STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2608 By: Dank

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2001, Section 1210.508, as last amended by Section 2, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2005, Section 1210.508), which relates to the Oklahoma School Testing Program Act; limiting certain end-of-instruction tests to certain dates; providing for end-of-instruction testing for certain students; amending Sections 5 and 6, Chapter 432, O.S.L. 2005 (70 O.S. Supp. 2005, Sections 1210.522 and 1210.523), which relate to the Achieving Classroom Excellence Act; requiring school districts to provide intervention and remediation to certain students; deleting requirement for certain number of tests; updating statutory language; deleting certain requirements for recommendations by the Achieving Classroom Excellence Task Force; establishing end-of-instruction test requirements for students; directing the State Board of Education to develop and field-test certain end-of-instruction tests; allowing the Board to adapt and use certain existing tests; directing the Board to evaluate and adopt alternative tests; listing certain alternative tests; requiring alternative tests to meet certain standards; providing for remediation and testing of certain students; allowing career technology centers to provide remediation to certain students; directing the State Department of Education to provide best practices information; requiring certain reporting by school districts; providing for administration of tests to students with individualized education programs and English language learners; requiring the Board to establish guidelines for awarding high school diplomas to certain students; directing the Board to establish an Achieving Classroom Excellence Steering Committee; stating function of the Committee; providing for membership; amending 70 O.S. 2001, Section 1210.515, as amended by Section 3, Chapter 197, O.S.L. 2004 (70 O.S. Supp. 2005, Section 1210.515), which relates to requirements to apply for driver license or permit; amending 47 O.S. 2001, Sections 6-107.3 and 6-107.4, which relate to licenses or permits for persons under eighteen; adding mathematics proficiency testing as requirement for driver license or permit; amending 70 O.S. 2001, Sections 1210.701 and 1210.703, which relate to the Oklahoma Advanced Placement Incentive Program; deleting certain test fee assistance to public school students; providing for test fee reimbursement to public school students who attain a certain score;

modifying test fee assistance to include test fee reimbursement; requiring a certain score; limiting amount of reimbursement; clarifying statutory language; 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. 2001, Section 1210.508, as last amended by Section 2, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2005, Section 1210.508), is amended to read as follows:

Section 1210.508 A. 1. Beginning with the 2000-2001 school year through the 2003-2004 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 State Board of Education shall develop and administer a series of criterion-referenced tests designed to indicate whether the state academic content standards, as defined by the State Board of Education in the Priority Academic Student Skills Curriculum, which Oklahoma public school students are expected to have attained have been achieved. The Board may develop and administer any criterion-referenced test in any subject not required by federal law, contingent upon the availability of funding. Students who do not perform satisfactorily on 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, and social studies as delineated in paragraphs 3 and 4 of this subsection to every student in the fifth- and eighth-grades.

3. Contingent upon the availability of funds, each year the Board shall continue to administer and improve, refine and align the fifth-grade criterion-referenced test with the state academic content standards in:

a. reading,

b. mathematics,

c. science,

d. social studies, which shall consist of the history, Constitution and government of the United States, and geography, and

e. writing of English.

The State Department of Education shall convene a group of specialists in social studies from faculty from institutions of higher education, the Oklahoma State Regents for Higher Education, and various teachers and other appropriate individuals to advise and assist the State Department of Education on the implementation of the fifth-grade social studies test and report to the Legislature on or before December 1, 2003, on implementation of test.

4. Contingent upon the availability of funds, each year the Board shall continue to administer and to improve, refine, and align the eighth-grade criterion-referenced test with the state academic content standards in:

a. reading,

b. mathematics,

c. science,

d. social studies, which shall consist of the history, Constitution, and government of the United States, and

e. writing of English.

5. Contingent upon the availability of state and federal funds, the Board, in accordance with federal law, shall administer criterion-referenced tests for grades three and four in:

a. reading, and

b. mathematics.

The tests shall be developed during the 2002-2003 school year, field-tested during the 2003-2004 school year, implemented during the 2004-2005 school year and administered each year thereafter.

6. Contingent upon the availability of state and federal funds, the Board, in accordance with federal law, shall administer criterion-referenced tests for grades six and seven in:

a. reading, and

b. mathematics.

The tests shall be developed during the 2003-2004 school year, field-tested during the 2004-2005 school year, implemented during the 2005-2006 school year and administered each year thereafter. In addition, the geography criterion-referenced test currently administered in the eighth grade shall be modified to measure the state academic content standards for geography for the seventh grade. The test shall be field-tested if necessary during the 2003-2004 school year, implemented during the 2004-2005 school year and administered each year thereafter to students in the seventh grade. Provided, the test shall be implemented during the 2003-2004 school year if field-testing is determined not to be necessary.

