

ENROLLED SENATE
BILL NO. 558

By: Shedrick and Shurden of the
Senate

and

Hager, Smith (Dale) and
Stites of the House

An Act relating to schools; amending 70 O.S. 1991, Sections 3-116, 6-114, 35e, 1210.508, as amended by Section 1, Chapter 292, O.S.L. 1992, and 1210.531, as amended by Section 1, Chapter 248, O.S.L. 1992 (70 O.S. Supp. 1992, Sections 1210.508 and 1210.531), which relate to the Education Oversight Board, control and discipline of students, school dropouts, student testing, and Oklahoma Educational Indicators Program; modifying terms of certain board members; conferring authority over certain policies upon district board of education; allowing State Board of Education to require certain reports; modifying dropout reporting requirements; deleting certain requirements related to field-testing of certain tests, specifying certain tests shall measure certain competencies; adding mobility rate as educational indicator; deleting certain language; requiring school districts to adopt certain policies governing access to educational records; stating purpose; changing statutory reference; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 3-116, is amended to read as follows:

Section 3-116. A. There is hereby created the Education Oversight Board. The membership of the Education Oversight Board shall consist of:

1. The Chairperson of the Education Committee of the Oklahoma House of Representatives;
2. The Chairperson of the Education Committee of the Senate;
3. One member, who is not a legislator, appointed by the Governor;
4. One member, who is not a legislator, appointed by the Speaker of the Oklahoma House of Representatives; and
5. One member, who is not a legislator, appointed by the President Pro Tempore of the Senate.

The two Education Committee Chairpersons shall serve as members of the Board as long as each holds that position in such

chairperson's respective house. The terms of the appointed members shall be staggered. The initial term of the member appointed by the Governor shall be six (6) years. The initial term of the member appointed by the President Pro Tempore of the Senate shall be five (5) years. The initial term of the member appointed by the Speaker of the House of Representatives shall be four (4) years. After expiration of the initial terms, the three appointed members shall serve ~~four-year~~ three-year terms. No more than one appointed member shall be appointed from any one Congressional District, county, city or town. The initial appointments shall be made on or before thirty (30) days after the effective date of this section. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

B. A chairperson and vice-chairperson shall be elected annually from the membership of the Board. A quorum which shall consist of three members must be present for the transaction of any business. Members shall be reimbursed for travel in the performance of their official duties in accordance with the State Travel Reimbursement Act.

C. The Education Oversight Board shall have oversight over implementation of this act and shall govern the operation of the Office of Accountability created in Section ~~42 of this act~~ 3-117 of this title. The Secretary of Education shall be the chief executive officer of the Office of Accountability.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 6-114, is amended to read as follows:

Section 6-114. A. ~~The local~~ Each district board of education shall ~~adopt a policy~~ have exclusive authority to adopt disciplinary policies for the control and discipline of all children attending public school in that district. Each district board of education shall adopt a disciplinary policy for the district. Such policy shall provide options for the methods of control and discipline of the students and shall define standards of conduct to which students are expected to conform. In ~~formulation of such~~ developing the policy, the ~~local~~ district board of education shall make an effort to involve the teachers, parents, and students affected. The students, teachers, and parents or guardian of every child residing within a school district shall be notified by the ~~local~~ district board of education of its adoption of the policy and shall receive a copy upon request. Provided, the teacher of a child attending a public school shall have the same right as a parent or guardian to control and discipline such child according to local policies during the time the child is in attendance or in transit to or from the school or any other school function authorized by the school district or classroom presided over by the teacher.

B. The State Board of Education may promulgate rules whereby district boards of education may be required to file student disciplinary action reports and policies as part of the four-year school improvement plan required by Section 5-117.4 of this title. No district shall be required to file a disciplinary action report except pursuant to such duly promulgated rules.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 35e, is amended to read as follows:

Section 35e. A. It shall be the duty of the superintendent, principal or head teacher of each public or private middle, junior high and high school accredited by the State Department of Education in the State of Oklahoma to notify the State Department of Education ~~monthly~~ quarterly as scheduled by the Department of the name, address, race and age of any pupil dropping out from such school

during the preceding ~~month~~ quarter. Such report shall be made on forms prescribed and furnished by the State Department of Education.

