

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 810

By: Williams of the Senate

and

Roberts of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools; amending Sections 35 and 36, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 2000, Section 3-150 and 3-151), which relate to the Academic Performance Index; deleting certain indicators; authorizing collection of data when available; deleting obsolete language; requiring certain reports and notification; amending Section 1, Chapter 280, O.S.L. 2000 (70 O.S. Supp. 2000, Section 5-107B), which relates to expansion of a board of education; deleting option allowing district electors to add chair of the board; amending petition and election procedure for abolishing chair of board position; amending 70 O.S. 1991, Section 1210.508, as last amended by Section 130 of Enrolled House Bill No. 1214 of the 1st Session of the 48th Oklahoma Legislature, which relates to the Oklahoma School Testing Program Act; authorizing certain norm-referenced test contingent upon funding; requiring certain English test to assess writing skills; amending 70 O.S. 1991, Section 1210.541, as last amended by Section 2, Chapter 306, O.S.L. 2000 (70 O.S. Supp. 2000, Section 1210.541), which relates to student performance levels; deleting Oklahoma Performance Index; deleting certain award; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 35, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 2000, Section 3-150), is amended to read as follows:

Section 3-150. A. The State Board of Education shall develop an Academic Performance Index (API) to be used to measure performance of schools, including the academic performance of

students. The index shall consist of a variety of indicators including, but not limited to:

1. Attendance rates for students ~~and school personnel~~;
2. Dropout rates;
3. Results of the Oklahoma School Testing Program administered pursuant to Section 1210.508 of ~~Title 70 of the Oklahoma Statutes~~ this title;
4. Advanced Placement participation;
5. Graduation rates for secondary school students;
6. Scores of the American College Test (ACT); and
7. College remediation rates.

B. The data collected for the API shall be disaggregated, when available, by socioeconomic status and ethnic group. Oklahoma School Testing Program results shall constitute no less than sixty percent (60%) of the value of the index.

C. Based on the API, the State Board of Education shall adopt expected annual percentage growth targets for the state level, school districts, and all school sites based on their API baseline score ~~as measured in July after implementation of this section~~. The minimum percentage growth target shall be five percent (5%) annually. However, the State Board of Education may set differential growth targets based on grade level of instruction.

SECTION 2. AMENDATORY Section 36, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 2000, Section 3-151), is amended to read as follows:

Section 3-151. A. On or before December 31, 1999, ~~after implementation of this section~~, the State Board of Education shall file a report with the Governor and the Legislature setting out the plan for establishing the Academic Performance Index. Thereafter, on or before December 31 and every year thereafter the Board shall file a report with the Governor and the Legislature on the state, ~~districts~~ district, and site results of this ~~implemented~~ program.

B. On or before July 13, 2001, the State Board of Education shall file a report with the Governor and the Legislature setting out the draft formula to be used for the Academic Performance Index.

C. On or before September 30, 2001, the State Board of Education shall file a report with the Governor and the Legislature setting out the formula to be used for the Academic Performance Index.

D. On or before February 28, 2002, the State Board of Education shall file a report with the Governor and the Legislature containing the final baseline Academic Performance Index.

E. The State Department of Education shall notify school districts of the status of implementation of the Academic Performance Index, including the deadlines and information to be reported as required in subsections B, C and D of this section.

SECTION 3. AMENDATORY Section 1, Chapter 280, O.S.L. 2000 (70 O.S. Supp. 2000, Section 5-107B), is amended to read as follows:

Section 5-107B. A. The board of education of a district with an average daily membership (ADM) of more than thirty thousand (30,000) students may be expanded to add a member who shall be elected at large for a term of four (4) years and who shall serve as chair of the board. The chair of the board position may be added upon a majority vote of the district board of education to add the position ~~or upon a majority vote of the electors of the district voting in an election on the question, as provided in subsection D of this section.~~ If the board opts to add the chair of the board position ~~or the electors of the district vote to add the chair of the board position,~~ the chair of the board shall be elected at the next regular election of board members, held pursuant to Section 13A-103 of Title 26 of the Oklahoma Statutes, following the decision of the board ~~or approval of the question by vote of the district electors.~~

