

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 168

By: Simpson

AS INTRODUCED

An Act relating to education; creating the Blind Persons Literacy Rights and Education Act; providing short title; directing an individualized education program for certain students to include certain provision; requiring an individualized education program to include certain specifications; requiring certain instruction to meet certain criteria; amending 70 O.S. 2011, Section 6-187, as last amended by Section 1, Chapter 50, O.S.L. 2017 (70 O.S. Supp. 2018, Section 6-187), which relates to competency examinations for teachers; requiring teacher candidates demonstrate certain competency beginning on certain date; allowing the State Board of Education to not issue or renew certain certificate unless certain proficiency is demonstrated; amending 70 O.S. 2011, Section 16-106, which relates to contracts to purchase textbooks; requiring the electronic version of certain textbooks to meet certain criteria; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-117 of Title 70, unless there is created a duplication in numbering, reads as follows:

1 Sections 1 and 2 of this act shall be known and may be cited as
2 the "Blind Persons Literacy Rights and Education Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 13-118 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 A. In developing an individualized education program (IEP) for
7 a student with a visual impairment, as defined in Section 18-109.5
8 of Title 70 of the Oklahoma Statutes, a provision shall be made for
9 instruction in Braille and the use of Braille, unless the student's
10 multidisciplinary evaluation team determines, after an evaluation of
11 the student's reading and writing skills, needs and appropriate
12 reading and writing media, including an evaluation of the student's
13 future needs for instruction in Braille or the use of Braille, that
14 such instruction or use is not appropriate for the student. Nothing
15 in this subsection shall require the exclusive use of Braille if
16 other special education services are appropriate to the student's
17 educational needs. The provision of other appropriate services
18 shall not preclude Braille use or instruction.

19 B. If a student's IEP includes a provision for instruction in
20 Braille and use of Braille as provided for in subsection A of this
21 section, the IEP shall specify:

22 1. The results obtained from the evaluations conducted pursuant
23 to subsection A of this section;
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1 2. How Braille will be implemented as the primary mode for
2 learning through integration with other classroom activities;

3 3. The date on which Braille instruction will commence;

4 4. The length of the period of instruction and the frequency
5 and duration of each instructional session;

6 5. The level of competency in Braille reading and writing to be
7 achieved by the end of the period and the objective assessment
8 measures to be used; and

9 6. If a decision has been made pursuant to subsection A that
10 Braille instruction or use is not required for the student.

11 C. Instruction in Braille reading and writing shall be
12 sufficient to enable each student with a visual impairment to
13 communicate effectively and efficiently with the same level of
14 proficiency expected of the student's peers of comparable ability
15 and grade level.

16 SECTION 3. AMENDATORY 70 O.S. 2011, Section 6-187, as
17 last amended by Section 1, Chapter 50, O.S.L. 2017 (70 O.S. Supp.
18 2018, Section 6-187), is amended to read as follows:

19 Section 6-187. A. Prior to July 1, 2014, a competency
20 examination shall be adopted by the Oklahoma Commission for Teacher
21 Preparation and beginning July 1, 2014, a competency examination
22 shall be adopted by the Commission for Educational Quality and
23 Accountability for the general education, professional education and
24 various subject areas and grade levels for purposes of ensuring

1 academic achievement and competency of each teacher candidate or
2 teacher in the subject area the person is seeking certification to
3 teach which shall also include certification as an administrator, as
4 prescribed by the State Board of Education.

5 The Commission, consistent with the purposes of this section,
6 shall promulgate rules and procedures to guarantee the
7 confidentiality of examinations.

8 B. No teacher candidate shall be eligible for certification
9 until successfully completing the competency examination except
10 those candidates who make application to the State Board and meet
11 the criteria for the alternative placement program pursuant to
12 Section 6-122.3 of this title. Certification shall be limited to
13 areas of approval in which the certified teacher has successfully
14 completed the examination. Subject to the provisions of subsection
15 C of this section, testing for certification for subjects in which a
16 teacher candidate or teacher is seeking a minor teaching assignment
17 or an endorsement to teach shall be limited to the specific subject
18 area test.

19 A teacher candidate or teacher may take the general education,
20 professional education or subject area portions of the examination
21 subject to any limit imposed by the Commission.

22 C. 1. Except as otherwise provided for in this subsection, a
23 teacher may be certified in as many areas as the teacher meets the
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1 necessary requirements provided by law and has successfully
2 completed the subject area portion of the examination.

3 2. Except as otherwise provided for in this paragraph,
4 certification in early childhood, elementary, or special education
5 shall require completion of an appropriate teacher education program
6 approved by the Commission.

7 Any teacher who is certified to teach elementary education may
8 be certified in early childhood education upon meeting the
9 requirements provided in law and successful completion of the
10 appropriate subject area portion of the examination. Any teacher
11 who is certified to teach early childhood education may be certified
12 in elementary education upon meeting the requirements provided in
13 law and successful completion of the appropriate subject area
14 portion of the examination. Any special education teacher who
15 becomes certified to teach through completion of an accredited
16 teacher preparation program may be certified in early childhood or
17 elementary education upon meeting the requirements provided in law
18 and successful completion of the appropriate subject portion of the
19 examination. Any teacher who becomes certified to teach through
20 completion of an accredited teacher preparation program or becomes
21 alternatively certified to teach through the Troops to Teachers
22 program may be certified in special education upon meeting the
23 requirements provided in law and successful completion of the
24 appropriate subject area portion of the examination. Any special

1 education teacher who has not completed a Commission-approved
2 teacher education program in elementary education or early childhood
3 education but who has successfully completed the subject area
4 portion of the examination may be certified in elementary education
5 or early childhood education for the purpose of providing direct
6 instruction and serving as the teacher of record for grading
7 purposes in special education settings only.

