

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1349

By: Williams and Wilcoxson of
the Senate

and

Boyd (Betty) of the House

COMMITTEE SUBSTITUTE

An Act relating to education; amending 70 O.S. 1991, Section 3-116, as last amended by Section 1, Chapter 191, O.S.L. 1997 (70 O.S. Supp. 1997, Section 3-116), which relates to the Education Oversight Board; modifying Education Oversight Board residency requirements; amending 70 O.S. 1991, Section 1210.508, as last amended by Section 25 of Enrolled House Bill No. 3348 of the 2nd Session of the 46th Oklahoma Legislature, which relates to norm-referenced tests; requiring nationally normed norm-referenced test to be administered to certain third-grade students; requiring such tests with criterion-referenced supplements to be administered to certain students; requiring certain criterion-referenced supplements be designed for certain purposes; modifying administration of the criterion-referenced tests at completion of certain level; providing for certain purpose of tests; modifying placement of results of certain tests; modifying items to be included in

certain summary report; requiring results of certain tests to be included on final high school transcript; providing for criterion-referenced tests and supplements; providing for remediation for certain purposes; stating items included in such remediation; providing for length of such remediation; providing for certain results be included in student's permanent record; providing for the award of certain grants; specifying placement of such grants; providing for certain programs relating to such awards; providing for applications for Remediation Assistance Grants; requiring the promulgation of certain rules subject to certain considerations; providing for priority considerations; providing certain requirements of grant applicants; providing for expenditures of certain funding; providing for certain priority for renewal of certain grants under certain conditions; providing criteria for certain funding; prohibiting certain use of funds; requiring the reporting of certain funds received and expended to the State Department of Education; requiring the State Board of Education to prepare certain Annual Summary Report; specifying such Report; requiring the State Board to enter into certain contracts; requiring certain duties of the Remediation Assistance technical assistance center; providing for selection and notification of certain school districts eligible to receive certain grants; providing for implementation of certain programs; providing for certain penalties; providing for filing of certain applications; requiring the

preparation and submitting of certain statewide plan; prohibiting certain language to go into effect unless funds are available; providing an effective date; 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, as last amended by Section 1, Chapter 191, O.S.L. 1997 (70 O.S. Supp. 1997, 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~~ Chair of the Education Committee of the Oklahoma House of Representatives;
2. The ~~Chairperson~~ Chair of the Education Committee of the Senate;
3. Two members, who are not legislators, appointed by the Governor;
4. Two members, who are not legislators, appointed by the Speaker of the House of Representatives;
5. Two members, who are not legislators, appointed by the President Pro Tempore of the Senate; and
6. One member, who is not a legislator, appointed jointly by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

The two Education Committee ~~Chairpersons~~ Chairs shall serve as nonvoting members of the Board as long as each holds that position in such ~~chairperson's~~ chair's respective house. The terms of the appointed members shall be staggered. The initial term of the first member appointed by the Governor shall expire on June 30, 1996. The

initial term of the first member appointed by the President Pro Tempore of the Senate shall expire on June 30, 1995. The initial term of the first member appointed by the Speaker of the House of Representatives shall expire on June 30, 1994. The initial term of the second member appointed by the Governor shall expire on June 30, 2002. The initial term of the second member appointed by the President Pro Tempore of the Senate shall expire on June 30, 2001. The initial term of the second member appointed by the Speaker of the House of Representatives shall expire on June 30, 2000. The initial term of the member appointed jointly by the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall expire on June 30, 1999. The terms of the seven appointed members shall begin on July 1 of the year the preceding term expires. All terms scheduled to begin on or before June 30, 1997, shall be for three (3) years. Except for the initial terms of the second members appointed by the Governor, Speaker of the House of Representatives, and the President Pro Tempore of the Senate and the member appointed jointly, all terms scheduled to begin on or after July 1, 1997, shall be for five (5) years. ~~No more than~~ At least one appointed member ~~may~~ must reside in ~~any one~~ each Congressional District, ~~county, city or town~~. No more than one appointed member may reside in the same county, city or town. 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~~ chair and ~~vice-chairperson~~ vice-chair shall be elected annually from the membership of the Board. A quorum, which shall consist of four voting 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:

1. The provisions of Enrolled House Bill No. 1017 of the 1st Extraordinary Session of the 42nd Oklahoma Legislature; and

2. The provisions of the Oklahoma Teacher Preparation Act.

D. The Education Oversight Board shall govern the operation of the Office of Accountability created in Section 3-117 of this title. The Secretary of Education shall be the chief executive officer of the Office of Accountability.