B. The chair of the board of education shall possess the same qualifications as required for other board members, shall assume office as provided for other members of the board of education, shall be a full, voting member of the board, and shall count for purposes of a quorum or a majority, or other requirements based on number of members on the board. The chair shall preside at all meetings of the board of education in accordance with rules of parliamentary procedure which have been adopted by a majority vote of the board, provided that, in the absence of rules adopted by the board, the chair shall determine and set forth the rules of parliamentary procedure that shall apply at board meetings; assemble and control the agenda for board meetings, provided that, upon approval of a majority of the members of the board, an item shall be placed on the agenda for the same or a subsequent meeting, in accordance with the Oklahoma Open Meeting Act; appoint all committees whose appointment is not otherwise provided for by law; and shall sign all warrants ordered by the board of education to be drawn upon the treasurer for school money. The chair of the board shall possess all powers otherwise provided by law for a member of a board of education, all powers provided by law for the president of a board of education, and such other lawful powers as may be conferred upon the chair by majority vote of the board. The chair shall receive compensation and benefits as conferred upon other members of the district board of education.

C. For a district in which a chair of the board has been elected, the district board of education, during the meeting at which the chair of the board assumes office, shall elect a vice-chair who shall serve a one-year term and until a successor is elected and qualified. The vice-chair shall perform all duties of the chair of the board in case of the chair's absence or disability. The board shall also elect clerks and deputies as provided in

Section 5-119 of ~~Title 70 of the Oklahoma Statutes~~ this title. The board shall not elect a president or vice president.

D. ~~If the district board of education does not opt to add the chair of the board position to the board as provided in subsection A of this section, a proposal to add the chair of the board position may be submitted to the district electors upon adoption of a resolution by the board to submit the question to the district electors or upon petition that is signed by the requisite number of district electors and meets the requirements set forth in this subsection. The following procedures shall be followed to submit the question to the district electors:~~

1. ~~If submitted upon petition, the petition shall be on a form prescribed by the Secretary of the Election Board and contain the number of signatures of district electors equivalent to ten percent (10%) of the school district electors voting in the last district-wide general school election. The petition must be submitted to the State Superintendent of Public Instruction. Within thirty (30) days the State Superintendent shall notify the district board of education and shall present the petition to the county election board located in the county in which the main administrative office of the district is located.~~

2. ~~Within thirty (30) days of presentment of the petition to the county election board, the board shall determine whether the signers of the petition are registered voters of the district and whether the petition has the requisite number of signatures of such registered voters. The county election board secretary shall notify the State Superintendent of the board's determination who shall notify the district board of education of the election board's determination.~~

3. ~~If the petition is deemed to have sufficient signatures, the district board of education shall call an election on the question by the electors of the district.~~

~~4. The election shall be held not less than sixty (60) days or more than ninety (90) days of the board's adoption of the resolution to submit the question or the board's receipt of notice from the State Superintendent of the sufficiency of the petition unless the election date would fall between the closure of the filing period and the regular school election for board positions conducted pursuant to Section 13A-103 of Title 26 of the Oklahoma Statutes. In that event the question shall be presented at the regular district elections. The question shall be approved upon the assent of a majority vote of the electors voting on the question.~~

~~E.~~ If a district board of education is expanded to include the chair of the board position ~~either by decision of the board or by vote of the district electors~~, the chair of the board position shall not be abolished except by a majority vote of the voters of the school district voting on such question at a special election called for that purpose. The question may be presented only upon a resolution adopted by three-fourths (3/4) of the board membership or upon petition ~~that meets the requirements set forth in subsection D of this section~~ for an election on the question, that complies with the requirements for petition and election set forth in Section 7-101 of this title. If the question is approved, the chair of the board position shall be abolished at the end of the term of the chair who holds the office when the election is held or upon the chair's resignation or vacancy of the office following the election on the question.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 1210.508, as last amended by Section 130 of Enrolled House Bill No. 1214 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 1210.508 A. 1. Beginning Contingent upon the availability of funding, beginning with the 2001-2002 school year and every school year thereafter, for purposes of comparison with

the state criterion-referenced tests for student academic achievement at the elementary level, the State Board of Education shall cause a norm-referenced test to be administered to every student in the fourth-grade of the public schools who is a resident of or transferee into the district in which the student is enrolled. 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 fourth-grade level shall include reading, mathematics, and language arts.