7. Each student who graduates from high school prior to the 2011-2012 school year and completes the instruction for English II, United States History, Biology I, and Algebra I at the secondary level shall complete an end-of-instruction test to measure for attainment in the appropriate state academic content standards in order to graduate from high school. All students shall take the tests prior to graduation, unless otherwise exempt by law. The State Board of Education shall administer the criterion-referenced tests.

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 level 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 shall be administered the appropriate end-of-instruction test. It is the intent of the Legislature that the performance data and any available research shall be reviewed for consideration of additional consequences, including, but not limited to, high school graduation.

Students who graduate from high school by the end of the 2011-2012 school year and each year thereafter shall be required to demonstrate mastery on the end-of-instruction tests as provided for in Section 1210.523 of this title.

8. a. The State Board of Education shall convene a task force composed of representatives of school districts, teachers, faculty from higher education institutions, and representatives of the Oklahoma Arts Council. By December 31, 2003, the task force shall make recommendations on appropriate fine arts assessment strategies that are aligned with the state academic arts standards by grade level as adopted by the State Board of Education and known as the Priority Academic Student Skills and the National Standards for Arts Education. The recommendations shall be communicated to school districts by the State Board of Education for use in implementing the assessment strategies for the district. The assessment strategies selected by the school district may be in the form of grading,

portfolio, or performance assessment. The assessment strategies shall measure achievement levels based on the state and national academic art standards and shall be labeled as "meets standard" or "does not meet standard".

b. During the 2003-2004 school year, the State Department of Education shall work with school districts in planning implementation of fine arts assessments as required in this paragraph and shall provide technical assistance to school districts in developing pilot assessments. Each school district shall determine the structure of the assessment strategies to be administered to students.

c. Beginning with the 2004-2005 school year, each school district shall administer to each student in the school district in grades three through eight an assessment designed to assess the student in the fine arts area in which the student has received instruction.

d. Each school district shall prepare an annual report for approval by the State Board of Education outlining the fine arts assessment strategies used by the district, when the assessments where administered, how many students were assessed during the previous year, and the results of the assessments.

e. The criterion-referenced tests in the arts shall be discontinued after the 2002-2003 school year and replaced with the school district assessments as provided for in this paragraph.

B. All criterion-referenced tests required by this section shall measure academic competencies in correlation with the state academic content standards adopted by the Board pursuant to Section

11-103.6 of this title and known as the Priority Academic Student Skills Curriculum. The State Board of Education shall evaluate the academic content standards to ensure the 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 postsecondary studies at institutions of higher education or technology center schools without the need for remediation in core curriculum areas. All state academic content standards 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 ensure that test results are reported to districts in a manner that yields detailed, diagnostic information for the purpose of guiding instruction and student remediation. As improvements are made to the criterion-referenced tests required by this section, the Board shall seek to increase the depth of knowledge assessed for each subject. 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 reinforcement and/or remediation by requiring school districts to develop and implement a specific program of improvement based on the test results.

C. 1. The State Board of Education shall set the testing window dates for each criterion-referenced test required in paragraphs 1 through 6 of subsection A of this section for grades three through eight so that, with the exception of the writing assessments, the tests are administered to students no earlier than April 10 each year and so that the test results are reported back to school districts in a timely manner. Each criterion-referenced test required in paragraph 7 of subsection A of this section may be administered to students at a time set by the State Board of Education as near as possible to the end of the course. All results

and reports of the criterion-referenced test series required in paragraphs 1 through 6 of subsection A of this section for grades three through eight shall be returned to each school district prior to the beginning of the next school year. The vendor shall provide a final electronic data file of all school site, school district, and state results to the Department and the Office of Accountability prior to July 1 of each year. The Department shall forward the final data files for each school district and each school site in that district to the school district. The Board shall ensure the contract with the testing vendor includes a provision that the vendor report test results directly to the Office of Accountability at the same time it is reported to the Board.

2. State, district, and site level results of all tests required in this section shall be disaggregated by gender, race ethnicity, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student. 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.

D. The State Board of Education shall be responsible for the development, field-testing, and validation of the criterion-referenced test series required in subsection A 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.

