An Act

ENROLLED HOUSE
BILL NO. 3399

By: Hickman, Nelson, Kern, Bennett, Ortega, McCullough, Cockroft, Brumbaugh, Sears, Echols, Walker, Derby and Shannon of the House

and

Brecheen, Brinkley, Sykes, Branan, Shortey, Sharp, Marlatt, Griffin, David, Bingman and Newberry of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 6-207, which relates to the Oklahoma Mathematics Improvement Program; changing references to certain standards; amending 70 O.S. 2011, Sections 11-103.6, as last amended by Section 1 of Enrolled Senate Bill No. 1653 of the 2nd Session of the 54th Oklahoma Legislature and 11-103.6a, which relate to curricular standards for instruction of students in public schools; changing references to certain standards; directing school districts to develop and implement curriculum, courses and instruction for certain purposes; deleting certain curriculum reference; updating statutory language; defining term; adding certain purpose of teaching competencies; adding requirements for the subject matter standards; modifying definition; deleting citation to certain rules; modifying process for the review of each area of subject matter standards; making the subject matter standards subject to certain legislative review and approval; making an exception for certain career and technology education standards; stipulating that subject matter standards not be promulgated as rules and subject to the Administrative Procedures Act; deleting requirements to adopt English Language Arts and Mathematics

standards that are aligned with certain standards; directing the State Board of Education to adopt English Language Arts and Mathematics standards in a certain manner; providing process for determining college- and career-ready standards; requiring the English Language Arts and Mathematics subject matter standards and assessments to be solely approved and controlled by the Board; directing the Board to begin adoption on certain date; requiring reasonable opportunity for public comment by certain specified persons and representatives; requiring implementation of certain standards for certain period; directing the Board to seek certain certification from the State Regents for Higher Education; requiring the State Regents to provide certain description; requiring certain documents to be posted on the State Department of Education website; directing the Board to direct development of an annual high-quality statewide student assessment for English Language Arts and Mathematics by a certain date; requiring certain assessments to continue until new assessments are implemented; prohibiting the Board from entering into agreements, memoranda or contracts with certain parties which cede or limit certain discretion or control; directing the Board to initiate efforts to amend certain agreements, memoranda or contracts; authorizing the Board to seek and be granted certain waivers; allowing the Board to participate in certain multistate or multigovernmental cooperatives; stating that all subject matter standards and corresponding assessments be solely approved and controlled by the state and independence of the Board be maintained; allowing the benchmarking of assessments; providing for the exclusive control of instruction, curriculum and instructional materials by school districts; allowing school districts to adopt supplementary student assessments; directing the Board to make a comparison of certain standards; listing areas of comparison; requiring the Board to submit a report of the comparison to certain persons; prohibiting standards and assessments that are designed to collect or measure certain information; directing the Board to amend or repeal certain rules; providing for legislative review of all subject matter standards and revisions; prohibiting implementation of

standards until completion of the review process; requiring submission of subject matter standards upon adoption; specifying vehicle and process for approval or disapproval of standards by the Legislature; authorizing the Board to adopt new standards upon disapproval by the Legislature; requiring the Board to continue implementation of certain standards until new standards are approved; making approved standards final agency rules; providing for submission and publication of standards; establishing force and effect of standards; making certain joint resolutions not subject to certain cutoff dates; limiting provisions of certain joint resolutions; amending 70 O.S. 2011, Section 11-103.9, which relates to physical education programs; changing references to certain standards; requiring certain instructional materials to be made available for inspection by parents or guardians; requiring school districts to develop and adopt policies; specifying content of policies; defining term; amending 70 O.S. 2011, Sections 1210.507, as amended by Section 2, Chapter 74, O.S.L. 2013 and 1210.508, as last amended by Section 1, Chapter 403, O.S.L. 2013 (70 O.S. Supp. 2013, Sections 1210.507 and 1210.508), which relate to the Oklahoma School Testing Program Act; changing references to certain standards; allowing the Board to stop or cancel online or computer-based assessments under certain circumstances; deleting certain benchmark requirement; modifying certain goals; allowing the Board to participate in certain cooperatives for certain purpose; making the Board not subject to certain provisions of law for the purpose of developing and administering certain alternative assessments; amending 70 O.S. 2011, Sections 1210.508B and 1210.508C, as last amended by Section 1 of Enrolled House Bill No. 2625 of the 2nd Session of the 54th Oklahoma Legislature, which relate to the Reading Sufficiency Act; changing references to certain standards; modifying certain good-cause exemptions; adding a good-cause exemption; amending Section 1, Chapter 318, O.S.L. 2012 (70 O.S. Supp. 2013, Section 1210.516), which relates to the Oklahoma Bridge to Literacy Program; changing references to certain standards; amending 75 O.S. 2011, Section 250.4, as amended by Section 1 of

Enrolled Senate Bill No. 1694 of the 2nd Session of the 54th Oklahoma Legislature, which relates to compliance with the Administrative Procedures Act; exempting the Board from Article I of the Administrative Procedures Act for prescribing subject matter standards; providing for codification; and declaring an emergency.

SUBJECT: Education

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-207, is amended to read as follows:

Section 6-207. A. The State Board of Education shall establish the Oklahoma Mathematics Improvement Program. The purpose of the program is to improve student mastery of the ~~Priority Academic Student Skills (PASS)~~ subject matter standards adopted by the State Board of Education for sixth-grade mathematics through Algebra I by enhancing sixth-, seventh- and eighth-grade public school teachers' mastery of the subject matter content and process skills.

B. For purposes of this section, "middle-level mathematics" means the ~~Priority Academic Student Skills~~ subject matter standards for sixth- through eighth-grade mathematics and Algebra I.

C. Each sixth-, seventh-, or eighth-grade public school teacher of a middle-level mathematics course who completes a professional development program approved by the State Board of Education, as authorized in subsection E of this section, shall receive a stipend in the amount of One Thousand Dollars ($1,000.00) if, prior or subsequent to completion of the professional development program, the teacher successfully completes the middle-level/intermediate mathematics Oklahoma Subject Area Test administered by the Oklahoma Commission for Teacher Preparation. The State Board of Education shall provide the stipend to qualifying teachers who meet the requirements of this section. The stipend shall not be included in the calculation of the teacher's salary for purposes of meeting the district or statutory minimum salary schedule or for purposes of calculating Teachers' Retirement System of Oklahoma contributions or benefits.

D. The State Department of Education shall issue a request for proposals on or before October 1, 2005, seeking applications for the Oklahoma Mathematics Improvement Program. The State Department of Education shall review the applications for compliance with the established requirements.

E. The State Board of Education may approve programs that meet the requirements set forth in this subsection. Each participating teacher shall take a preassessment to establish current subject matter knowledge, and, based on the results of the preassessment, the teacher will participate in one of the three programs listed below:

1. Mathematics academies consisting of a minimum of forty (40) contact hours of training and twenty (20) contact hours of follow-up training through lesson study with identified mathematics specialists on-site and through video technology.

The mathematics academies shall incorporate both content knowledge and process knowledge that shall be modeled for teachers in the areas of problem-solving, reasoning, and critical thinking as applied to the mathematical concepts in ~~PASS~~ the subject matter standards. The ultimate goal of the mathematics academies shall be to significantly increase the number of children becoming proficient in mathematics as demonstrated on assessments administered pursuant to the Oklahoma School Testing Program Act. The mathematics academies shall be accepted for professional development purposes and shall be defined as continuing education experiences that consist of a minimum of forty (40) clock hours. The mathematics academies shall be designed to provide instruction that includes peer coaching;

2. Other programs including customized higher education courses and/or on-line courses similar in scope and nature to those described in this subsection designed to improve middle school mathematics knowledge including Algebra I, as approved by the State Board of Education; and

3. Small learning community lesson studies facilitated by a mathematics coach and utilizing the Internet and video technology, as approved by the State Board of Education.

