1	HOUSE OF REPRESENTATIVES - FLOOR VERSION
2	STATE OF OKLAHOMA
3	1st Session of the 55th Legislature (2015)
4	ENGROSSED SENATE
5	BILL NO. 784 By: Jolley of the Senate
6	and
7	Denney of the House
8	
9	[schools - criterion-referenced tests - system of
10	assessments - standard diploma - minimum score -
11	funding for administration of certain assessment -
12	school grades - calculations - effective date -
13	emergency]
14	
15	
16	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
17	SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508, as
18	last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
19	2014, Section 1210.508), is amended to read as follows:
20	Section 1210.508. A. 1. The State Board of Education shall
21	develop and administer a series of criterion-referenced tests
22	designed to indicate whether the subject matter standards, as
23	defined by the State Board of Education, which Oklahoma public
24	school students are expected to have attained have been achieved.
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1 The Board may develop and administer any criterion-referenced test 2 in any subject not required by federal law, contingent upon the 3 availability of funding. Students who do not perform at least at 4 the proficient level on tests shall be remediated, subject to the 5 availability of funding.

B. 1. Prior to the 2017-2018 school year, the State Board of 6 Education shall consider and review a standards-based system of 7 assessment that monitors progress toward college and career 8 9 readiness for grades three through ten. Should the system of assessments align with eighty percent (80%) of the standards adopted 10 pursuant to Section 11-103.6a of this title, the State Board of 11 12 Education shall be authorized to use the system of assessments in lieu of the assessments otherwise required by this section. 13

14 2. Contingent Unless otherwise provided by this section, the 15 <u>State Board of Education shall, contingent</u> upon the availability of 16 state and federal funds, the Board, in accordance with federal law, 17 shall administer criterion-referenced tests for grades three and 18 four in:

- a. reading, and
- 20 b. mathematics.

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

a. reading,

b. mathematics,

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1 c. science,

2	d. social studies, which shall consist of the history,	
3	Constitution and government of the United States, and	
4	geography, and	
5	e. writing of English.	
6	4. Contingent upon the availability of state and federal funds,	
7	the Board, in accordance with federal law, shall administer	
8	criterion-referenced tests for grades six and seven in:	
9	a. reading, and	
10	b. mathematics.	
11	In addition, the Board shall administer a criterion-referenced	
12	test in geography in grade seven.	
13	5. Contingent upon the availability of funds, the Board shall	
14	administer criterion-referenced tests for grade eight in:	
15	a. reading,	
16	b. mathematics,	
17	c. science,	
18	d. social studies, which shall consist of the history,	
19	Constitution, and government of the United States, and	
20	e. writing of English.	
21	The Board shall administer the tests for grade eight in reading	
22	and mathematics online with raw score test results reported	
23	immediately and complete results reported in less than two (2) weeks	
24	beginning in the 2007-08 school year.	
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1	6. C. 1. Prior to the 2017-2018 school year, the State Board			
2	of Education may adopt a common assessment used by institutions of			
3	3 higher education for admissions and placement. The assessment sh			
4	4 meet the requirements set forth in Section 1210.523 of this title			
5	5 2. Should the State Board of Education adopt a common			
6	6 assessment as provided in paragraph 1 of this subsection, every			
7	7 student, beginning with students entering the ninth grade in the			
8	2017-2018 school year, shall demonstrate mastery of state academic			
9	content standards in order to graduate from a public high school			
10	with a standard diploma. Mastery shall be demonstrated by achieving			
11	a composite score on the common assessment at a level set by the			
12	Commission for Educational Quality and Accountability, in			
13	collaboration with the State Department of Education and the			
14	Oklahoma State Regents for Higher Education. Such mastery level			
15	should be no less than the level required for entry into a community			
16	college with minimal remediation.			
17	3. Students who do not meet the requirements of paragraph 2 of			
18	this subsection may graduate from a public high school with a			
19	standard diploma by achieving a score on the ACT Workkeys job skills			
20	assessment that is equal to or above the minimum score set by the			
21	Commission for Educational Quality and Accountability, in			
22	collaboration with the State Department of Career and Technology			
23	Education and the Oklahoma Department of Commerce.			