E. Legislators who serve on the Education Oversight Board shall be exempt from the dual office holding prohibitions of Section 6 of Title 51 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 1210.508, as last amended by Section 25 of Enrolled House Bill No. 3348 of the 2nd Session of the 46th Oklahoma Legislature, is amended to read as follows:

Section 1210.508 A. 1. A nationally normed norm-referenced test shall be administered to every third-grade student of the public schools of this state who is a resident of the district in which the student is currently enrolled pursuant to the provisions of subsection A of Section 1-113 of this title.

2. Beginning with the ~~1994-95~~ 1999-2000 school year and every school year thereafter, the State Board of Education shall cause a nationally normed norm-referenced test to be administered with criterion-referenced supplements to be administered to every student enrolled in grades ~~three and seven~~ five, eight and eleven of the public schools of this state who is a resident of the district in which the student is currently enrolled pursuant to the provisions of subsection A of Section 1-113 of this title. The ~~test used~~ tests shall be selected by the Board and shall consist of both a norm-referenced and criterion-referenced evaluation component that will measure specific skills represented by learner objectives.

3. 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. Periodically the State Department of Education shall review existing ~~norm-referenced~~ tests commercially available and shall make recommendations to the State Board of Education which shall designate for statewide use those tests which evaluate the broadest range of identified, age-appropriate competencies.

C. ~~The Board shall develop a series of~~ criterion-referenced ~~tests~~ supplements shall be 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, constitution and government of the United States, geography, and culture and the arts, and ~~in-grade twelve~~ at the secondary level, Oklahoma history, as defined by the Board, have been mastered. The criterion-referenced test in Oklahoma history shall be administered to students upon completion of the required instruction at the secondary level. The tests shall measure academic competencies and shall be designed and implemented in correlation with the implementation of the 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, Constitution and Government of the United States | 1995-96 | 1996-97 |
| Geography, and for grade 11, includes Oklahoma history | 1996-97 | 1997-98 |
| Culture and the Arts | 1997-98 | 1998-99 |

D. The Board shall cause the tests in each subject to be field-tested 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, and by administering the eighth-grade competency test to eighth-grade students, ~~and by administering.~~ For the purposes of giving secondary students information relative to the levels of competencies they will be expected to have attained upon completion of high school, the twelfth-grade competency test shall be administered 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 who are residents of the district in which they are currently enrolled pursuant to the provisions of subsection A of Section 1-113 of this title 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.

E. Results of the ~~riterion-referenced~~ test series required in ~~subsection~~ subsections A and C of this section and remediation activity shall be:

1. Returned, beginning with the 1998-99 school year, to each school district prior to May 1 of each year;

2. Provided to the Education Oversight Board/Office of Accountability by August 1 of each year; and

~~2.~~ 3. Included in the summary report of the Oklahoma Educational Indicators Program published pursuant to Section 1210.531 of this title. The report shall include:

a. the number and percentage of students tested,

b. the number and percentage of students who perform ~~performed~~ satisfactorily on the tests, ~~the number of students who do not perform satisfactorily, and~~

c. the number and percentage of students who performed unsatisfactorily who were provided remediation, and

d. the number and percentage of students who perform ~~performed~~ satisfactorily on subsequent administrations of the tests.

F. Students graduating from high school, beginning with the 1998-1999 graduating class, and every class thereafter, shall have the results of their twelfth-grade criterion-referenced tests reported on their final high school transcript.