F. On or before December 15, 2005, the State Department of Education shall forward applications that the Department has determined meet the requirements of this section to the State Board

of Education. On or before February 1, 2006, the Board shall award, through a competitive bid process, one or more grants for professional development programs approved by the Department.

G. The State Board of Education shall contract for independent evaluations of programs funded pursuant to this section.

H. Beginning June 30, 2006, and each year thereafter for which the Oklahoma Mathematics Improvement Program is funded, the State Board of Education shall prepare and submit a report to the Legislature and the Governor containing:

1. Descriptions of professional development programs approved and funded through the Oklahoma Mathematics Improvement Program;

2. Number and amount of grants awarded;

3. Number of teachers completing approved programs;

4. Number of teachers successfully completing the Oklahoma Subject Area Test for middle level/intermediate mathematics after completion of a program created pursuant to this section;

5. Amount of stipends paid to teachers pursuant to this section; and

6. Student achievement data for students in classes taught by teachers completing one of the program options authorized pursuant to this section.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 11-103.6, as last amended by Section 1 of Enrolled Senate Bill No. 1653 of the 2nd Session of the 54th Oklahoma Legislature, is amended to read as follows:

Section 11-103.6 A. 1. The State Board of Education shall adopt ~~curricular~~ subject matter standards for instruction of students in the public schools of this state that are necessary to ensure there is attainment of desired levels of competencies in a variety of areas to include language, mathematics, science, social studies and communication.

2. School districts shall develop and implement curriculum, courses and instruction in order to ensure that students meet the

skills and competencies as set forth in this section and in the subject matter standards adopted by the State Board of Education.

3. All students shall gain literacy at the elementary and secondary levels ~~through a core curriculum~~. Students ~~must~~ shall develop skills in reading, writing, speaking, computing and critical thinking. For purposes of this section, critical thinking means a manner of analytical thinking which is logical and uses linear factual analysis to reach a conclusion. They also ~~must~~ shall learn about cultures and environments - their own and those of others with whom they share the earth. Students, therefore, ~~must~~ shall study social studies, literature, languages, the arts, mathematics and science. Such curricula shall provide for the teaching of a hands-on career exploration program in cooperation with technology center schools.

~~The core curriculum~~ 4. The subject matter standards shall be designed to teach the competencies for which students shall be tested as provided in Section 1210.508 of this title, and shall be designed to prepare all students for active citizenship, employment and/or successful completion of postsecondary education without the need for remedial coursework at the postsecondary level.

5. The subject matter standards shall be designed with rigor as defined in paragraph 3 of subsection F of this section.

6. The subject matter standards for English Language Arts shall give Classic Literature and nonfiction literature equal consideration to other literature. In addition, emphasis shall be given to the study of complete works of literature.

7. At a minimum, the subject matter standards for mathematics shall require mastery of the standard algorithms in mathematics, which is the most logical, efficient way of solving a problem that consistently works, and for students to attain fluency in Euclidian geometry.

B. Subject to the provisions of subsection C of this section, in order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall complete the following college preparatory/work ready curriculum units or sets of competencies at the secondary level:

1. Four units or sets of competencies of English to include Grammar, Composition, Literature, or any English course approved for college admission requirements;

2. Three units or sets of competencies of mathematics, limited to Algebra I, Algebra II, Geometry, Trigonometry, Math Analysis, Calculus, Advanced Placement Statistics, or any mathematics course with content and/or rigor above Algebra I and approved for college admission requirements;

3. Three units or sets of competencies of laboratory science, limited to Biology, Chemistry, Physics, or any laboratory science course with content and/or rigor equal to or above Biology and approved for college admission requirements;

4. Three units or sets of competencies of history and citizenship skills, including one unit of American History, 1/2 unit of Oklahoma History, 1/2 unit of United States Government and one unit from the subjects of History, Government, Geography, Economics, Civics, or ~~Non-Western~~ non-Western culture and approved for college admission requirements;

5. Two units or sets of competencies of the same foreign or non-English language or two units of computer technology approved for college admission requirements, whether taught at a high school or a technology center school, including computer programming, hardware, and business computer applications, such as word processing, databases, spreadsheets, and graphics, excluding keyboarding or typing courses;

6. One additional unit or set of competencies selected from paragraphs 1 through 5 of this subsection or career and technology education courses approved for college admission requirements; and

7. One unit or set of competencies of fine arts, such as music, art, or drama, or one unit or set of competencies of speech.

C. In lieu of the requirements of subsection B of this section which requires a college preparatory/work ready curriculum, a student may enroll in the core curriculum as provided in subsection D of this section upon written approval of the parent or legal guardian of the student. School districts may require a parent or legal guardian of the student to meet with a designee of the school prior to enrollment in the core curriculum. The State Department of Education shall develop and distribute to school districts a form

suitable for this purpose, which shall include information on the benefits to students of completing the college preparatory/work ready curriculum as provided for in subsection B of this section.

D. For those students subject to the requirements of subsection C of this section, in order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall complete the following core curriculum units or sets of competencies at the secondary level:

1. Language Arts - 4 units or sets of competencies, to consist of 1 unit or set of competencies of grammar and composition, and 3 units or sets of competencies which may include, but are not limited to, the following courses:

a. American Literature,

b. English Literature,

c. World Literature,

d. Advanced English Courses, or

e. other English courses with content and/or rigor equal to or above grammar and composition;

2. Mathematics - 3 units or sets of competencies, to consist of 1 unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology, and 2 units or sets of competencies which may include, but are not limited to, the following courses:

a. Algebra II,

b. Geometry or Geometry taught in a contextual methodology,

c. Trigonometry,

d. Math Analysis or Precalculus,

e. Calculus,

f. Statistics and/or Probability,

g. Computer Science,

h. (1) contextual mathematics courses which enhance technology preparation, or

(2) a science, technology, engineering and math (STEM) block course meeting the requirements for course competencies listed in paragraph 2 of subsection B of this section, whether taught at a:

(a) comprehensive high school, or

(b) technology center school when taken in the tenth, eleventh or twelfth grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education,

i. mathematics courses taught at a technology center school by a teacher certified in the secondary subject area when taken in the tenth, eleventh or twelfth grade upon approval of the State Board of Education and the independent district board of education, or

j. equal to or above Algebra I;

3. Science - 3 units or sets of competencies, to consist of 1 unit or set of competencies of Biology I or Biology I taught in a contextual methodology, and 2 units or sets of competencies in the areas of life, physical, or earth science or technology which may include, but are not limited to, the following courses:

a. Chemistry I,

b. Physics,

c. Biology II,

d. Chemistry II,

e. Physical Science,

f. Earth Science,

g. Botany,

h. Zoology,

i. Physiology,

j. Astronomy,

k. Applied Biology/Chemistry,

l. Applied Physics,

m. Principles of Technology,

n. qualified agricultural education courses,

o. (1) contextual science courses which enhance technology preparation, or

(2) a science, technology, engineering and math (STEM) block course meeting the requirements for course competencies listed in paragraph 3 of subsection B of this section, whether taught at a:

(a) comprehensive high school, or

(b) technology center school when taken in the tenth, eleventh or twelfth grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education,

p. science courses taught at a technology center school by a teacher certified in the secondary subject area when taken in the tenth, eleventh or twelfth grade upon approval of the State Board of Education and the independent district board of education, or

q. other science courses with content and/or rigor equal to or above Biology I;

4. Social Studies - 3 units or sets of competencies, to consist of 1 unit or set of competencies of United States History, 1/2 to 1 unit or set of competencies of United States Government, 1/2 unit or set of competencies of Oklahoma History, and 1/2 to 1 unit or set of

competencies which may include, but are not limited to, the following courses:

a. World History,

b. Geography,

c. Economics,

d. Anthropology, or

e. other social studies courses with content and/or rigor equal to or above United States History, United States Government, and Oklahoma History; and

5. Arts - 2 units or sets of competencies which may include, but are not limited to, courses in Visual Arts and General Music.