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1	4. Should the State Board of Education adopt a common			
2	assessment as provided in paragraph 1 of this subsection, the State			
3	Board of Education shall provide sufficient funding to offer the			
4	common assessment to each twelfth grade student during the spring			
5	semester. The State Board of Education shall also provide			
6	sufficient funding to provide one retake opportunity to students who			
7	do not achieve the composite score set forth in paragraph 2 of this			
8	subsection.			
9	5. Students in ninth through twelfth grades shall have the			
10	right to take the common assessment at any time at their own			
11	expense.			
12	6. Except Unless and until a common assessment is selected by			
13	the State Board of Education as provided by this subsection, and			
14	except as otherwise provided for in Section 1210.523 of this title,			
15	each student who completes the instruction for English II, English			
16	III, United States History, Biology I, Algebra I, Geometry, and			
17	Algebra II at the secondary level shall complete an end-of-			
18	instruction test, when implemented, to measure for attainment in the			
19	appropriate subject matter standards in order to graduate from a			
20	public high school with a standard diploma. All students shall take			
21	the tests prior to graduation, unless otherwise exempt by law. The			
22	State Board of Education shall administer the criterion-referenced			
23	tests. The Board shall develop and field test the end-of-			
24	instruction tests in English III, Geometry, and Algebra II during			
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1 the 2006-07 school year, implement the tests during the 2007-08 2 school year, and administer them each year thereafter. The Board 3 shall administer the multiple choice portion of the end-ofinstruction tests online with raw score test results reported 4 5 immediately and complete results reported in less than two (2) weeks beginning in the 2008-09 school year. 6

7 The end-of-instruction tests shall serve the purpose of the criterion-referenced tests as provided in paragraph 1 of this 8 9 subsection. The English II and English III end-of-instruction tests 10 shall include a writing component. Students who do not score at 11 least at the proficient level shall be afforded the opportunity to 12 retake each test up to three (3) times each calendar year until at least achieving at the proficient level. In order to provide an 13 indication of the levels of competency attained by the student in a 14 permanent record for potential future employers and institutions of 15 higher education, for students who enter the ninth grade in or prior 16 to the 2007-08 school year, school districts shall report the 17 highest-achieved state test performance level on the end-of-18 instruction tests on the student's high school transcript. 19 Beginning with students who enter the ninth grade in the 2008-09 20 school year, school districts shall report the highest-achieved 21 state test performance level on the end-of-instruction tests and any 22 business and industry-recognized endorsements attained on the 23 student's high school transcript. Any student at the middle school 24 SB784 HFLR

1 level who completes the instruction in a secondary course specified 2 in this paragraph shall be administered the appropriate end-ofinstruction test. 3

- Each school district shall administer to each student 7. 4 a. 5 in the school district in grades three through eight an assessment designed to assess the student in the 6 fine arts area in which the student has received 7 instruction. 8
- 9 b. Each school district shall prepare an annual report for approval by the State Board of Education outlining 10 11 the fine arts assessment strategies used by the 12 district, when the assessments were administered, how many students were assessed during the previous year, 13 and the results of the assessments. 14

15 B.D. 1. All criterion-referenced tests required by this section shall measure academic competencies in correlation with the 16 subject matter standards adopted by the Board pursuant to Sections 17 11-103.6 and 11-103.6a of this title. The State Board of Education 18 shall evaluate the subject matter standards to ensure the 19 competencies reflect high standards, are specific, well-defined, 20 measurable, challenging, and will prepare elementary students for 21 next-grade-level course work and secondary students for 22 postsecondary studies at institutions of higher education or 23 24 technology center schools without the need for remediation. A11 SB784 HFLR

1 subject matter standards shall reflect the goals as set forth in Section 11-103.6 of this title and of improving the state average 2 ACT score. 3

2. The State Department of Education shall annually evaluate 4 5 the results of the criterion-referenced tests. The State Board of Education shall ensure that test results are reported to districts 6 in a manner that yields detailed, diagnostic information for the 7 purpose of guiding instruction and student remediation. As 8 9 improvements are made to the criterion-referenced tests required by this section, the Board shall seek to increase the depth of 10 11 knowledge assessed for each subject. The State Board of Education 12 shall seek to ensure that data yielded from the tests required in this section are utilized at the school district level to prescribe 13 reinforcement and/or remediation by requiring school districts to 14 develop and implement a specific program of improvement based on the 15 test results. 16

3. The State Board of Education in coordination with the Office 17 of Educational Quality and Accountability shall review, realign, and 18 recalibrate, as necessary, the tests in reading and mathematics in 19 third through eighth grade and the end-of-instruction tests. 20 The Commission for Educational Quality and Accountability shall 21 determine the cut scores for the performance levels on the end-of-22 instruction tests developed pursuant to paragraph 6 of subsection A 23 24 C of this section. The Commission shall conduct an ongoing review SB784 HFLR Page 8

