

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 2985

By: Rosecrants

4
5 AS INTRODUCED

6 An Act relating to schools; enacting the Empowering
7 Parents Over Testing Act of 2022; enabling parents to
8 opt their children out of mandatory testing;
9 prohibiting consequences for students, teachers, and
10 parents for excusing children from testing;
11 permitting collection of data by state entities;
12 permitting state entities to encourage taking
13 standardized tests; providing for codification; and
14 providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified in
17 the Oklahoma Statutes as Section 11-107.2 of Title 70, unless there
18 is created a duplication in numbering, reads as follows:

19 This act shall be known and may be cited as the "Empowering
20 Parents Over Testing Act of 2022".

21 SECTION 2. NEW LAW A new section of law to be codified in
22 the Oklahoma Statutes as Section 11-107.3 of Title 70, unless there
23 is created a duplication in numbering, reads as follows:

24 It shall be unlawful for the State Department of Education, any
school district, or any officer or employee of the State Department
of Education or of any school district to:

1 1. Impose or cause to be imposed on a public school student any
2 adverse consequences, including, but not limited to, consequences
3 relating to course grades, grade promotion, graduation, placement in
4 advanced academic programs, or participation in extracurricular
5 activities by reason of the public school student having been
6 excused by his or her parents or guardians from taking any
7 assessment used to meet the requirements of the federal Elementary
8 and Secondary Education Act, 20 U.S.C., Sections 6301 through 7981,
9 as amended by the Every Student Succeeds Act of 2015;

10 2. Impose or cause to be imposed on a public school teacher any
11 adverse consequences, including, but not limited to, consequences
12 relating to teacher evaluations or pay, by reason of one or more of
13 the teacher's students having been excused by their parents or
14 guardians from taking any assessment used to meet the requirements
15 of the federal Elementary and Secondary Education Act, 20 U.S.C.,
16 Sections 6301 through 7981, as amended by the Every Student Succeeds
17 Act; or

18 3. Impose or cause to be imposed on a public school any adverse
19 consequences, including, but not limited to, consequences relating
20 to school grades or school interventions, by reason of one or more
21 of the school's students having been excused by their parents or
22 guardians from taking any assessment used to meet the requirements
23 of the federal Elementary and Secondary Education Act, 20 U.S.C.,
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1 Sections 6301 through 7981, as amended by the Every Student Succeeds
2 Act.

3 SECTION 3. NEW LAW A new section of law to be codified in
4 the Oklahoma Statutes as Section 11-107.4 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 It shall be unlawful for any school district, or any officer or
7 employee of any school district, to discipline or discharge a
8 teacher by reason of that teacher having counseled parents,
9 guardians, and/or students regarding the exercise of any rights this
10 state may grant parents and guardians to excuse their student from
11 taking assessments used to meet the requirements of the federal
12 Elementary and Secondary Education Act, 20 U.S.C., Sections 6301
13 through 7981, as amended by the Every Student Succeeds Act.

14 SECTION 4. NEW LAW A new section of law to be codified in
15 the Oklahoma Statutes as Section 11-107.5 of Title 70, unless there
16 is created a duplication in numbering, reads as follows:

17 Nothing in this act shall be construed as limiting the State
18 Department of Education, any school district, or any officer or
19 employee of the State Department of Education or of any school
20 district from requiring transparency in school reporting about the
21 number of students who do not take assessments used to meet the
22 requirements of the federal Elementary and Secondary Education Act,
23 20 U.S.C., Sections 6301 through 7981, as amended by the Every
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1 Student Succeeds Act. However, such reporting may only be done in a
2 manner that respects student and educator privacy.

3 SECTION 5. NEW LAW A new section of law to be codified in
4 the Oklahoma Statutes as Section 11-107.6 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 Nothing in this act should be construed as limiting the State
7 Department of Education, any school district, or any officer or
8 employee of the State Department of Education or of any school
9 district from encouraging test participation of all students and
10 subgroups of students at a rate of ninety-five percent (95%) or more
11 on federally required tests by providing to parents and guardians
12 evidence of educational benefits of test participation.

13 SECTION 6. This act shall become effective November 1, 2022.

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