E. 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 2. AMENDATORY Section 5, Chapter 432, O.S.L. 2005 (70 O.S. Supp. 2005, Section 1210.522), is amended to read as follows:

Section 1210.522 A. Except as provided in subsection B of this section, every public school student shall demonstrate mastery of the state academic content standards in reading and mathematics by the end of the student's eighth-grade year, beginning in the 2009-2010 school year. To demonstrate mastery of reading and mathematics, a student shall attain a satisfactory or advanced score on the eighth-grade criterion-referenced tests in reading and mathematics administered pursuant to Section 1210.508 of ~~Title 70 of the Oklahoma Statutes~~ this title. Students who do not score satisfactory or advanced shall be provided remediation by means which may include, but are not limited to, a summer academy, tutoring, on-line coursework, or other supplementary services.

B. Students who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA) shall be exempt from the requirements of this section unless provided for in the student's individualized education program.

C. Pursuant to the appropriation of funds by the Legislature for this purpose, beginning with the 2007-2008 school year, school districts shall provide intervention and remediation to students entering the sixth grade who may be at risk of failing to demonstrate mastery on the eighth-grade criterion-referenced tests in reading and mathematics.

SECTION 3. AMENDATORY Section 6, Chapter 432, O.S.L. 2005 (70 O.S. Supp. 2005, Section 1210.523), is amended to read as follows:

Section 1210.523 A. Except as otherwise provided for in ~~subsections C and D of~~ this section, beginning with students entering the ninth grade in the 2008-2009 school year, every student shall demonstrate mastery of the state academic content standards in ~~a minimum of four out of six selected~~ certain subject areas in order to receive a high school diploma from a public school in this state. To demonstrate mastery, the student shall attain a satisfactory or advanced score on the end-of-instruction criterion-referenced tests administered pursuant to ~~Section 1210.508 of Title 70 of the Oklahoma Statutes~~ subsection B of this section. Each of the ~~six~~ tests shall assess core academic subjects. ~~Two of the four required end-of-instruction tests shall include Algebra I, or the additional mathematics test developed based upon the recommendation of the Achieving Classroom Excellence Task Force as provided for in subsection B of this section, and English II. Notwithstanding any other provision of law, students who do not attain a satisfactory or advanced score on any required test shall be provided remediation and the opportunity to retake the test until a satisfactory or advanced score is attained.~~

B. ~~Determination of the two additional end-of-instruction tests to be developed shall be made by the Legislature upon receipt of recommendations of the Achieving Classroom Excellence Task Force created pursuant to Section 4 of this act. One of the two additional end-of-instruction tests developed shall be a mathematics test with rigor which is equal to or greater than the core curriculum courses listed in paragraph 2 of subsection B of Section 11-103.6 of Title 70 of the Oklahoma Statutes. The second of the two additional end-of-instruction tests developed shall assess one of the core curriculum subjects or units listed in paragraph 1, 3,~~

~~or 4 of subsection B of Section 11-103.6 of Title 70 of the Oklahoma Statutes.~~

1. Students who graduate from high school prior to the 2011-2012 school year shall be required to take the following end-of-instruction tests upon completion of instruction for that course as provided for in Section 1210.508 of this title:

a. English II,

b. Algebra I,

c. Biology I, and

d. United States History.

2. Students who graduate from high school by the end of the 2011-2012 school year and each year thereafter shall be required to demonstrate mastery on the following end-of-instruction tests upon completion of instruction for that course in order to graduate from high school:

a. English II,

b. Algebra I, and

c. two of the following five end-of-instruction tests:

(1) Biology I,

(2) United States History,

(3) English III with a writing component,

(4) Algebra II, and

(5) Geometry.

C. The State Board of Education shall develop and field-test end-of-instruction tests in English III, Algebra II and Geometry, which shall be implemented during the 2008-2009 school year. The Board may adapt end-of-instruction tests that have been developed by other states or are otherwise commercially available, or portions of such tests, to the extent that the content is appropriate for use in the tests to be administered to Oklahoma students.

D. Students who do not meet the requirements of subsection A of this section may receive a high school diploma by demonstrating

mastery of state academic content standards by alternative methods ~~as recommended by the Achieving Classroom Excellence Task Force created pursuant to Section 4 of this act~~. The State Board of Education shall evaluate and adopt one or more alternative tests which may be taken and passed by students in order to receive a high school diploma. The American College Test (ACT), an Advanced Placement (AP) test, the Scholastic Aptitude Test (SAT), the International Baccalaureate (IB) Program assessments, the Test of English as a Foreign Language (TOEFL), or any other test may be used as an alternative test as determined by the Board. The Board shall also establish the minimum score or level of mastery needed to pass each test. Any alternative test adopted by the Board shall be standardized, independently graded, knowledge-based, and administered on a multistate or international level.