B. The Oklahoma State Board of Education shall cause these statistics of school dropouts to be tabulated by grade and school district. Information of school dropouts shall be made available to the State Department of Vocational and Technical Education, the Oklahoma Indian Affairs Commission, the Bureau of Indian Affairs and the Department of Health, Education and Welfare.

C. The State Department of Education shall make an annual report to the Legislature prior to the convening of each regular session thereof of information received and tabulated pursuant to this section.

D. For the purposes of this section, school dropout means any student who is under the age of eighteen (18) years and has not graduated from high school and is not attending any public or private school or is otherwise receiving an education pursuant to law for the full term the schools of the school district in which he resides are in session.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 1210.508, as amended by Section 1, Chapter 292, O.S.L. 1992 (70 O.S. Supp. 1992, Section 1210.508), is amended to read as follows:

Section 1210.508 A. In every school year through 1993-94, the State Board of Education shall cause a norm-referenced test to be administered to every student enrolled in grades three, five, seven, nine, and eleven of the public schools of this state. Beginning with the 1994-95 school year and every school year thereafter, the State Board of Education shall cause a norm-referenced test to be administered to every student enrolled in grades three and seven of the public schools of this state. The test used shall be selected by the Board and shall measure specific skills represented by learner objectives. The student skills to be tested at the specified grade levels shall include reading, mathematics, language arts, communications, science and the principles of citizenship in the United States and other countries through the study of the ideals, history and government of the United States and other countries of the world, and through the study of the principles of democracy as they apply in the lives of citizens. Because the purpose of such norm-referenced testing is to focus on the progress of students and to diagnose a student's strengths and weaknesses, the Board shall seek to ensure that data yielded from the test is utilized at the school district level to prescribe skill reinforcement and/or remediation by requiring school districts to develop and implement a specific program of improvement based on the test results.

B. The State Department of Education shall review existing norm-referenced tests commercially available and shall designate for statewide use those tests which evaluate the broadest range of identified, age-appropriate competencies. Such review process shall be coordinated, to the maximum extent possible, with the work of the Oklahoma Curriculum Committee. The first report of the review shall be filed by the State Board of Education with the Oklahoma Legislature on or before January 1, 1993, and shall be filed with the Oklahoma Legislature on June 30 every third year thereafter.

C. In every school year through the 1993-94 school year, the Board shall cause a norm-referenced writing assessment test to be administered to every seventh- and tenth-grade student.

D. The Board shall develop a series of criterion-referenced tests designed to indicate whether competencies Oklahoma public school students are expected to have attained in grades five, eight and twelve in mathematics, science, reading and writing of English,

history and government of the United States, geography, and culture and the arts, as defined by the Board, have been mastered. The tests shall measure academic competencies and shall be designed and implemented in correlation with the implementation of the outcomes-based curricula standards adopted by the Board pursuant to Section 11-103.6 of this title. The series of tests shall be field-tested and implemented by the following schedule:

| Subject | Field-tested | Implemented |
|--|--------------|-------------|
| Mathematics | 1993-94 | 1994-95 |
| Science | 1993-94 | 1994-95 |
| Reading and Writing of English | 1994-95 | 1995-96 |
| History and Government of the United States | 1995-96 | 1996-97 |
| Geography | 1996-97 | 1997-98 |
| Culture and the Arts | 1997-98 | 1998-99 |

E. The Board shall cause the tests in each subject to be field-tested ~~by administering the fifth-grade competency test in each subject to students enrolled in the sixth grade, by administering the eighth-grade competency test in each subject to students enrolled in the ninth grade, and by administering the twelfth-grade competency test in each subject to students enrolled in the twelfth grade of the public schools of this state~~ during the year the field tests for each subject are scheduled. The Board shall cause the tests in each subject to be implemented by administering the fifth-grade competency test to fifth-grade students, by administering the eighth-grade competency test to eighth-grade students, and by administering the twelfth-grade competency test to eleventh-grade students in the public schools of this state during ~~the spring semester of~~ the year scheduled for implementation of tests in each subject. The Board shall administer the appropriate tests in each implemented subject to fifth-, eighth-, and eleventh-grade students every year after implementation. Students who do not perform satisfactorily on the implemented tests shall be provided opportunities for remediation and shall retake the tests at times established by the Board during subsequent years as follows: Fifth-grade tests shall be re-administered during the sixth and seventh grades; eighth-grade tests shall be re-administered during the ninth and tenth grades; and the twelfth-grade tests shall be re-administered during the twelfth grade.