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 4 5 reliability and validity studies, monitoring contractor adherence to 6 professionally accepted testing standards, and providing recommendations for testing program improvement, shall retain the 7 services of an established, independent agency or organization that 8 9 is nationally recognized for its technical expertise in educational testing but is not engaged in the development of aptitude or 10 11 achievement tests for elementary or secondary level grades. These 12 national assessment experts shall annually conduct studies of the reliability and validity of the end-of-instruction tests 13 administered pursuant to this section. Validity studies shall 14 15 include studies of decision validity and concurrent validity. C.E. 1. The State Board of Education shall set the testing 16 window dates for each criterion-referenced test required in 17

18paragraphs 1 through 5 of subsection A B of this section for grades19three through eight so that, with the exception of the writing20assessments, the tests are administered to students no earlier than21April 10 each year and so that the test results are reported back to22school districts in a timely manner. Each criterion-referenced test23required in paragraph 6 of subsection A C of this section may be24administered to students at a time set by the State Board of

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1 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 2 3 students taking the test for the first time and all students retaking the test during the testing window time set by the Board, 4 5 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 6 7 prior to the start of the testing window time set by the Board. All results and reports of the criterion-referenced test series required 8 9 in paragraphs 1 through 5 of subsection A B of this section for 10 grades three through eight shall be returned to each school district 11 prior to the beginning of the next school year. The vendor shall 12 provide a final electronic data file of all school site, school district, and state results to the State Department of Education and 13 the Office of Educational Quality and Accountability prior to 14 15 September 1 of each year. The Department shall forward the final data files for each school district and each school site in that 16 district to the school district. The Board shall ensure the 17 contract with the testing vendor includes a provision that the 18 vendor report test results directly to the Office of Educational 19 Quality and Accountability at the same time it is reported to the 20 Board. 21

State, district, and site level results of all tests 2. 22 required in this section shall be disaggregated by gender, race, 23 24 ethnicity, disability status, migrant status, English proficiency, SB784 HFLR

1 and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number 2 3 of students in a category is insufficient to yield statistically reliable information or the results would reveal personally 4 5 identifiable information about an individual student. Each school site shall notify the student's parents of the school's performance 6 7 levels in the Oklahoma School Testing Program as reported in the Oklahoma Educational Indicators Program at the end of each school 8 9 year.

D.F. The State Board of Education shall be responsible for the 10 11 development, field-testing, and validation of the criterion-12 referenced test series required in subsection subsections A, B, and C of this section. In the interest of economy the Board may 13 participate in a multistate or multigovernmental cooperative 14 pursuant to the requirements of The Oklahoma Central Purchasing Act, 15 but shall not bind the state, contractually or otherwise, to the 16 authority of any other state, organization or entity which may 17 supersede the authority of the Board, for the purpose of adapting 18 criterion-referenced tests, to the extent that such tests are 19 appropriate for use in the testing program to be administered to 20 Oklahoma students. 21

E.G. 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
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1 accommodations for the testing of students with disabilities as required by the Individuals with Disabilities Education Act (IDEA), 2 3 20 USC, Section 1400 et seq.

F.H. For purposes of developing and administering alternate 4 5 assessments for students with the most significant cognitive disabilities, the State Board of Education shall not be subject to 6 subsections D and E of Section 11-103.6a of this title. 7

I. The State Board of Education, the State Board of Career and 8 9 Technology Education, and the Executive Director of the Oklahoma 10 Department of Commerce shall promulgate rules as necessary to

11 implement the provisions of this act.

70 O.S. 2011, Section 1210.545, as 12 SECTION 2. AMENDATORY last amended by Section 2, Chapter 163, O.S.L. 2014 (70 O.S. Supp. 13 2014, Section 1210.545), is amended to read as follows: 14

Section 1210.545. A. As part of the accountability system 15 developed as provided for in Section 1210.541 of this title, the 16 State Board of Education shall prepare annual reports of the results 17 of the Oklahoma School Testing Program which describe student 18 achievement in the state and each school site. The Board shall 19 prescribe the design and content of the reports, which shall 20 include, without limitation, descriptions of the performance of all 21 schools participating in the Oklahoma School Testing Program and all 22 of the major student populations as determined by the Board, and 23 24 shall also include the median scores of all eligible students who SB784 HFLR

scored at or in the lowest twenty-fifth percentile of the state in
 the previous school year. The confidentiality of individual student
 records shall be preserved as required by law.