E. 1. In addition to the curriculum requirements of either subsection B or D of this section, in order to graduate from a public high school accredited by the State Board of Education students shall complete the requirements for a personal financial literacy passport as set forth in the Passport to Financial Literacy Act and any additional course requirements or recommended elective courses as may be established by the State Board of Education and the district school board. School districts shall strongly encourage students to complete two units or sets of competencies of foreign languages and two units or sets of competencies of physical and health education.

2. No student shall receive credit for high school graduation more than once for completion of the same unit or set of competencies to satisfy the curriculum requirements of this section.

3. A school district shall not be required to offer every course listed in subsections B and D of this section, but shall offer sufficient courses to allow a student to meet the graduation requirements during the secondary grade years of the student.

F. For purposes of this section:

1. "Contextual methodology" means academic content and skills taught by utilizing real-world problems and projects in a way that helps students understand the application of that knowledge;

2. "Qualified agricultural education courses" means courses that have been determined by the State Board of Education to offer the sets of competencies ~~in the Priority Academic Student Skills (PASS), as adopted by the Board,~~ for one or more science content areas and which correspond to academic science courses. Qualified agricultural education courses shall include, but are not limited to, Horticulture, Plant and Soil Science, Natural Resources and Environmental Science, and Animal Science. The courses shall be taught by teachers certified in agricultural education and comply with all rules of the Oklahoma Department of Career and Technology Education;

3. "Rigor" means a level of difficulty that is thorough, exhaustive and accurate and is appropriate for the grade level ~~and that meets state and/or national standards~~;

4. "Sets of competencies" means instruction in those skills and competencies that are specified in the ~~Priority Academic Student Skills (PASS), as~~ subject matter standards adopted by the State Board of Education~~, subchapter 5, Chapter 15, Title 210 of the Oklahoma Administrative Code,~~ and other skills and competencies adopted by the Board, without regard to specified instructional time; and

5. "Unit" means a Carnegie Unit as defined by the North Central Association's Commission on Schools.

G. 1. The State Board of Education shall adopt a plan to ensure that rigor is maintained in the content, teaching methodology, level of expectations for student achievement, and application of learning in all the courses taught to meet the graduation requirements as specified in this section.

2. The State Board of Education shall allow as much flexibility at the district level as is possible without diminishing the rigor or undermining the intent of providing these courses. To accomplish this purpose, the State Department of Education shall work with school districts in reviewing and approving courses taught by districts that are not specifically listed in subsections B and D of this section. Options may include, but shall not be limited to, courses taken by concurrent enrollment, advanced placement, or correspondence, or courses bearing different titles.

3. Technology center school districts may offer programs designed in cooperation with institutions of higher education which

have an emphasis on a focused field of career study upon approval of the State Board of Education and the independent district board of education. Students in the tenth grade may be allowed to attend these programs for up to one-half (1/2) of a school day and credit for the units or sets of competencies required in paragraphs 2 and 3 of subsection B or D of this section shall be given if the courses are taught by a teacher certified in the secondary subject area; provided, credit for units or sets of competencies pursuant to subsection B of this section shall be approved for college admission requirements.

4. If a student enrolls in a concurrent course, the school district shall not be responsible for any costs incurred for that course, unless the school district does not offer enough course selection during the student's secondary grade years to allow the student to receive the courses needed to meet the graduation requirements of this section. If the school district does not offer the necessary course selection during the student's secondary grade years, it shall be responsible for the cost of resident tuition at an institution in The Oklahoma State System of Higher Education, fees, and books for the concurrent enrollment course, and providing for transportation to and from the institution to the school site.

It is the intent of the Legislature that for students enrolled in a concurrent enrollment course which is paid for by the school district pursuant to this paragraph, the institution charge only the supplementary and special service fees that are directly related to the concurrent enrollment course and enrollment procedures for that student. It is further the intent of the Legislature that fees for student activities and student service facilities, including the student health care and cultural and recreational service fees, not be charged to such students.

5. Credit for the units or sets of competencies required in subsection B or D of this section shall be given when such units or sets of competencies are taken prior to ninth grade if the teachers are certified or authorized to teach the subjects for high school credit and the required rigor is maintained.

6. The three units or sets of competencies in mathematics required in subsection B or D of this section shall be completed in the ninth through twelfth grades. If a student completes any required courses or sets of competencies in mathematics prior to ninth grade, the student may take any other mathematics courses or sets of competencies to fulfill the requirement to complete three

units or sets of competencies in grades nine through twelve after the student has satisfied the requirements of subsection B or D of this section.

7. All units or sets of competencies required for graduation may be taken in any sequence recommended by the school district.

H. As a condition of receiving accreditation from the State Board of Education, all students in grades nine through twelve shall enroll in a minimum of six periods, or the equivalent in block scheduling or other scheduling structure that allows for instruction in sets of competencies, of rigorous academic and/or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes.

I. 1. Academic and vocational-technical courses designed to offer sets of competencies integrated or embedded within the course that provide for the teaching and learning of the appropriate skills and knowledge in the ~~Priority Academic Student Skills (PASS)~~ subject matter standards, as adopted by the State Board of Education, may upon approval of the Board, in consultation with the Oklahoma Department of Career and Technology Education if the courses are offered at a technology center school district, be counted for academic credit and toward meeting the graduation requirements of this section.

2. Internet-based courses offered by a technology center school that are taught by a certified teacher and provide for the teaching and learning of the appropriate skills and knowledge in the ~~PASS~~ subject matter standards may, upon approval of the State Board of Education and the independent district board of education, be counted for academic credit and toward meeting the graduation requirements of this section.

3. Internet-based courses or vocational-technical courses utilizing integrated or embedded skills for which no ~~Priority Academic Student Skills~~ subject matter standards have been adopted by the State Board of Education may be approved by the Board, in consultation with the Oklahoma Department of Career and Technology Education if the courses are offered at a technology center school district, if such courses incorporate standards of nationally recognized professional organizations and are taught by certified teachers.

4. Courses offered by a supplemental education organization that is accredited by a national accrediting body and that are taught by a certified teacher and provide for the teaching and learning of the appropriate skills and knowledge in the ~~PASS~~ subject matter standards may, upon approval of the State Board of Education and the school district board of education, be counted for academic credit and toward meeting the graduation requirements of this section.

J. The State Board of Education shall provide an option for high school graduation based upon attainment of the desired levels of competencies as required in tests pursuant to the provisions of Section 1210.508 of this title. Such option shall be in lieu of the amount of course credits earned.

K. The State Board of Education shall prescribe, adopt and approve a promotion system based on the attainment by students of specified levels of competencies in each area of the core curriculum.

L. Children who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA), and who satisfy the graduation requirements through the individualized education program for that student shall be awarded a standard diploma.

M. Students who enter the ninth grade in or prior to the 2007-08 school year who are enrolled in an alternative education program and meet the requirements of their plans leading to high school graduation developed pursuant to Section 1210.568 of this title shall be awarded a standard diploma.

N. Any student who completes the curriculum requirements of the International Baccalaureate Diploma Program shall be awarded a standard diploma.

O. Any student who successfully completes an advanced mathematics or science course offered pursuant to Section 1210.404 of this title shall be granted academic credit toward meeting the graduation requirements pursuant to paragraph 2 or 3, as appropriate, of subsection B or D of this section.

P. For purposes of this section, the courses approved for college admission requirements shall be courses which are approved

by the Oklahoma State Regents for Higher Education for admission to an institution within The Oklahoma State System of Higher Education.