8 D. Beginning July 1, 2020, any teacher who is certified to
9 teach students with a visual impairment, as defined in Section 18-
10 109.5 of this title, shall be required to demonstrate competency in
11 reading and writing Braille. The State Board of Education may not
12 issue or renew a certificate to teach students who have a visual
13 impairment unless the teacher candidate demonstrates that he or she
14 is proficient in reading and writing Braille based upon standards
15 adopted by the National Library Service for the Blind and Physically
16 Handicapped.

17 E. The Commission shall offer the competency examination at
18 least four times per calendar year on dates to be established by the
19 Commission.

20 ~~E.~~ F. If a teacher candidate or teacher is a non-native-English
21 speaker, the Commission shall offer the subject area competency
22 examination in the native language of the teacher candidate or
23 teacher only if the teacher candidate or teacher is employed or has
24 been offered employment by a school district as a teacher in a

1 foreign language immersion program offered by the school district.

2 If a non-native-English speaker who has received certification in a
3 subject area after taking the subject area competency examination in
4 the native language of the speaker seeks to add a certification area
5 in the future and that person is no longer employed as a teacher in
6 a foreign language immersion program, the examination for the
7 additional certification area shall be taken in English. The State
8 Board of Education shall issue a restricted license or certificate
9 to any teacher who has completed a subject area competency
10 examination in the native language of the teacher as provided for in
11 this subsection restricting the teacher to teaching only in a
12 foreign language immersion program.

13 ~~F.~~ G. Nothing in the Oklahoma Teacher Preparation Act shall
14 restrict the right of the State Board of Education to issue an
15 emergency or provisional certificate, as needed. Provided, however,
16 prior to the issuance of an emergency certificate, the district
17 shall document substantial efforts to employ a teacher who holds a
18 provisional or standard certificate. In the event a district is
19 unable to hire an individual meeting this criteria, the district
20 shall document efforts to employ an individual with a provisional or
21 standard certificate in another curricular area with academic
22 preparation in the field of need. Only after these alternatives
23 have been exhausted shall the district be allowed to employ an
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1 individual meeting minimum standards as established by the State
2 Board of Education for the issuance of emergency certificates.

3 SECTION 4. AMENDATORY 70 O.S. 2011, Section 16-106, is
4 amended to read as follows:

5 Section 16-106. A. All contracts with publishers shall be
6 signed by the chairperson and secretary of the State Textbook
7 Committee on behalf of the state. Each contract shall stipulate the
8 price at which each textbook will be sold to the State of Oklahoma,
9 and that all copies supplied to the State of Oklahoma will be equal
10 to or better than the official copy filed with the secretary of the
11 Committee. The State Textbook Committee may approve the
12 substitution of a later edition in lieu of the textbook originally
13 selected. The publisher shall stipulate in the contract that:

14 1. The price for which the textbook is to be furnished will be
15 the lowest at which the same textbook will be sold or offered for
16 sale for the purpose of securing a state or local selection or
17 adoption elsewhere in the United States during the six (6) months
18 prior to the date of the execution of the contract;

19 2. It will reduce the contract price of the textbook, if the
20 price of the same textbook is reduced below such contract price
21 elsewhere in the United States, and that it will file with the
22 secretary of the Committee a sworn statement of such reduction made
23 elsewhere;

1 3. If it prepares any supplementary or abridged or special
2 editions of any of the textbooks, and shall sell such editions
3 elsewhere at a lower price than that stipulated in the contract, it
4 will file copies of any and all such editions, together with the
5 prices thereof, with the secretary of the Committee;

6 4. It has not entered into any understanding, agreement or
7 combination to control the prices or restrict competition in the
8 sale of textbooks;

9 5. It will furnish the textbooks to the State of Oklahoma
10 during the term of the contract in such amounts as may be required;
11 and

12 6. It will furnish for a like period in lieu of the
13 corresponding textbooks under contract any other books listed in any
14 annual statement subsequently filed by it during the term of the
15 contract to any school district at the lowest new prices contained
16 in such statement, and that it will maintain said prices uniformly
17 through the state.

18 B. Textbooks selected by the State Textbook Committee may be
19 purchased by school districts at the prices for which contracts have
20 been awarded, pending the effective dates of the contracts.

21 C. The chairperson and secretary of the State Textbook
22 Committee, on the advice and consent of the attorney for the State
23 Department of Education, may, with the consent of the holders of
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1 state textbook contracts, change any contract to conform with the
2 provisions of Section 16-102 of this title.

3 D. As requested by a school district or the Oklahoma School for
4 the Blind, all publishers who enter into contracts with the State
5 Textbook Committee shall be required to furnish the Committee with
6 electronic files in a file format from which Braille and other
7 accessible versions of the instructional materials can be produced.
8 The file format in which electronic instructional materials files
9 are provided to the Committee shall be in a format prescribed by
10 federal law or regulations promulgated by the United States
11 Department of Education which requires national standards for
12 electronic files to be used for production of accessible
13 instructional materials. In the absence of a federal law or
14 regulation establishing a national standard, a file format standard
15 shall be prescribed by the State Department of Rehabilitation
16 Services and shall include a requirement that the electronic version
17 is encoded in text suitable for conversion into Braille or
18 synthesized speech and has been prepared using a markup language
19 which maintains the structural integrity of the information and can
20 be processed by Braille translation software.

21 SECTION 5. This act shall become effective July 1, 2019.

22 SECTION 6. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
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