~~D.~~ E. Notwithstanding any other provision of law and pursuant to the appropriation of funds by the Legislature for this purpose, students who do not attain a satisfactory or advanced score on any end-of-instruction test shall be provided remediation and the opportunity to retake the test until a satisfactory or advanced score is attained. For students who do not attain a satisfactory or advanced score on the Algebra I or Biology I tests and are enrolled in courses at a career technology center, remediation may be provided by the career technology center. The State Department of Education shall provide to school districts information about the best practices for remediation and intervention. School districts shall monitor the results of each type of remediation and intervention program and report the findings to the Department. The State Board of Education shall establish guidelines on the administration of retests and alternative tests.

F. 1. Students who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA) shall be exempt from the requirements of subsection A of this

section unless ~~provided for in~~ the student's individualized education program provides for the administration of a modified version of the tests or the administration of the tests as required in subsection B of this section.

2. Students who are English language learners who have been determined not to be proficient in English as defined by a state-designated English proficiency assessment shall be exempt from the requirements of subsection A of this section unless it is determined the student can be administered an alternative test.

G. The State Board of Education shall establish guidelines for awarding a high school diploma to students who enroll in an Oklahoma public school after completion of the eleventh grade.

H. The State Board of Education shall establish an Achieving Classroom Excellence Steering Committee. The Committee shall assist the Board in the development, alteration, and monitoring of the end-of-instruction tests and will participate in the alignment of the curriculum for grades eight through twelve with national standards. The Board shall select individuals to serve on the Steering Committee who are or represent, in an equal manner, educational leaders, higher education leaders, business leaders, and governmental leaders.

SECTION 4. AMENDATORY 70 O.S. 2001, Section 1210.515, as amended by Section 3, Chapter 197, O.S.L. 2004 (70 O.S. Supp. 2005, Section 1210.515), is amended to read as follows:

Section 1210.515 A. Pursuant to the provisions of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes, any person under the age of eighteen (18) years wishing to apply for a driver license or permit shall successfully demonstrate a satisfactory reading and mathematics ability at the eighth-grade reading level by meeting the following criteria:

1. A student enrolled in a public school shall successfully complete the reading and mathematics portion of the state criterion-

referenced test offered in the eighth grade. Following the administration of this test in the eighth grade, any student not successfully completing the reading or mathematics portion shall be assigned a plan of remedial reading or mathematics or both if the student was not successful in both portions of the test. Any student not successful in completing the reading or mathematics portion of the state criterion-referenced test may take a comparable alternative reading proficiency test in order to satisfy the criteria for a driver license or permit. Alternative reading or mathematics proficiency tests shall be approved by the State Department of Education. Subsequent successful completion of an alternative reading or mathematics proficiency test shall serve to satisfy any test retaking requirement which may be required for the reading or mathematics portion of the state criterion-referenced test in the eighth grade in the Oklahoma School Testing Program. School districts shall notify, in writing, each student who takes the reading or mathematics portion of the state criterion-referenced test for the eighth grade or who takes an alternative reading or mathematics proficiency test and the student's parent or legal guardian of the test results. If the student fails to perform satisfactorily on the test, the notice shall inform the student of the reading and mathematics proficiency driver license requirement and the school's remediation plan for the student. Upon the student's successful completion of the test, the school shall furnish the student with the documentation needed for the driver license application in Oklahoma;

2. Unless alternatively documented according to the provisions of subsection C of this section, students under the age of eighteen (18) years shall successfully complete a reading and mathematics proficiency test approved by the State Department of Education; and

3. Any student who wishes to apply for a restricted license to operate a motorcycle may take an alternative reading and mathematics proficiency test, subject to the provisions of this section.

B. Alternative reading and mathematics proficiency tests shall be offered by testing sites, which shall include the public schools at least four (4) times per calendar year, and may include any of the following which chose to participate, the technology center school districts, Regional Education Service Centers, colleges, accredited private schools, and other sites approved by the State Department of Education. A student may take ~~the~~ a test as often as wished, subject to the provisions of this section. Testing sites shall provide the first alternative ~~reading~~ proficiency test for each student at no cost to the student. Students may be assessed a fee not to exceed Twenty-five Dollars ($25.00) by the testing site for each subsequent alternative ~~reading~~ proficiency test taken.

C. A school district shall provide for alternative documentation of reading or mathematics proficiency for the purposes of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes for any student with an individualized education program that, at a minimum, is in an area related to reading or mathematics. The alternative documentation shall be furnished to such student who is performing satisfactorily in reading or mathematics pursuant to the student's individualized education program. Parents of disabled students educated pursuant to the provisions of Section 4 of Article XIII of the Oklahoma Constitution may satisfy the requirement of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes by signing an affidavit that, based upon their best information and belief, their child would qualify for an individualized education program that, at a minimum, is in an area related to reading or mathematics if enrolled in public school, and that in their judgment their child is performing satisfactorily in reading or mathematics and is therefore

academically qualified to satisfy the requirement of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes.