Q. The State Department of Education shall collect and report data by school site and district on the number of students who enroll in the core curriculum as provided in subsection D of this section.

SECTION 3. AMENDATORY 70 O.S. 2011, Section 11-103.6a, is amended to read as follows:

Section 11-103.6a A. ~~Each~~ Beginning with the 2014-15 school year, each area of subject matter ~~curriculum~~ standards, except for standards for career and technology ~~curriculum~~ education adopted pursuant to Section 14-103 of this title, shall be adopted by the State Board of Education ~~for implementation~~ and shall be subject to legislative review and approval as provided for in Section 4 of this act. The subject matter standards shall be implemented statewide by ~~the beginning of the 2003-04 school year~~ every public school district in this state. The subject matter standards shall be thoroughly reviewed by the State Board every six (6) years according to and in coordination with the existing subject area textbook adoption cycle~~, and~~. After review, the State Board shall ~~implement~~ adopt any revisions in such ~~curriculum~~ subject matter standards deemed necessary to achieve further improvements in the quality of education for the students of this state. Any revisions adopted by the State Board of Education shall be subject to review and approval as provided for in Section 4 of this act. The adoption of subject matter standards or revisions to the standards by the State Board of Education pursuant to this section shall not be promulgated as rules and shall not be subject to Article I of the Administrative Procedures Act.

B. ~~By~~ 1. In addition to the requirements set forth in subsection A of this section, on or before August 1, ~~2010~~ 2016, the State Board of Education, in consultation with the State Regents for Higher Education, the State Board of Career and Technology Education and the Oklahoma Department of Commerce, shall adopt ~~revisions to the~~ subject matter ~~curriculum adopted by the State Board~~ standards for English Language Arts and Mathematics ~~as is necessary to align the curriculum with the K-12 Common Core State Standards developed by the Common Core State Standards Initiative, an effort coordinated by the National Governors Association Center for Best Practices and the Council of Chief State School Officers. The revised curriculum shall reflect the K-12 Common Core State Standards in their entirety~~

~~and may include additional standards as long as the amount of additional standards is not more than fifteen percent (15%) of the K-12 Common Core State Standards~~ which are college- and career-ready and will replace current standards. To be considered college- and career-ready, the standards shall be evaluated by the State Department of Education, the State Regents for Higher Education, the State Board of Career and Technology Education and the Oklahoma Department of Commerce and be determined to be such that the standards will address the goals of reducing the need for remedial coursework at the postsecondary level and increasing successful completion of postsecondary education. The subject matter standards and corresponding student assessments for English Language Arts and Mathematics shall be solely approved and controlled by the state through the State Board of Education.

2. Upon the effective date of this act, the State Board of Education shall begin the process of adopting the English Language Arts and Mathematics standards and shall provide reasonable opportunity, consistent with best practices, for public comment on the revision of the standards, including but not limited to comments from students, parents, educators, organizations representing students with disabilities and English language learners, higher education representatives, career technology education representatives, subject matter experts, community-based organizations, Native American tribal representatives and business community representatives.

3. Until the statewide student assessments for English Language Arts and Mathematics are implemented as provided for in paragraph 1 of subsection C of this section, the State Board of Education shall implement the subject matter standards for English Language Arts and Mathematics which were in place prior to the revisions adopted by the Board in June 2010.

4. Upon the effective date of this act, the State Board of Education shall seek certification from the State Regents for Higher Education that the subject matter standards for English Language Arts and Mathematics which were in place prior to the revisions adopted by the Board in June 2010 are college- and career-ready as defined in the Federal Elementary and Secondary Education Act (ESEA) Flexibility document issued by the United States Department of Education and referenced in Option B of Principle 1: College and Career-Ready Expectations for All Students. The State Regents shall provide the Board a detailed description of the certification process and results, including a list of deficiencies if the State

Regents conclude that the standards are not college- and career-ready. The Board shall post all documents, materials, reports, descriptions and correspondence produced by the State Regents or used by the State Regents in the certification process on the website for the State Department of Education.

C. 1. On or before the 2017-18 school year, the State Board of Education, in consultation with the State Regents for Higher Education, the State Board of Career and Technology Education and the Oklahoma Department of Commerce, shall direct the process of the development of annual high-quality statewide student assessments for English Language Arts and Mathematics as provided for in Section 1210.508 of this title that align with the college- and career-ready subject matter standards developed pursuant to subsection B of this section.

2. The statewide student assessments for English Language Arts and Mathematics shall continue to assess standards and objectives found in the subject matter standards for English Language Arts and Mathematics which were in place prior to the revisions adopted by the Board in June 2010 and the test blueprints shall continue to align to the standards and objectives found in such subject matter standards for English Language Arts and Mathematics until the new assessments are implemented as provided for in paragraph 1 of this subsection.

D. 1. The State Board of Education shall not enter into any agreement, memorandum of understanding or contract with any federal agency or private entity which in any way cedes or limits state discretion or control over the process of development, adoption or revision of subject matter standards and corresponding student assessments in the public school system, including, but not limited to, agreements, memoranda of understanding and contracts in exchange for funding for public schools and programs. If the State Board of Education is a party to such an agreement, memorandum of understanding or contract on the effective date of this act, the State Board of Education shall initiate necessary efforts to amend the agreement, memorandum of understanding or contract to comply with the requirements of this subsection.

2. Nothing in this section shall be construed to prohibit the State Board of Education from seeking and being granted a waiver from federal law, provided that the conditions for the waiver do not require the state to cede or limit its discretion or control over

the process of development, adoption or revision of subject matter standards and corresponding statewide student assessments.

3. The State Department of Education may participate in a multistate or multigovernmental cooperative pursuant to the requirements of the Oklahoma Central Purchasing Act, but shall not bind the state, contractually or otherwise, to the authority of any other state, organization or entity which may supersede the authority of the State Board of Education.

E. The content of all subject matter standards and corresponding student assessments shall be solely approved and controlled by the state through the State Board of Education. The State Board of Education shall maintain independence of all subject matter standards referenced in Section 11-103.6 of this title and corresponding statewide student assessments and shall not relinquish authority over Oklahoma subject matter standards and corresponding statewide student assessments. Nothing in this section shall prohibit benchmarking the state subject matter standards and corresponding student assessments with those of other states or nations to allow comparison of Oklahoma subject matter standards and corresponding student assessments with those of other states and nations.

F. School districts shall exclusively determine the instruction, curriculum, reading lists and instructional materials and textbooks, subject to any applicable provisions or requirements as set forth in law, to be used in meeting the subject matter standards. School districts may, at their discretion, adopt supplementary student assessments which are in addition to the statewide student assessments.

G. 1. Upon completion of the adoption of English Language Arts and Mathematics subject matter standards pursuant to subsection B of this section, the State Board of Education shall compare such English Language Arts and Mathematics standards with the English Language Arts and Mathematics standards that were adopted by the State Board of Education prior to implementation of this act. The State Board of Education shall consider public comments, the use of best practices, evidence and research in the evaluation of both sets of standards. The State Board of Education shall compare the standards in the areas of:

a. effective preparation for active citizenship and postsecondary education or the workforce,

b. subject matter content,

c. sequencing of subject matter content and relationship to measurement of student performance and the application of subject matter standards,

d. developmental appropriateness of grade-level expectations, academic content and instructional rigor,

e. clarity for educators and parents,

f. exemplars tied to the standards,

g. measurability of student proficiency in the subject matter,

h. pedagogy,

i. development of critical thinking skills, and

j. demonstration of application of acquired knowledge and skills.

2. Upon completion of the comparison of the English Language Arts and Mathematics subject matter standards, the State Board of Education shall submit to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Minority Leader of the House of Representatives and the Minority Leader of the Senate a report outlining the results of the comparison of the standards.