F. Results of the criterion-referenced test series required in subsection D of this section shall be included in the summary report of the Oklahoma Educational Indicators Program published pursuant to Section 1210.531 of this title. The report shall include the number of students who perform satisfactorily on the tests, the number of students who do not perform satisfactorily, and the number of students who perform satisfactorily on subsequent administrations of the tests.

G. The State Board of Education shall be responsible for the development, field-testing, and validation of the criterion-referenced test series required in subsection D of this section. In the interest of economy the Board shall adapt criterion-referenced tests that have been developed by other states or are otherwise commercially available, or portions of such tests, to the extent that such tests are appropriate for use in the criterion-referenced test series to be administered to Oklahoma students.

H. The Board 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 handicapped students and students with learning disabilities,

necessary to measure additional competencies of students which are not adequately measured by the tests required by this section.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 1210.531, as amended by Section 1, Chapter 248, O.S.L. 1992 (70 O.S. Supp. 1992, Section 1210.531), is amended to read as follows:

Section 1210.531 A. The State Board of Education shall establish an Oklahoma Educational Indicators Program. The purpose of the Program shall be to develop and implement a system of measures whereby the performance of public schools and school districts is assessed and reported without undue reliance upon any single type of indicator, and whereby the public, including students and parents, may be made aware of the proper meaning and use of any tests administered under the Oklahoma School Testing Program Act, relative accomplishments of the public schools, and of progress being achieved. The Board shall involve representatives of various organizations of school teachers and of school administrators in the development of the Program. The Program shall be so designed that use of standardized definitions and measures and opportunities for coordination with national reports, including those of the National Assessment of Educational Progress, are maximized.

B. The Oklahoma Educational Indicators Program shall present information for comparisons of graduation rates, dropout rates, pupil-teacher ratios, mobility rates, and test results in the contexts of socioeconomic status and the finances of school districts. Information shall be provided individually for all public schools and school districts in a format that facilitates comparisons. As the necessary data becomes available, comparisons shall also be provided individually for all schools and school districts on a historical basis. Reports of first-grade readiness assessments and of all tests administered pursuant to the Oklahoma School Testing Program Act, Section 1210.505 et seq. of Title 70 of the Oklahoma Statutes, shall be a part of the Oklahoma Educational Indicators Program and shall be provided for each grade and each test subject or section. The State Board of Education shall seek to develop and incorporate additional indicators of comparative standing and accomplishment.

C. Additionally, the State Board of Education, with the cooperation of the Oklahoma State Regents for Higher Education, the State Board of Vocational and Technical Education, and the Oklahoma Employment Security Commission, shall develop procedures for obtaining and reporting data to the high schools and to the general public regarding the employment of graduates of each of Oklahoma's high schools and regarding the performance of each high school's graduates in Oklahoma's institutions of higher education and in postsecondary vocational-technical education. The State Board of Education shall include such data in the report of the Oklahoma Educational Indicators Program.

D. By February 1 of each year the State Board of Education shall publish a summary report to the people of Oklahoma of the information provided by the Oklahoma Educational Indicators Program. Immediately following the publication of the summary report each year, all data gathered pursuant to the Oklahoma Educational Indicators Program shall be made available for public inspection at the offices of the State Board or State Department of Education; provided, confidentiality of individual student records shall be preserved as required by law.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-160 of Title 70, unless there is created a duplication in numbering, reads as follows:

All school districts within the state shall adopt a policy that will regulate access to and release of student records which complies with the requirements of the Family Educational Rights and Privacy Act, Section 1232g et seq. of Title 20 of the United States Code, and regulations adopted thereunder by the United States Department of Education. The purpose of the policy provisions shall be to protect the rights of privacy of students and their families in connection with educational records.

SECTION 7. 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 Senate the 18th day of May, 1993.

President of the Senate

Passed the House of Representatives the 25th day of May, 1993.

Speaker of the House of Representatives