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

8 1. "A" means schools making excellent progress;

9 2. "B" means schools making above average progress;

10 3. "C" means schools making satisfactory progress;

11 4. "D" means schools making less than satisfactory progress; 12 and

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

14 C. Each school that has students who are tested and included in 15 the school grading system as provided for in this section shall 16 receive a school grade, except as follows:

17 1. A school shall not receive a school grade if the number of 18 students tested and included in the school grading system is less 19 than the minimum sample size necessary for statistical reliability 20 and prevention of the unlawful release of personally identifiable 21 student data. The State Board of Education is directed to establish 22 the lowest minimum sample size necessary to meet the requirements of 23 this paragraph;

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1 2. A school that serves any combination of students in 2 kindergarten through grade three which does not receive a school 3 grade because the students are not tested and included in the school grading system shall receive the school grade designation of a 4 5 feeder pattern school identified by the State Department of Education and verified by the school district. A school feeder 6 7 pattern exists if at least sixty percent (60%) of the students in the school serving a combination of students in kindergarten through 8 9 grade three are scheduled to be assigned to the graded school; and 3. The academic performance of students who are enrolled full-10 11 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 12 located in the district of residence of the student shall be 13 reported separately by the school district or charter school and 14 shall not be included when determining the grade of the school site 15 or charter school. 16

The grade of a school shall be based on a combination of: 17 D. Fifty percent (50%) on whole school performance, as measured 1. 18 by allocating one point for each student who scores proficient or 19 advanced on the criterion-referenced tests and end-of-instruction 20 tests administered under Section 1210.508 of this title and 21 alternative test scores administered to students pursuant to Section 22 1210.523 of this title divided by the number of students taking the 23

- 24 tests;
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1 2. Twenty-five percent (25%) on whole school growth, as 2 measured by allocating one point for each student who improves 3 proficiency levels or improves substantially within a proficiency level calculating the percentage of growth for each student from the 4 5 benchmark to the highest possible score on criterion-referenced tests and end-of-instruction tests administered under Section 6 7 1210.508 of this title divided by the number of students taking the tests; and 8

9 3. Twenty-five percent (25%) on growth in the bottom quartile of students, as measured by allocating one point for each student in 10 11 the bottom quartile who improves proficiency levels or improves 12 substantially within a proficiency level calculating the percentage of growth for each student in the bottom quartile from the benchmark 13 to the highest possible score on criterion-referenced tests and end-14 of-instruction tests administered under Section 1210.508 of this 15 title divided by the number of students taking the tests. 16

In addition to the components outlined in subsection D of 17 Ε. this section, the following bonus points shall be considered in 18 determining the grade of a school site: 19

For schools comprised of high school grades: 20 1. 21 a.

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defined by rules adopted by the Board,

five points for meeting the criteria for an "A" for

the high school graduation rate of the school, as

1 one point for meeting the criteria for an "A" for b. performance or participation of students in College 2 3 Board Advanced Placement courses, International Baccalaureate courses, concurrent enrollment courses, 4 5 Advanced International Certificate of Education courses, or the achievement of students on national 6 7 industry certification, as defined by rules adopted by the Board, 8

9 c. one point for meeting the criteria for an "A" for
10 participation or performance in SAT tests administered
11 by the College Board or the American College Test
12 (ACT) having every student select the college
13 preparatory/work ready curriculum pursuant to Section
14 11-103.6 of this title, as defined by rules adopted by
15 the Board,

- d. one point for meeting the criteria for an "A" for the
 high school graduation rate of students who scored at
 limited knowledge or unsatisfactory on the eighthgrade criterion-referenced tests in reading and
 mathematics,
- e. as valid data becomes available, one point for the
 performance of students on the end-of-instruction
 tests administered under Section 1210.508 of this
 title requiring every student take the equivalent of

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1	four (4) years of mathematics, English, social
2	studies, and science, as defined by rules adopted by
3	the Board, and

- f. one point for the growth or decline in the components
 listed in subparagraphs a through e of this paragraph
 from year to year, as defined by rules adopted by the
 Board;
 - 2. For schools comprised of middle school grades:
- 9 a. two points for meeting the criteria for an "A" for the
 10 drop-out rate of the school, as defined by rules
 11 adopted by the Board,
- b. two points for meeting the criteria for an "A" for the
 percentage of students who are taking higher level
 coursework at a satisfactory or higher level, as
 defined by rules adopted by the Board, and
- 16 c. six points for meeting the criteria for an "A" for 17 attendance, as defined by rules adopted by the Board; 18 and
- For schools comprised of elementary school grades, ten
 points for meeting the criteria for an "A" for attendance, as
 defined by rules adopted by the Board.