H. All subject matter standards and corresponding statewide student assessments adopted by the State Board of Education shall be carefully circumscribed to reflect direct application to subject matter proficiency and shall not include standards or assessment questions that are designed to collect or measure noncognitive, emotional or psychological characteristics, attributes or skills of students.

I. Any rule, including but not limited to Rules 210:15-4-1 through 210:15-4-3 of the Oklahoma Administrative Code, which conflicts with the requirements of this section, shall be amended or

repealed by the State Board of Education as necessary to comply with the requirements of this section.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-103.6a-1 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. All subject matter standards and revisions to the standards adopted by the State Board of Education pursuant to Section 11-103.6a of Title 70 of the Oklahoma Statutes shall be subject to legislative review as set forth in this section. The standards shall not be implemented by the State Board of Education until the legislative review process is completed as provided for in this section.

B. Upon adoption of any subject matter standards, the State Board of Education shall submit the adopted standards to the Speaker of the House of Representatives or a designee and the President Pro Tempore of the Senate or a designee prior to the last thirty (30) days of the legislative session.

C. By adoption of a joint resolution, the Legislature shall approve the standards, disapprove the standards in whole or in part, amend the standards in whole or in part or disapprove the standards in whole or in part with instructions to the State Board of Education, provided that such joint resolution becomes law in accordance with Section 11 of Article VI of the Oklahoma Constitution. If the joint resolution is vetoed by the Governor in accordance with Section 11 of Article VI of the Oklahoma Constitution and the veto has not been overridden, the standards shall be deemed approved. If the Legislature fails to adopt a joint resolution within thirty (30) legislative days following submission of the standards, the standards shall be deemed approved.

D. If the subject matter standards are disapproved in whole or are disapproved in whole with instructions as provided for in this section, the State Board of Education may adopt new standards and submit the new standards for legislative review pursuant to this section. The State Board of Education shall continue to implement current standards in place until the new standards have been reviewed by the Legislature and approved as provided for in this section. If the subject matter standards are amended, approved in part or are disapproved in part with instructions, the State Board of Education may revise the standards in accordance with the legislative changes and implement the standards.

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

F. Unless otherwise provided by specific vote of the Legislature, joint resolutions introduced for purposes of approving, disapproving, amending or disapproving with instructions any subject matter standards shall not be subject to regular legislative cutoff dates, shall be limited to such provisions as may be necessary for approving, disapproving, amending or disapproving with instructions any subject matter standards and any such other direction or mandate regarding the standards deemed necessary by the Legislature. The joint resolution shall contain no other provisions.

SECTION 5. AMENDATORY 70 O.S. 2011, Section 11-103.9, is amended to read as follows:

Section 11-103.9 A. Except as otherwise provided for in this section, the State Board of Education shall require, as a condition of accreditation, that school districts provide to all students physical education programs which may include athletics.

B. The Board shall require, as a condition of accreditation, that public elementary schools provide instruction, for students in full-day kindergarten and grades one through five, in physical education or exercise programs for a minimum of an average of sixty (60) minutes each week. The time students participate in recess shall not be counted toward the sixty-minutes-per-week physical education requirement. Schools may exclude from participation in the physical education or exercise programs required in this subsection those students who have been placed into an in-house suspension or detention class or placement or those students who are under an in-school restriction or are subject to an administrative disciplinary action.

C. The Board shall require, as a condition of accreditation, that public elementary schools provide to students in full-day kindergarten and grades one through five, in addition to the

requirements set forth in subsection B of this section, an average of sixty (60) minutes each week of physical activity, which may include, but not be limited to, physical education, exercise programs, fitness breaks, recess, and classroom activities, and wellness and nutrition education. Each school district board of education shall determine the specific activities and means of compliance with the provisions of this subsection, giving consideration to the recommendations of each school's Healthy and Fit ~~Schools~~ School Advisory Committee as submitted to the school principal pursuant to the provisions of Section 24-100a of this title.

D. The Board shall disseminate information to each school district on the benefits of physical education programs and shall strongly encourage districts to provide physical education instruction to students in grades six through twelve. The Board shall also strongly encourage school districts to incorporate physical activity into the school day by providing to students in full-day kindergarten and grades one through five at least a twenty-minute daily recess, which shall be in addition to the sixty (60) minutes of physical education as required by subsection B of this section, and by allowing all students brief physical activity breaks throughout the day, physical activity clubs, and special events.

E. School districts shall provide to parents or guardians of students a physical activity report. The report shall be provided to parents and guardians at least annually and shall include:

1. A summary on how physical activity is being incorporated into the school day;

2. A summary of the types of physical activities the students are exposed to in the physical education programs;

3. Suggestions on monitoring the physical activity progress of a child and how to encourage regular participation in physical activity; and

4. Information on the benefits of physical education and physical activity.

F. Instruction in physical education required in this section shall be aligned with the ~~Priority Academic Student Skills~~ subject matter standards as adopted by the Board.

G. The physical education curriculum shall be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor and self-management skills and knowledge necessary to participate in physical activity throughout life. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum.

H. In identifying the essential knowledge and skills, the State Board of Education shall ensure that the ~~Priority Academic Student Skills~~ subject matter standards for physical education:

1. ~~Emphasizes~~ Emphasize the knowledge and skills capable of being used during a lifetime of regular physical activity;

2. ~~Is~~ Are consistent with national physical education standards for:

a. the information that students should learn about physical activity, and

b. the physical activities that students should be able to perform;

3. ~~Requires~~ Require that, on a weekly basis, at least fifty percent (50%) of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;

4. ~~Offers~~ Offer students an opportunity to choose among many types of physical activity in which to participate;

5. ~~Offers~~ Offer students both cooperative and competitive games;

6. ~~Meets~~ Meet the needs of students of all physical ability levels, including students who have a disability, chronic health problem, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;

7. ~~Teaches~~ Teach self-management and movement skills;

8. ~~Teaches~~ Teach cooperation, fair play, and responsible participation in physical activity;

9. ~~Promotes~~ Promote student participation in physical activity outside of school; and

10. ~~Allows~~ Allow physical education classes to be an enjoyable experience for students.

I. The Board shall adopt rules to implement the provisions of this section.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-106.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. All instructional material, including but not limited to teacher manuals, films, tapes or other supplementary instructional material in any format, used by a public school as part of the educational curriculum, shall be available for inspection by the parents or guardians of students enrolled in the school.

B. Each school district shall develop and adopt policies pertaining to the inspection of instructional materials in consultation with parents and guardians. The policies shall include procedures for granting a request by a parent or guardian for reasonable access to instructional material within a reasonable period of time after the request is received.

C. For the purposes of this section, "instructional material" means instructional content that is provided to a student, regardless of the format, including printed or representational materials, audio-visual materials and materials in electronic or digital formats.

SECTION 7. AMENDATORY 70 O.S. 2011, Section 1210.507, as amended by Section 2, Chapter 74, O.S.L. 2013 (70 O.S. Supp. 2013, 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 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 required pursuant to the Oklahoma School Testing Program Act or any other test generally required of students by the school district in which the student is enrolled at an alternative testing location approved by the State Board of Education. The alternative testing locations may be at sites that are not in the school district that is offering the online course or program or the district of residence. Alternative testing locations may include technology center school sites or any other testing location selected by the school district or charter school offering the online course or program. All alternative testing locations shall be subject to testing location rules promulgated by the State Board of Education. The school district or charter school offering the online course or program shall be responsible for any cost incurred in providing an alternative testing location and any additional cost of administering a test at an alternative testing location. In order to provide alternative testing locations at geographically dispersed sites, the school district or charter school offering the online course or program shall, at a minimum, provide not less than six alternative testing locations, with at least one location in each quadrant of the state and in each of the two metropolitan areas in the state. Additional alternative testing locations may be provided by the school district or charter school offering the online course or program.