G. The State Board of Education shall be responsible for the development, field-testing, and validation of the criterion-referenced ~~test series~~ tests and supplements required in ~~subsection~~ subsections A and C of this section. In the interest of economy the Board shall adapt criterion-referenced tests and supplements 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~~ tests and supplements 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 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.508.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Beginning with the 1998-99 school year, students who do not perform satisfactorily on the implemented tests in reading and mathematics shall be remediated prior to promotion to the next grade. If promoted without satisfactory performance on reading and mathematics, the students will be retested according to the schedule in subsection D of Section 1210.508 of Title 70 of the Oklahoma Statutes with the understanding that remediation shall continue until the performance is satisfactory.

B. The remediation may include, but not be limited to:

1. Sufficient additional in-school instructional time for the development of subject area proficiency of the student;

2. Innovative methods of instruction by which to remediate students;

3. If necessary, tutorial instruction after regular school hours, on Saturdays, and/or during the summer;

4. A reassessment of the student at the conclusion of the program of instruction and prior to the next school year; and

5. A recommendation as to whether or not the student should be retained at grade level.

The remediation shall continue until such student is determined to be at or above grade level proficiency.

C. Copies of the results of the initial mathematics and reading assessments upon which the student did not perform satisfactorily and the subsequent reassessment(s) administered pursuant to subsection D of Section 1210.508 of Title 70 of the Oklahoma Statutes shall be made a part of the permanent record of each student until the student is proficient at grade level so that the results of subsequent subject matter assessments can be measured against the student's previous test results.

D. Contingent upon the provision of appropriated funds designated for Remediation Assistance Grants, the State Board of Education is authorized to award one or more grants for remediation assistance programs to school districts, nonprofit organizations, or entities formed by interlocal cooperative agreements pursuant to Section 5-117b of Title 70 of the Oklahoma Statutes. The grant awards shall be made to school districts with at least seventy percent of students who do not demonstrate grade-level competency in mathematics and/or reading as reported by the Office of Accountability for the school year preceding the year for which the grant is being sought. If the grant award is made to an entity formed by an interlocal cooperative agreement, the program to be funded shall serve students in school districts with seventy percent or more of students who do not demonstrate grade-level competency in mathematics and/or reading as reported by the Office of Accountability. Programs eligible for funding shall include but not be limited to programs provided:

1. Directly by a school district;
2. Pursuant to an interlocal cooperative agreement with another school district or districts or an area vocational and technical school district; or
3. Pursuant to contract with a nonprofit organization.

E. The State Board of Education shall develop a simple application of no more than two (2) pages, for school districts to apply for Remediation Assistance Grants. The State Board of Education shall promulgate rules as necessary to administer the Remediation Assistance Grant Program and the process by which the grant funding shall be allocated, subject to the following considerations:

1. Selection of grant recipients shall not be based on the date the applications were received, provided that the date is in accordance with any deadlines that the State Department of Education may impose to aid in the efficient administration of the Program;

2. Priority consideration shall be given to applications from schools that have been declared high challenge schools pursuant to the provisions of subsection B of Section 1210.541 of Title 70 of the Oklahoma Statutes for any of the three (3) years prior to the date of application and that emphasize classes required for high school graduation and college admission; and

3. Grant applicants shall:

- a. provide a proposed annual budget,
- b. include an evaluation component that includes an annual written self-evaluation, and
- c. incorporate the remediation assistance program initiative into the overall school district education plan.

F. Funding provided in the grants shall be expended for instruction-related personnel, equipment, transportation, materials and telecommunications, including but not limited to telecommunication equipment, instruction and other materials. No funds provided shall be used for construction of buildings.

G. Grant recipients shall have priority, if recommended by the Remediation Assistance technical assistance center as provided for in subsection K of this section, and if funds are available, for

annual renewal of grants by the State Board of Education in amounts and on conditions as provided in this section. If a district receives a Remediation Assistance Grant for three (3) consecutive school years and if the program upon evaluation by the Remediation Assistance technical assistance center meets the criteria set forth in this section, funding shall be as follows:

1. Funding for the fourth consecutive school year shall be in an amount of fifty percent (50%) of the average amount of grants awarded for the program pursuant to this section for the first three (3) consecutive school years;

2. Funding for the fifth consecutive school year shall be awarded only if the program has been state-validated and replicated by another district; if funding is awarded, it shall be in the amount of twenty-five percent (25%) of the average amount of grants awarded to the program pursuant to this section for the first three (3) consecutive school years;

3. All grants for the fourth and fifth school years as provided above shall be matched with local funds or in-kind contributions. Programs which received grants continuously for five (5) consecutive school years shall not thereafter be eligible for grants pursuant to this section.