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

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

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

- 9 a. the high school graduation rate of the school as10 calculated by the Department,
- 11 b. the participation rate of all eligible students 12 enrolled in the school in College Board Advanced Placement courses whether taught at a high school, a 13 technology center school, or a regional site of the 14 15 Oklahoma School of Science and Mathematics, 16 International Baccalaureate courses, concurrent enrollment courses, Advanced International Certificate 17 of Education courses, courses or sequence of courses 18 leading to national industry certification identified 19 20 pursuant to rules adopted by the Board, courses or sequence of courses granted cooperative college 21 alliance credit taken at a technology center school, 22 and science, technology, engineering and mathematics 23

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

- c. the aggregate scores of all eligible students enrolled
 in the school in College Board Advanced Placement
 courses whether taught at a high school, a technology
 center school, or a regional site of the Oklahoma
 School of Science and Mathematics, International
 Baccalaureate courses, and Advanced International
 Certificate of Education courses,
- 10d.earning of college credit by all eligible students11enrolled in the school in concurrent enrollment12programs as provided for in Section 628.13 of this13title and in cooperative college alliance courses14taken at a technology center school,
- e. earning of a national industry certification
 identified pursuant to rules adopted by the Board,
- 17 f. the aggregate scores of all eligible students enrolled
 18 in the school in reading, mathematics, and other
 19 subjects as measured by the SAT test administered by
 20 the College Board and the ACT,
- g. the high school graduation rate of all eligible students enrolled in the school who scored at limited knowledge or unsatisfactory on the eighth-grade criterion-referenced tests in reading and mathematics,

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- h. the performance of students on statewide end-of instruction tests administered under Section 1210.508
 of this title, and
- 4 i. the growth or decline in the data components listed in
 5 subparagraphs a through h of this paragraph from year
 6 to year.

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

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

15 2. Ninety-three percent (93%) to ninety-six percent (96%) = A;
16 3. Ninety percent (90%) to ninety-two percent (92%) = A-;
17 4. Eighty-seven percent (87%) to eighty-nine percent (89%) =
18 B+;

19 5. Eighty-three percent (83%) to eighty-six percent (86%) = B; 20 6. Eighty percent (80%) to eighty-two percent (82%) = B-; 21 7. Seventy-seven percent (77%) to seventy-nine percent (79%) = 22 C+;

- 23 8. Seventy-three percent (73%) to seventy-six percent (76%) =
- 24 C;
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1 9. Seventy percent (70%) to seventy-two percent (72%) = C-;Sixty-seven percent (67%) to sixty-nine percent (69%) = D+; 2 10. 3 11. Sixty-three percent (63%) to sixty-six percent (66%) = D_i ; 12. Sixty percent (60%) to sixty-two percent (62%) = D-; and 4 5 13. Fifty-nine percent (59%) and below = F.

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

The State Department of Education shall annually develop, in I. 14 collaboration with school districts and the Office of Educational 15 Quality and Accountability, a single school site report card to be 16 delivered to parents throughout each school district. The report 17 card shall include the grade for the school, information regarding 18 school improvement, an explanation of school performance as 19 evaluated in accordance with the Elementary and Secondary Education 20 Act of 2001 (ESEA), P.L. No. 107-110, also known as the No Child 21 Left Behind Act of 2001, and indicators of return on investment. 22 The report card for each school site shall be published annually by 23 the Department on its website, and every school district shall 24 SB784 HFLR

1	provide the school site report card to the parent or guardian of	
2	each student enrolled in the school site.	
3	J. The Legislature may factor in the performance of schools in	
4	calculating any performance-based funding policy that is provided to	
5	public school districts.	
6	K. The State Board of Education shall promulgate rules to	
7	implement the provisions of this section.	
8	SECTION 3. This act shall become effective July 1, 2015.	
9	SECTION 4. It being immediately necessary for the preservation	
10	of the public peace, health and safety, an emergency is hereby	
11	declared to exist, by reason whereof this act shall take effect and	
12	be in full force from and after its passage and approval.	
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14	COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03/25/2015 - DO PASS, As Amended.	
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