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

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

E. The State Board of Education shall post on the Internet criterion-referenced sample tests for each grade level and subject matter test administered to students pursuant to the Oklahoma School Testing Program Act for the purpose of communicating expectation concerning test difficulty level and format to teacher, parents and students. The Board shall maintain the sample tests on the Internet throughout the year and, as changes are made in the state academic content standards, ~~known as the Priority Academic Student Skills Curriculum, the Board~~ shall update the sample tests. The Board shall seek to expand the number of sample test items each year and to revise test items as needed. The sample tests shall reflect the actual test administered to students and may contain questions used on actual tests given in previous years.

F. The State Board of Education shall seek to implement an electronic delivery system for all tests administered pursuant to the Oklahoma School Testing Program Act that will allow students to participate in computer-based assessments in order to expedite the delivery and use of the test results. Notwithstanding the requirement to implement online or computer-based assessments as otherwise provided by law, in circumstances where the administration or delivery of an online or computer-based assessment has been or will be disrupted, delayed or cause problems with student participation, the Board may stop or cancel the online or computer-based assessment and administer the assessment by another means.

SECTION 8. AMENDATORY 70 O.S. 2011, Section 1210.508, as last amended by Section 1, Chapter 403, O.S.L. 2013 (70 O.S. Supp. 2013, Section 1210.508), is amended to read as follows:

Section 1210.508 A. 1. The State Board of Education shall develop and administer a series of criterion-referenced tests designed to indicate whether the ~~state academic content~~ subject matter standards, as defined by the State Board of Education ~~in the Priority Academic Student Skills Curriculum~~, which Oklahoma public

school students are expected to have attained have been achieved. The Board may develop and administer any criterion-referenced test in any subject not required by federal law, contingent upon the availability of funding. Students who do not perform at least at the proficient level on tests shall be remediated, subject to the availability of funding.

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

a. reading, and

b. mathematics.

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

a. reading,

b. mathematics,

c. science,

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

e. writing of English.

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

a. reading, and

b. mathematics.

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

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

a. reading,

b. mathematics,

c. science,

d. social studies, which shall consist of the history, Constitution, and government of the United States, and

e. writing of English.

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

6. Except as otherwise provided for in Section 1210.523 of this title, each student who completes the instruction for English II, English III, United States History, Biology I, Algebra I, Geometry, and Algebra II at the secondary level shall complete an end-of-instruction test, when implemented, to measure for attainment in the appropriate ~~state academic content~~ subject matter standards in order to graduate from a public high school with a standard diploma. All students shall take the tests prior to graduation, unless otherwise exempt by law. The State Board of Education shall administer the criterion-referenced tests. The Board shall develop and field test the end-of-instruction tests in English III, Geometry, and Algebra II during the 2006-07 school year, implement the tests during the 2007-08 school year, and administer them each year thereafter. The Board shall administer the multiple choice portion of the end-of-instruction tests online with raw score test results reported immediately and complete results reported in less than two (2) weeks beginning in the 2008-09 school year.

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

instruction tests on the student's high school transcript. Beginning with students who enter the ninth grade in the 2008-09 school year, school districts shall report the highest-achieved state test performance level on the end-of-instruction tests and any business and industry-recognized endorsements attained on the student's high school transcript. Any student at the middle school level who completes the instruction in a secondary course specified in this paragraph shall be administered the appropriate end-of-instruction test.

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

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

B. 1. All criterion-referenced tests required by this section shall measure academic competencies in correlation with the ~~state academic content~~ subject matter standards adopted by the Board pursuant to ~~Section~~ Sections 11-103.6 and 11-103.6a of this title ~~and known as the Priority Academic Student Skills Curriculum~~. The State Board of Education shall evaluate the ~~academic content~~ subject matter standards to ensure the competencies reflect high standards, are specific, well-defined, measurable, challenging, and will prepare elementary students for next-grade-level course work and secondary students for postsecondary studies at institutions of higher education or technology center schools without the need for remediation ~~in core curriculum areas~~. All ~~state academic content~~ subject matter standards shall reflect ~~the benchmarks of the American Diploma Project and~~ the ~~goal~~ goals as set forth in Section 11-103.6 of this title and of improving the state average ACT score.

2. The State Department of Education shall annually evaluate the results of the criterion-referenced tests. The State Board of Education shall ensure that test results are reported to districts in a manner that yields detailed, diagnostic information for the purpose of guiding instruction and student remediation. As improvements are made to the criterion-referenced tests required by

this section, the Board shall seek to increase the depth of knowledge assessed for each subject. The State Board of Education shall seek to ensure that data yielded from the tests required in this section are utilized at the school district level to prescribe reinforcement and/or remediation by requiring school districts to develop and implement a specific program of improvement based on the test results.

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

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

C. 1. The State Board of Education shall set the testing window dates for each criterion-referenced test required in paragraphs 1 through 5 of subsection A of this section for grades three through eight so that, with the exception of the writing assessments, the tests are administered to students no earlier than April 10 each year and so that the test results are reported back to school districts in a timely manner. Each criterion-referenced test required in paragraph 6 of subsection A of this section may be administered to students at a time set by the State Board of Education as near as possible to the end of the course; provided, if a school district is unable to administer the tests online to all students taking the test for the first time and all students

retaking the test during the testing window time set by the Board, the school district may elect to administer any of the tests to students retaking the test at any time not more than two (2) weeks prior to the start of the testing window time set by the Board. All results and reports of the criterion-referenced test series required in paragraphs 1 through 5 of subsection A of this section for grades three through eight shall be returned to each school district prior to the beginning of the next school year. The vendor shall provide a final electronic data file of all school site, school district, and state results to the State Department of Education and the Office of Educational Quality and Accountability prior to September 1 of each year. The Department shall forward the final data files for each school district and each school site in that district to the school district. The Board shall ensure the contract with the testing vendor includes a provision that the vendor report test results directly to the Office of Educational Quality and Accountability at the same time it is reported to the Board.

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

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

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

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

SECTION 9. AMENDATORY 70 O.S. 2011, Section 1210.508B, is amended to read as follows:

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

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

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

D. The reading goal for Oklahoma public schools is as follows: By July 1, 2008, and each year thereafter, all third-grade students

will read at or above grade level by the end of their third-grade year, excluding up to fifteen percent (15%) of those students who have an individualized education program (IEP), pursuant to the Individuals with Disabilities Education Act (IDEA), and excluding those students who are English language learners who have been determined not to be proficient in English as defined by a state-designated English proficiency assessment. To achieve the reading goal, each public elementary school shall:

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

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

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

SECTION 10. AMENDATORY 70 O.S. 2011, Section 1210.508C, as last amended by Section 1 of Enrolled House Bill No. 2625 of the 2nd Session of the 54th Oklahoma Legislature, is amended to read as follows:

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

2. For those kindergarten children at risk for reading difficulties, teachers shall emphasize reading skills as identified

in the subject matter standards adopted by the State Board of Education, monitor progress throughout the year and measure year-end reading progress.

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

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

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

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

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

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

2. Document the validity and reliability of each assessment;

3. Can be used for diagnosis and progress monitoring;

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

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

D. The program of reading instruction required in subsection B of this section shall align with the subject matter standards adopted by the State Board of Education, shall include provisions of the READ Initiative adopted by the school district as provided for in subsection O of this section beginning with students entering the first grade in the 2011-2012 school year and may include, but is not limited to:

1. Sufficient additional in-school instructional time for the acquisition of phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension;

2. If necessary, tutorial instruction after regular school hours, on Saturdays and during summer; however, such instruction may not be counted toward the one-hundred-eighty-day or one-thousand-eighty-hour school year required in Section 1-109 of this title; and

3. Assessments identified for diagnostic purposes and periodic monitoring to measure the acquisition of reading skills including, but not limited to, phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension, as identified in the student's program of reading instruction.