2. Beginning with the 2000-2001 school year the State Board of Education shall cause a norm-referenced test to be administered to every student in the third grade of the public schools who is a resident of or transferee into the district in which the student is enrolled. 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 third-grade level shall include reading, mathematics, and language arts. The third-grade norm-referenced test shall be administered every year thereafter, until the implementation of the third-grade criterion-referenced test provided for in paragraph 3 of subsection B of this section.

B. 1. The Board shall develop and administer a series of criterion-referenced tests designed to indicate whether competencies as defined by the State Board of Education which Oklahoma public school students are expected to have attained in grades five and eight in mathematics, science, reading and writing of English, history, constitution and government of the United States, geography, and the arts and for the subjects and grade levels specified in paragraphs 2, 3 and 4 of this subsection have been achieved. Students who do not perform satisfactorily on the tests shall be remediated, subject to the availability of funding.

2. The Board shall administer criterion-referenced tests in the reading and writing of English, mathematics, science, United States

history, Constitution and government, geography, and the arts to every student in the fifth- and eighth-grades who are residents of or transferees into the district in which they are currently enrolled.

3. Contingent upon the availability of funds appropriated for that purpose, the State Department of Education shall develop and field-test during the 2001-2002 school year a series of criterion-referenced tests in reading/language arts, and mathematics for every student in the third-grade of the public schools who is a resident of or transferee into the district in which the student is enrolled. If the necessary funds are made available, the tests shall be implemented in the 2002-2003 school year and administered every year thereafter.

4. Each student who completes the instruction for the specified secondary level competencies, beginning with the school year listed in this paragraph and each school year thereafter, shall complete an end-of-instruction test for those competencies in order to graduate from high school. After the end-of-instruction tests are fully implemented all students will take the tests prior to graduation, unless otherwise exempt by law. The State Board of Education shall administer the criterion-referenced tests, to be implemented according to the following schedule:

Subject	Implementation
English II	2000-2001
United States History	2000-2001
Biology I	2002-2003
Algebra I	2002-2003

The end-of-instruction tests shall serve the purpose of the criterion-referenced tests as provided in paragraph 1 of this subsection. The English II end-of-instruction test shall, at a minimum, assess writing skills. Students shall be afforded the opportunity to retake the tests once prior to graduation. In order

to provide an indication of the levels of competency attained by the student in a permanent record for potential future employers and institutions of higher education, school districts shall report the highest achieved state test performance index on the end-of-instruction tests on the student's high school transcript. Any student at the middle school level who completes the instruction in a secondary course specified in this paragraph may, upon the student's request, be administered the appropriate end-of-instruction test. It is the intent of the Legislature that, following implementation of the secondary level end-of-instruction tests, the performance data and any available research shall be reviewed for consideration of additional consequences, including, but not limited to, high school graduation.

C. All criterion-referenced tests required by this section shall measure academic competencies in correlation with the curricular standards adopted by the Board pursuant to Section 11-103.6 of this title. The State Board of Education shall evaluate academic competencies to ensure such competencies reflect high standards, are specific, well-defined, measurable, challenging, and will prepare elementary students for next-grade-level course work and secondary students for post-secondary studies at institutions of higher education or technology center schools without the need for remediation in core curriculum areas. All academic competencies shall reflect the goal of improving the state average American College Testing (ACT) score. The State Department of Education shall annually evaluate the results of the criterion-referenced tests. The State Board of Education shall seek to ensure that data yielded from the tests required in this section are 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.

