

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1349

By: Williams

COMMITTEE SUBSTITUTE

[Education and schools - student assessment -
amending 70 O.S. 1991, Sections 3-116, as last
amended by Section 1, Chapter 191, O.S.L. 1997, and
1210.508, as last amended by Section 6, Chapter
343, O.S.L. 1997 (70 O.S. Supp. 1997, Sections 3-
116 and 1210.508) - effective date -

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 6, Chapter 343, O.S.L. 1997 (70 O.S. Supp. 1997, Section 1210.508), is amended to read as follows:

Section 1210.508 A. ~~Beginning with the 1994-95 school year and every school year thereafter, the~~ 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 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 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. 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 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, Oklahoma history, 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 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, 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 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 criterion-referenced test series required in subsection C 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.

F. For those students graduating from high school, beginning with the 1998-99 graduating class, the results of their eleventh-grade criterion-referenced tests and any retests shall be reported on their final report cards and their final transcripts.

~~F. 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 C 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.

~~G. 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 1210.508D of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Contingent upon the availability of funds appropriated by the Oklahoma State Legislature for the Early Remediation Assistance Program, the State Board of Education is hereby authorized to provide Early Remediation Assistance Incentive Grants to assist school districts with the provision of remedial services to students at a rate of Twenty-five Dollars (\$25.00) per student identified on the basis of performance on criterion-referenced tests administered during the 1997-1998 school year as requiring remediation in the 1998-1999 school year pursuant to subsection C of this section. Contingent upon the availability of funds appropriated by the Oklahoma State Legislature for the Early Remediation Assistance Program, beginning in the 1999-2000 school year, school districts shall be awarded Early Remediation Assistance Grants at a rate of Twenty-five Dollars (\$25.00) for every student for whom remediation was required pursuant to subsection C of this section in the previous year, who attained grade level proficiency as a result of the remediation assessment plan of study by the following year.

B. To receive Early Remediation Assistance Grants, districts shall develop a Remediation Assistance Initiative, to include a plan to accomplish the following objectives:

1. Raise the achievement levels of students not performing at a level of satisfactory on the mathematics and reading assessments through the use of an individualized education program pursuant to subsection C of this section;

2. Design or improve the mechanism by which the school district shall increase its overall responsiveness to parent, teacher, and student concerns; and

3. Incorporate the goals and objectives of the Remediation Assistance Initiative into the overall goals and objectives of the district.

C. Beginning with the 1998-99 school year, each student enrolled in public schools of this state who did not perform

satisfactorily on the reading or mathematics criterion-referenced tests, except for students who are on an individualized education program, have limited English proficiency, or for whom English is a second language, shall be provided a remediation assessment plan designed to enable the student to acquire the appropriate grade level proficiency in mathematics and reading. The plan shall include, but not be limited to:

1. A program of instruction in the subject area(s) in which the student has displayed a deficiency;
2. Sufficient additional in-school instructional time for the development of subject area proficiency of the student;
3. Innovative methods of instruction by which to remediate students;
4. If necessary, tutorial instruction after regular school hours, on Saturdays, and during summer;
5. A reassessment of the student at the conclusion of the program of instruction; and
6. A recommendation as to whether or not the student should be retained at grade level.

The program of instruction shall continue until such student is determined to be at or above grade level proficiency. The student may continue to progress to the next grade level while the remedial instruction continues.

D. 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 A of this section 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.

E. On or before July 1 of each year school districts shall provide a remediation report to the Office of Accountability that

shall include the number of students required to receive remediation pursuant to this act, the subject area(s) for which remediation was provided, when the students received such remediation, and who administered the remediation to the student; whether or not the remediation will continue into the next school year; when the student is scheduled to be retested in the subject area(s) for which the student showed deficiencies; and whether the student was retained in his or her current grade level. When students are retested pursuant to this act, the resulting scores shall be reported to the Office of Accountability. The Office of Accountability shall design a form that the school districts shall use for their remediation reports.

SECTION 4. This act shall become effective July 1, 1998.

SECTION 5. 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.

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