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

F. 1. Every school district shall adopt, and implement a district reading sufficiency plan which has had input from school administrators, teachers, and parents and if possible a reading specialist, and which shall be submitted electronically to and approved by the State Board of Education. The plan shall be updated

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

2. Each school site shall establish a committee, composed of educators, which if possible shall include a certified reading specialist, to develop the required programs of reading instruction. A parent or guardian of the student shall be included in the development of the program of reading instruction for that student.

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

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

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

requirements of the Reading Sufficiency Act and will not be subject to retention pursuant to this section.

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

3. a. If a student has not yet satisfied the proficiency requirements of this section prior to the completion of third grade, the student may qualify for automatic promotion to the fourth grade upon scoring at the "limited knowledge" level on the reading portion of the statewide third-grade criterion-referenced test.

b. Prior to promotion, however, the district shall provide notice to the parent(s) and/or guardian(s) of the child that the child is not yet reading at grade level in reading and provide the parent(s) and/or guardian(s) of the child the option for retention should they so desire. The notice shall contain, at a minimum, the most recently identifiable grade level on which the student is actually proficient, the opportunities for summer reading programs, school and/or community based reading tutoring, vendors which provide reading tutoring and the rights to the continuing intensive remediation pursuant to this paragraph.

c. A student so promoted shall be entitled to intensive remediation in reading until the student is able to demonstrate proficiency in reading at the grade level in which the student is enrolled. An intensive remediation plan shall be developed by a "Student Reading Proficiency Team" composed of:

(1) the parent(s) and/or guardian(s) of the student,

(2) the teacher assigned to the student who had responsibility for reading instruction in that academic year,

(3) a teacher in reading who teaches in the subsequent grade level,

(4) the school principal, and

(5) a certified reading specialist, if one is available.

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

5. a. For the 2013-14 and 2014-15 school years, a student not qualified for automatic promotion under paragraph 4 of this subsection may be evaluated for "probationary promotion" by a "Student Reading Proficiency Team" composed of:

(1) the parent(s) and/or guardian(s) of the student,

(2) the teacher assigned to the student who had responsibility for reading instruction in that academic year,

(3) a teacher in reading who teaches in the subsequent grade level,

(4) the school principal, and

(5) a certified reading specialist.

The student shall be promoted to the fourth grade if the team members unanimously recommend "probationary promotion" to the school district superintendent and the superintendent approves the recommendation that promotion is the best option for the student. If a student is allowed a "probationary promotion", the team shall continue to review the reading performance of the student and repeat the requirements of this paragraph each academic year until the

student demonstrates grade-level reading proficiency, as identified through a screening instrument which meets the acquisition of reading skills criteria pursuant to subsection B of this section, for the corresponding grade level in which the student is enrolled or transitions to the requirements set forth by the Achieving Classroom Excellence Act.

6. Beginning with the 2015-16 school year, students who score at the unsatisfactory level on the reading portion of the statewide third-grade criterion referenced test and who are not subject to a good cause exemption as provided in subsection K of this section shall be retained in the third grade and provided intensive instructional services and supports as provided for in subsection N of this section.

7. Each school district shall annually report to the State Department of Education the number of students promoted to the fourth grade pursuant to paragraphs 1 and 3 of this subsection. Following the 2013-14 and 2014-15 school years, each school district shall report the number of students promoted to a subsequent grade pursuant to the provisions in paragraph 5 of this subsection. The State Department of Education shall publicly report the aggregate and district specific number of students promoted on their website and shall provide electronic copies of the report to the Governor, Secretary of Education, President Pro Tempore of the Senate, Speaker of the House of Representatives and to the respective chairs of the committees with responsibility for common education policy in each legislative chamber.

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

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

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

2. A description of the current services that are provided to the student;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

N. Beginning with the 2011-2012 school year, each school district shall:

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

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

a. small group instruction,

b. reduced teacher-student ratios,

c. more frequent progress monitoring,

d. tutoring or mentoring,

e. transition classes containing third- and fourth-grade students,

f. extended school day, week, or year, and

g. summer reading academies as provided for in Section 1210.508E of this title, if available;

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

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

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

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

a. supplemental tutoring in scientific-research-based reading services in addition to the regular reading block, including tutoring before or after school,

b. a parent-guided "Read at Home" assistance plan, as developed by the State Department of Education, the purpose of which is to encourage regular parent-guided home reading, or

c. a mentor or tutor with specialized reading training.

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

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

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

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

a. assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level,

b. provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension,

c. provides a scientific-research-based and reliable assessment,

d. provides initial and ongoing analysis of the reading progress of each student,

e. is implemented during regular school hours,

f. provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects,

g. establishes at each school, where applicable, an Intensive Acceleration Class for retained third-grade students who subsequently score at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests. The focus of the Intensive Acceleration Class shall be to increase the reading level of a child at least two grade levels in one (1) school year. The Intensive Acceleration Class shall:

(1) be provided to any student in the third grade who scores at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests and who was retained in the third grade the prior year because of scoring at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests,

(2) have a reduced teacher-student ratio,

(3) provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the fourth-grade state standards in other core subject areas,

(4) use a reading program that is scientific-research-based and has proven results in accelerating student reading achievement within the same school year,

(5) provide intensive language and vocabulary instruction using a scientific-research-based program, including use of a speech-language therapist,

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

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

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

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

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

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

a. the provisions of this section relating to public school student progression and the policies and procedures of the school district on student retention and promotion,

b. by grade, the number and percentage of all students in grades three through ten performing at the unsatisfactory level on the reading portion of the statewide criterion-referenced tests,

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

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

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

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

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

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

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

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

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

4. The number and percentage of students scoring at each performance level on the reading portion of the statewide third-grade criterion-referenced test;

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

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

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

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

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

SECTION 11. AMENDATORY Section 1, Chapter 318, O.S.L. 2012 (70 O.S. Supp. 2013, Section 1210.516), is amended to read as follows:

Section 1210.516 A. The State Board of Education shall establish the Oklahoma Bridge to Literacy Program. The purpose of the Program is to improve reading skills of children up through the fourth grade, as measured by mastery of the skills identified in the ~~Priority Academic Student Skills (PASS)~~ subject matter standards adopted by the State Board of Education, by training and assisting private entities, as defined in subsection C of this section, to offer reading instruction to children before school, after school, on Saturdays and during summer periods.

B. The State Department of Education shall issue a request for proposals on or before October 1, 2012, and each October 1 thereafter for which the Oklahoma Bridge to Literacy Program is funded, seeking applications for the Oklahoma Bridge to Literacy

Program. The Department shall review the applications for compliance with the established requirements.

C. Private entities eligible to submit applications for the Oklahoma Bridge to Literacy Program shall include the following:

1. Nonprofit organizations or programs which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

2. Community-based programs, centers, organizations or services which maintain community participation or supervision in their planning, operation and evaluation; and

3. Churches or religious organizations, associations, or societies or nonprofit organizations or programs operated, supervised or controlled by or in conjunction with a religious organization, association or society.

D. The State Board of Education may approve applications that meet the requirements set forth in this subsection and as established by the Board. Approved applications shall establish reading programs for children up through the fourth grade. The reading programs may be offered before school, after school, on Saturdays or during summer periods. The reading programs shall offer reading instruction designed to enable the children to acquire the appropriate level reading skills and shall provide diagnostic assessments and measurement of reading skills to determine reading success. The reading program shall focus on the acquisition of reading skills including, but not limited to, phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension.