D. 1. All results and reports of the criterion-referenced test series required in subsection B of this section for grades three, five and eight shall be returned to each school district prior to May 1 of each year.

2. State, district, and site level results of all tests required in this section shall be disaggregated by ethnic group and gender. All results and reports of the criterion-referenced test series required in subsection B of this section shall be returned to the State Department of Education and to the Office of Accountability by June 15 of each year. Each school site shall notify the student's parents of the school's performance levels in the Oklahoma School Testing Program as reported in the Oklahoma Educational Indicators Program at the end of each school year.

E. The State Board of Education shall be responsible for the development, field-testing, and validation of the criterion-referenced test series required in subsection B 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 testing program to be administered to Oklahoma students.

F. 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 students with disabilities as required by the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 1210.541, as last amended by Section 2, Chapter 306, O.S.L. 2000 (70 O.S. Supp. 2000, Section 1210.541), is amended to read as follows:

Section 1210.541 A. The State Board of Education shall determine and adopt a series of student performance levels for the criterion-referenced tests administered pursuant to the Oklahoma

School Testing Program Act, Section 1210.505 et seq. of this title. The performance levels shall be ~~known as the Oklahoma Performance Index and shall be~~ set by a method similar to that used for the achievement levels on the National Assessment of Educational Progress. Student performance levels shall be labeled: advanced, satisfactory, limited knowledge, and unsatisfactory.

~~B. Contingent upon the availability of funds, the State Board of Education shall award school sites which demonstrate academic achievement on the criterion-referenced tests as determined by the Oklahoma Performance Index. The award shall consist of recognition and incentive for achievement measured against benchmarks. The State Board of Education shall report to the Legislature by November 1 of each year the school sites which have demonstrated academic achievement pursuant to the provisions of this subsection.~~

~~C.~~ For the 1999-2000 school year and every year thereafter the State Board of Education shall identify and publish annually by site and by district the results of the tests, presented in context with other relevant information.

~~D.~~ C. School sites at which more than thirty percent (30%) of students score Unsatisfactory in both reading/English and mathematics on the grade-level criterion-referenced tests or on the secondary end-of-instruction tests shall be declared a low-performing school. School sites which administer any norm-referenced test as required by the Oklahoma School Testing Program which have a student average score in the lowest quartile of Oklahoma students and whose student average score falls below the national average score shall be declared a low-performing school. School sites identified as low-performing for three (3) consecutive years shall be declared a high challenge school by the State Board of Education.

~~F.~~ D. Other relevant information employed by the State Board of Education to identify low-performing and high challenge schools may include, but shall not be limited to, the following criteria:

1. Delineation of the percentages of students not tested on criterion-referenced tests;

2. High school graduation, student attendance, and student dropout rates;

3. Teacher attendance rates;

4. Student suspensions and other disciplinary measures which can be quantified;

5. Secondary student participation in and completion of the Oklahoma Higher Learning Access Program when applicable;

6. Student vocational-technical program participation and completion rates;

7. Student college entrance and preparatory test-taking rates;

8. Parental involvement rates; and

9. Any indicators reported through the Oklahoma Educational Indicators Program.

~~F.~~ E. Subject to the availability of funds, the State Department of Education shall provide funding to school sites identified as low-performing and high challenge for remediation. The State Board of Education shall assign a team to provide guidance and assistance to the school site and district until the site is no longer declared to be low-performing or high challenge. Other means of intervention which may be exercised by the State Board of Education may include but are not necessarily limited to: special funding; reassignment of district personnel; transfer of students; operation of the school by personnel employed by the State Department of Education; mandatory annexation of all or part of the local school district; and placing operation of the school with an institution of higher education as a developmental research school pursuant to the provisions of Sections 1210.571 through 1210.579 of

this title if the high challenge school is within a single-site district and is within ten (10) miles of a college of education within an institution of The Oklahoma State System of Higher Education.

SECTION 6. This act shall become effective July 1, 2001.

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.

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