H. School districts that receive Remediation Assistance Grants shall not use the grant funds to supplant budgeted district expenditures for programs in existence prior to the effective date of this act.

I. By September 15 of each school year, all revenue received and expended for students participating in the Remediation Assistance Grant Program created in this section shall be reported by school districts to the State Department of Education by major object codes and by program classifications pursuant to the Oklahoma Cost Accounting System as adopted by the State Board of Education pursuant to Section 5-135 of Title 70 of the Oklahoma Statutes.

J. The State Board of Education shall prepare a Remediation Assistance Annual Summary Report on the Remediation Assistance Incentive Grant Program to be submitted on or before November 30 of each year to the Legislature and the Governor. The Remediation Assistance Annual Summary Report shall include, but not be limited to, a description of the administrative services provided by the State Department of Education for the implementation of the Program, the application process, the number of applications received, the number and amount of each grant awarded, and a brief description of each Remediation Assistance program initiative.

K. 1. The State Board of Education shall contract for technical assistance for evaluation of the effectiveness of the Remediation Assistance Incentive Grant Program for an amount not to exceed three percent (3%) of the total appropriation for the program by the Oklahoma State Legislature. The technical assistance provider shall be an entity located in Oklahoma that has been officially recognized by the United States Department of Education to assess and facilitate dissemination of validated educational programs in this state. The Remediation Assistance technical assistance center shall have priority, if its operations are deemed satisfactory by the State Board of Education and if funds are available, for annual renewal of the contract.

2. The duties of the Remediation Assistance technical assistance center shall include, but shall not be limited to:

- a. recommending programs to the State Board of Education for Remediation Assistance Grants,
- b. providing technical assistance to districts identified by the State Department of Education as eligible for initial grants pursuant to subsection A of this section,

- c. providing technical assistance to grant recipients to enhance the probability of success of grant-funded programs,
- d. providing in-depth program analysis and evaluation of grant-funded programs to the State Board of Education and the Legislature no later than November 1 following the end of the school year in which one or more grant-funded programs were implemented, and
- e. making recommendations that shall include, but not be limited to:
 - (1) the effectiveness and efficiency of the coordination of the program services at each program site,
 - (2) the degree to which the remediation assistance program initiative is incorporated into the overall school goals, objectives, and initiatives toward increased student learning, and
 - (3) the overall effectiveness of the Remediation Assistance Incentive Grant Program in improving student achievement statewide.

L. Beginning in 1998 and every year hereafter, no later than May 1, the State Department of Education shall identify school districts eligible to receive Remediation Assistance Grants based on the criteria set out in this section. The Department shall notify the eligible districts in writing of the provisions of this act which relate to the Remediation Assistance Program and require the districts to submit an application for a Remediation Assistance Grant no later than July 1 of each year. The initial programs shall be implemented no later than the summer after the 1998-99 school year. The technical assistance provider shall provide assistance to the identified districts in assessing needs and designing programs. Two or more of the identified districts may submit one program plan

if the plan will serve students in the cooperating districts. Identified districts that do not submit plans for and implement effective programs as determined by the technical assistance provider shall be penalized in an amount equal to five percent (5%) of the amount of State Aid the district received for the last school year. The penalty shall be enforced by reducing State Aid to the district during the following school year. The State Board of Education shall promulgate rules establishing an appeal process to the Board for districts which have been assessed a penalty.

M. The remediation assistance application shall be placed on file at the office of the school district superintendent where it shall be made available to the public on request.

N. By September 1, 1999, the State Board of Education shall prepare and submit to the Legislature and the Governor a proposed statewide plan, including a statement of needed funding, for the provision of remediation assistance to students in reading and mathematics.

SECTION 4. Any new law contained in Sections 2 and 3 of this act shall only be effective contingent upon the availability of funds.

SECTION 5. Section 1 of this act shall become effective July 1, 1998.

SECTION 6. 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.

46-2-11197

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