E. On or before December 1, 2012, and each December 1 thereafter for which the Oklahoma Bridge to Literacy Program is funded, the Department shall forward applications that the Department has determined meet the requirements of this section to the Board. On or before February 1, 2013, and each February 1 thereafter for which the Oklahoma Bridge to Literacy Program is funded, the Board shall award, through a competitive bid process, one or more grants to private entities to provide reading instruction programs through the Oklahoma Bridge to Literacy Program. To the extent possible, grants shall be awarded on a statewide basis. The grant funding shall be used to provide the

reading instruction program, provide employees and volunteers for the program and to purchase materials for the program.

F. In addition to the grant funding, the Department shall provide to the private entities awarded grants pursuant to this section the following:

1. Reading instruction training, academies or courses designed to train the private entity employees or volunteers in reading instruction and remediation strategies;

2. Resources and materials on reading instruction and remediation; and

3. Any other appropriate assistance.

G. The Board shall provide for independent evaluations of programs funded pursuant to this section.

H. Beginning June 30, 2013, and each year thereafter for which the Oklahoma Bridge to Literacy Program is funded, the Board shall prepare and submit a report to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate containing:

1. Descriptions of the reading programs approved and funded through the Oklahoma Bridge to Literacy Program;

2. Number and amount of grants awarded;

3. Number of children served through approved programs; and

4. Achievement data for children served through approved programs.

SECTION 12. AMENDATORY 75 O.S. 2011, Section 250.4, as amended by Section 1 of Enrolled Senate Bill No. 1694 of the 2nd Session of the 54th Oklahoma Legislature, is amended to read as follows:

Section 250.4 A. 1. Except as is otherwise specifically provided in this subsection, each agency is required to comply with Article I of the Administrative Procedures Act.

2. The Corporation Commission shall be required to comply with the provisions of Article I of the Administrative Procedures Act except for subsections A, B, C and E of Section 303 of this title and Section 306 of this title. To the extent of any conflict or inconsistency with Article I of the Administrative Procedures Act, pursuant to Section 35 of Article IX of the Oklahoma Constitution, it is expressly declared that Article I of the Administrative Procedures Act is an amendment to and alteration of Sections 18 through 34 of Article IX of the Oklahoma Constitution.

3. The Oklahoma Military Department shall be exempt from the provisions of Article I of the Administrative Procedures Act to the extent it exercises its responsibility for military affairs.

4. The Oklahoma Ordnance Works Authority, the Northeast Oklahoma Public Facilities Authority, the Oklahoma Office of Homeland Security and the Board of Trustees of the Oklahoma College Savings Plan shall be exempt from Article I of the Administrative Procedures Act.

5. The Transportation Commission and the Department of Transportation shall be exempt from Article I of the Administrative Procedures Act to the extent they exercise their authority in adopting standard specifications, special provisions, plans, design standards, testing procedures, federally imposed requirements and generally recognized standards, project planning and programming, and the operation and control of the State Highway System.

6. The Oklahoma State Regents for Higher Education shall be exempt from Article I of the Administrative Procedures Act with respect to:

a. prescribing standards of higher education,

b. prescribing functions and courses of study in each institution to conform to the standards,

c. granting of degrees and other forms of academic recognition for completion of the prescribed courses,

d. allocation of state-appropriated funds, and

e. fees within the limits prescribed by the Legislature.

7. Institutional governing boards within The Oklahoma State System of Higher Education shall be exempt from Article I of the Administrative Procedures Act.

8. a. The Commissioner of Public Safety shall be exempt from Sections 303.1, 304, 307.1, 308 and 308.1 of this title insofar as it is necessary to promulgate rules pursuant to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act, to maintain a current incorporation of federal motor carrier safety and hazardous material regulations, or pursuant to Chapter 6 of Title 47 of the Oklahoma Statutes, to maintain a current incorporation of federal commercial driver license regulations, for which the Commissioner has no discretion when the state is mandated to promulgate rules identical to federal rules and regulations.

b. Such rules may be adopted by the Commissioner and shall be deemed promulgated twenty (20) days after notice of adoption is published in "The Oklahoma Register". Such publication need not set forth the full text of the rule but may incorporate the federal rules and regulations by reference.

c. Such copies of promulgated rules shall be filed with the Secretary as required by Section 251 of this title.

d. For any rules for which the Commissioner has discretion to allow variances, tolerances or modifications from the federal rules and regulations, the Commissioner shall fully comply with Article I of the Administrative Procedures Act.

9. The Council on Judicial Complaints shall be exempt from Section 306 of Article I of the Administrative Procedures Act, with respect to review of the validity or applicability of a rule by an action for declaratory judgment, or any other relief based upon the validity or applicability of a rule, in the district court or by an appellate court. A party aggrieved by the validity or applicability of a rule made by the Council on Judicial Complaints may petition the Court on the Judiciary to review the rules and issue opinions based upon them.

10. The Department of Corrections, State Board of Corrections, county sheriffs and managers of city jails shall be exempt from Article I of the Administrative Procedures Act with respect to:

a. prescribing internal management procedures for the management of the state prisons, county jails and city jails and for the management, supervision and control of all incarcerated prisoners, and

b. prescribing internal management procedures for the management of the probation and parole unit of the Department of Corrections and for the supervision of probationers and parolees.

11. The State Board of Education shall be exempt from Article I of the Administrative Procedures Act with respect to prescribing subject matter standards as provided for in Section 11-103.6a of Title 70 of the Oklahoma Statutes.

B. As specified, the following agencies or classes of agency activities are not required to comply with the provisions of Article II of the Administrative Procedures Act:

1. The Oklahoma Tax Commission;

2. The Commission for Human Services;

3. The Oklahoma Ordnance Works Authority;

4. The Corporation Commission;

5. The Pardon and Parole Board;

6. The Midwestern Oklahoma Development Authority;

7. The Grand River Dam Authority;

8. The Northeast Oklahoma Public Facilities Authority;

9. The Council on Judicial Complaints;

10. The Board of Trustees of the Oklahoma College Savings Plan;

11. The supervisory or administrative agency of any penal, mental, medical or eleemosynary institution, only with respect to

the institutional supervision, custody, control, care or treatment of inmates, prisoners or patients therein; provided, that the provisions of Article II shall apply to and govern all administrative actions of the Oklahoma Alcohol Prevention, Training, Treatment and Rehabilitation Authority;

12. The Board of Regents or employees of any university, college, or other institution of higher learning;

13. The Oklahoma Horse Racing Commission, its employees or agents only with respect to hearing and notice requirements on the following classes of violations which are an imminent peril to the public health, safety and welfare:

a. any rule regarding the running of a race,

b. any violation of medication laws and rules,

c. any suspension or revocation of an occupation license by any racing jurisdiction recognized by the Commission,

d. any assault or other destructive acts within Commission-licensed premises,

e. any violation of prohibited devices, laws and rules, or

f. any filing of false information;

14. The Commissioner of Public Safety only with respect to driver license hearings and hearings conducted pursuant to the provisions of Section 2-115 of Title 47 of the Oklahoma Statutes;

15. The Administrator of the Department of Securities only with respect to hearings conducted pursuant to provisions of the Oklahoma Take-over Disclosure Act of 1985;

16. Hearings conducted by a public agency pursuant to Section 962 of Title 47 of the Oklahoma Statutes;

17. The Oklahoma Military Department;

18. The University Hospitals Authority, including all hospitals or other institutions operated by the University Hospitals Authority;

19. The Oklahoma Health Care Authority Board and the Administrator of the Oklahoma Health Care Authority; and

20. The Oklahoma Office of Homeland Security.

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

Passed the House of Representatives the 23rd day of May, 2014.

Presiding Officer of the House of Representatives

Passed the Senate the 23rd day of May, 2014.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 23rd day of May, 2014, at 9:02 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 5th day of June, 2014, at 3:20 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 5th day of June, 2014, at 4:15 o'clock P. M.

By: Chi Benga