all
12 schools participating in the Oklahoma School Testing Program and all
13 of the major student populations as determined by the Board, and
14 shall also include the median scores of all eligible students who
15 scored at or in the lowest twenty-fifth percentile of the state in
16 the previous school year. The confidentiality of individual student
17 records shall be preserved as required by law.

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

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

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

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

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

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

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

23 3. The academic performance of students who are enrolled full-
24 time in an online program that is offered by a school district or

1 charter school that is not the district of residence or is not
2 located in the district of residence of the student shall be
3 reported separately by the school district or charter school and
4 shall not be included when determining the grade of the school site
5 or charter school.

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

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

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

20 3. Twenty-five percent (25%) on growth in the bottom quartile
21 of students, as measured by allocating one point for each student in
22 the bottom quartile who improves proficiency levels or improves
23 substantially within a proficiency level on criterion-referenced
24 tests and end-of-instruction tests administered under Section

1 1210.508 of this title divided by the number of students taking the
2 tests.

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

6 1. For schools comprised of high school grades:

7 a. five points for meeting the criteria for an "A" for
8 the high school graduation rate of the school, as
9 defined by rules adopted by the Board,

10 b. one point for meeting the criteria for an "A" for
11 performance or participation of students in College
12 Board Advanced Placement courses, International
13 Baccalaureate courses, concurrent enrollment courses,
14 Advanced International Certificate of Education
15 courses, or the achievement of students on national
16 industry certification, as defined by rules adopted by
17 the Board,

18 c. one point for meeting the criteria for an "A" for
19 participation or performance in SAT tests administered
20 by the College Board or the American College Test
21 (ACT), as defined by rules adopted by the Board,

22 d. one point for meeting the criteria for an "A" for the
23 high school graduation rate of students who scored at
24 limited knowledge or unsatisfactory on the eighth-

1 grade criterion-referenced tests in reading and
2 mathematics,

3 e. as valid data becomes available, one point for the
4 performance of students on the end-of-instruction
5 tests administered under Section 1210.508 of this
6 title, as defined by rules adopted by the Board, and

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

11 2. For schools comprised of middle school grades:

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

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

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

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

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

3 1. The aggregate scores of all eligible students enrolled in
4 the school who have been administered the criterion-referenced tests
5 and end-of-instruction tests administered under Section 1210.508 of
6 this title; and

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

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

13 b. the participation rate of all eligible students
14 enrolled in the school in College Board Advanced
15 Placement courses whether taught at a high school, a
16 technology center school, or a regional site of the
17 Oklahoma School of Science and Mathematics,
18 International Baccalaureate courses, concurrent
19 enrollment courses, Advanced International Certificate
20 of Education courses, courses or sequence of courses
21 leading to national industry certification identified
22 pursuant to rules adopted by the Board, courses or
23 sequence of courses granted cooperative college
24 alliance credit taken at a technology center school,

1 and science, technology, engineering and mathematics
2 courses taken at a regional site of the Oklahoma
3 School of Science and Mathematics,

4 c. the aggregate scores of all eligible students enrolled
5 in the school in College Board Advanced Placement
6 courses whether taught at a high school, a technology
7 center school, or a regional site of the Oklahoma
8 School of Science and Mathematics, International
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11 d. earning of college credit by all eligible students
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13 programs as provided for in Section 628.13 of this
14 title and in cooperative college alliance courses
15 taken at a technology center school,

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17 identified pursuant to rules adopted by the Board,

18 f. the aggregate scores of all eligible students enrolled
19 in the school in reading, mathematics, and other
20 subjects as measured by the SAT test administered by
21 the College Board and the ACT,

22 g. the high school graduation rate of all eligible
23 students enrolled in the school who scored at limited
24

- 1 knowledge or unsatisfactory on the eighth-grade
2 criterion-referenced tests in reading and mathematics,
3 h. the performance of students on statewide end-of-
4 instruction tests administered under Section 1210.508
5 of this title, and
6 i. the growth or decline in the data components listed in
7 subparagraphs a through h of this paragraph from year
8 to year.

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

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16 A+;
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2 C;

3 9. Seventy percent (70%) to seventy-two percent (72%) = C-;

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6 12. Sixty percent (60%) to sixty-two percent (62%) = D-; and

7 13. Fifty-nine percent (59%) and below = F.

8 H. The annual report shall identify the performance of each
9 school as having improved, remained the same, or declined. This
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11 student and school performance data of the current year to the
12 previous year data. Schools that improve at least one grade level
13 are eligible for school recognition as established by the Board
14 through the accountability system developed pursuant to Section
15 1210.541 of this title.

16 I. The State Department of Education shall annually develop, in
17 collaboration with school districts and the Office of Educational
18 Quality and Accountability, a school site report card to be
19 delivered to parents throughout each school district. The report
20 card shall include the grade for the school, information regarding
21 school improvement, an explanation of school performance as
22 evaluated in accordance with the Elementary and Secondary Education
23 Act of 2001 (ESEA), P.L. No. 107-110, also known as the No Child
24 Left Behind Act of 2001, and indicators of return on investment.

1 The report card for each school site shall be published annually by
2 the Department on its website, and every school district shall
3 provide the school site report card to the parent or guardian of
4 each student enrolled in the school site.

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

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

10 SECTION 4. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 Passed the House of Representatives the 11th day of March, 2015.

15
16 _____
17 Presiding Officer of the House
of Representatives

18
19 Passed the Senate the ____ day of _____, 2015.

20
21 _____
22 Presiding Officer of the Senate
23
24