

An Act

ENROLLED HOUSE

BILL NO. 3218

By: Hickman, Casey, Strohm,
Brumbaugh, Martin, Derby,
Osborn, Johnson, Bennett,
Walker, Ownbey, Newell,
Rogers, Faught, Pfeiffer,
Murdock, Jordan, Cockroft,
Henke, Kannady, Wallace,
Wright, Mulready, Banz,
Leewright, Nollan, Coody
(Ann), Kirby, Biggs,
Cleveland, Christian, Hall,
Dunlap, Caldwell, Roberts
(Dustin), O'Donnell,
McCullough, Moore, Condit,
Wood, Montgomery, Roberts
(Sean), McBride, Russ,
Denney, Thomsen, Billy and
Sears of the House

and

Bingman, Treat, Smalley,
Ford, Sparks, Newberry,
Silk, Fry, Dossett, Brooks,
Halligan, Crain, Simpson,
Floyd, Sharp, Standridge,
Paddack, Thompson, Jech,
Matthews, Loveless, Quinn,
Boggs, Pittman, Bice, Holt,
Allen, Barrington and Brown
of the Senate

An Act relating to schools; amending 70 O.S. 2011,
Section 1-116, as amended by Section 1, Chapter 124,
O.S.L. 2014 (70 O.S. Supp. 2015, Section 1-116), which
relates to definitions of positions in a school system;
amending 70 O.S. 2011, Section 6-101.3, as last amended
by Section 1 of Enrolled House Bill No. 2957 of the 2nd

Session of the 55th Oklahoma Legislature, which relates to teacher definitions; modifying definitions; amending 70 O.S. 2011, Sections 1210.507, as last amended by Section 7, Chapter 430, O.S.L. 2014 and 1210.508, as last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2015, Sections 1210.507 and 1210.508), which relate to the Oklahoma School Testing Program Act; changing the word test to assessment; requiring the State Board of Education to administer assessments by certain means; authorizing school districts to select the means for administering assessments; directing the Board to adopt a statewide system of student assessments by a certain date; requiring system to be aligned with certain standards; requiring the Board to issue request for proposals for assessments and adopt assessments from selected proposals; providing for administration of selected assessments for a certain period beginning during certain school year; listing certain criteria for assessments; specifying assessment subjects to be administered during certain school years; allowing certain types of assessments to be included in the statewide student assessment system; requiring students to take certain assessments in order to graduate from high school; requiring students to meet certain other high school graduation requirements adopted by the Board; directing school districts to adopt an assessment plan for certain students; directing the Board to promulgate rules to ensure that certain transferred students can be awarded a standard diploma; requiring assessments scores to be reported on the high school transcript of students; modifying remediation requirement; deleting requirement to administer certain criterion-referenced tests; deleting requirement to administer certain end-of-instruction tests; deleting certain retake requirements; deleting requirement to report end-of-instruction test scores on high school transcripts; deleting arts assessment requirements and reports; changing references from criterion-referenced tests and end-of-instruction tests to assessments; adding date for reporting preliminary results; modifying uses of certain data; deleting certain coordination requirement; changing duty of the Board to set the testing window dates; deleting certain testing window requirements; changing date for reporting certain results; deleting authorization to

participate in a multistate or multigovernmental cooperative; requiring the Board to study and develop assessment requirements in conjunction with certain entities; specifying certain criteria to be included in the assessment requirements; requiring an opportunity for public comment; directing the Board to make a report by a certain date; requiring the Board to adopt the assessment requirements by a certain date; making the assessment requirements subject to legislative review; requiring submission of requirements to certain persons by certain date; providing process for legislative review and approval; allowing the Board to revise or adopt new requirements and submit for legislative review; establishing assessment requirements if requirements are not approved; considering requirements final agency rules upon final approval; requiring submission of requirements to the Secretary of State and certain publication; exempting certain joint resolutions from regular legislative cutoff dates; amending 70 O.S. 2011, Sections 1210.508B, as amended by Section 9, Chapter 430, O.S.L. 2014 and 1210.508C, as last amended by Section 1, Chapter 364, O.S.L. 2015 (70 O.S. Supp. 2015, Sections 1210.508B and 1210.508C), which relate to the Reading Sufficiency Act; amending 70 O.S. 2011, Section 1210.515, as amended by Section 1, Chapter 337, O.S.L. 2013 (70 O.S. Supp. 2015, Section 1210.515), which relates to reading ability required for a driver license or permit; amending 70 O.S. 2011, Section 1210.541, as last amended by Section 1, Chapter 163, O.S.L. 2014 (70 O.S. Supp. 2015, Section 1210.541), which relates to student performance levels and cut scores; amending 70 O.S. 2011, Section 1210.545, as last amended by Section 1, Chapter 362, O.S.L. 2015 (70 O.S. Supp. 2015, Section 1210.545), which relates to annual reports of the Oklahoma School Testing Program; changing references from criterion-referenced tests and end-of-instruction tests to assessments; clarifying statutory language; updating statutory citation; directing the State Department of Education to include certain explanation in school report cards during certain years; requiring the Department to issue school report cards using certain data; repealing 70 O.S. 2011, Sections 1210.506 and 1210.508-1, which relate to the Oklahoma School Testing Program Act; repealing 70

O.S. 2011, Sections 1210.521, 1210.522, 1210.523, as last amended by Section 26, Chapter 4, O.S.L. 2014, 1210.525 and 1210.526, as last amended by Section 2 of Enrolled Senate Bill No. 1105 of the 2nd Session of the 55th Oklahoma Legislature (70 O.S. Supp. 2015, Section 1210.523), which relate to the Achieving Classroom Excellence Act of 2005; providing for noncodification; providing an effective date; and declaring an emergency.

SUBJECT: Education

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-116, as amended by Section 1, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2015, Section 1-116), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. "Career teacher" means a teacher who:

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

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

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

(2) has completed four (4) consecutive complete school years as a teacher in one school district under a written continuing or temporary teaching

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

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

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

6. "Probationary teacher" means a teacher who:

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

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

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

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

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

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

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

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