SECTION 5. AMENDATORY 70 O.S. 2001, Section 1210.701, is amended to read as follows:

Section 1210.701 A. The State Board of Education shall promulgate rules to establish the Oklahoma Advanced Placement Incentive Program, to be administered by the State Department of Education. The purpose of the program is to establish, organize, and administer a program designed to improve the course offerings available to high school students throughout the state and to prepare students for admission to and success in a postsecondary educational environment. The Oklahoma Advanced Placement Incentive Program shall consist of the following components:

1. Financial assistance to public school teachers and schools to build and maintain successful Advanced Placement Programs; ~~and~~

2. Test fee assistance to public school students who are in financial need ~~or who take more than one advanced placement test in one (1) year~~; and

3. Test fee reimbursement to public school student who take one or more advanced placement tests and score a three or better on each test or who take one or more International Baccalaureate tests and score a four or better on each test.

B. On or before October 1 of each year, the State Department of Education shall issue to the Governor and members of the Senate and House of Representatives Education Committees a report on the Advanced Placement Incentive Program for the previous school year which shall include, but is not limited to:

1. The number of students taking an advanced placement exam and the number of exams taken;

2. The number of exams that receive a score of three or better;

3. The number of school sites which have received funding and the amount of awards, by type of award;

4. The number of school sites offering advanced placement courses and the number of school sites with students taking an advanced placement exam;

5. The number of students who receive assistance with the test fee and the average amount of assistance; and

6. An evaluation of the cost versus the benefits of this program.

SECTION 6. AMENDATORY 70 O.S. 2001, Section 1210.703, is amended to read as follows:

Section 1210.703 A. Contingent upon the provision of appropriated funds designated for the Oklahoma Advanced Placement Incentive Program, the State Board of Education is hereby authorized to award schools:

1. A one-time equipment and/or instructional materials grant for the purpose of providing an advanced placement course, based on criteria established by the Department. Schools which receive the grants shall:

a. offer the advanced placement courses beginning the school year following receipt of the grant,

b. provide the College Board training within one (1) year of the grant award, including at least a one-week summer institute. Teachers shall be encouraged to attend annual follow-up training, and

c. make available advanced placement examinations to all students taking the course for which a grant has been awarded;

2. Additional grants to school sites demonstrating successful implementation, as defined by the State Board of Education, of the courses for which the first grants were awarded. Schools may

qualify for additional grants a minimum of four (4) years after receiving a grant award;

3. Subsidized training for advanced placement courses, preadvanced placement courses, or International Baccalaureate courses in a form, manner and time prescribed by the Department;

4. One Hundred Dollars ($100.00) for each score of three or better on an advanced placement test or four or better on an International Baccalaureate examination~~; provided, these~~. These funds shall be used for the purpose of Advanced Placement Program development;

5. For those students who demonstrate financial need as defined by the College Board or the International Baccalaureate Organization, a share of the advanced placement or International Baccalaureate test fee;

6. For ~~those~~ students who are a high school junior or senior and take ~~more than one~~ an advanced placement test and score a three or better on the test or take an International Baccalaureate ~~test in one (1) year, a share~~ examination and score a four or better on the examination, the student shall be reimbursed the amount of the advanced placement test or International Baccalaureate examination fee in a manner prescribed by the Board. Each student shall be eligible for reimbursement of not more than four tests per year for a total of eight tests over the two-year period; and

7. Grants for the purpose of developing an advanced placement vertical team based on criteria established by the Board.

B. Upon completion of the test, the State Department of Education shall obtain from the College Board and the International Baccalaureate Organization a list of students in Oklahoma who scored a three or higher on the advanced placement test or a four or higher on the International Baccalaureate test. Financial incentives for schools provided in this section shall be awarded at the beginning

of the next school year following the school year in which the test was taken.

C. Any new expenditure authorized pursuant to this section or Section 1210.701 ~~et seq.~~ of this title shall be contingent upon the availability of funds.

SECTION 7. AMENDATORY 47 O.S. 2001, Section 6-107.3, is amended to read as follows:

Section 6-107.3 A. The Department of Public Safety shall deny a license, restricted license, or instruction permit for the operation of a motor vehicle to any person under eighteen (18) years of age who does not, at the time of application, present documentation that such person:

1. a. is a student enrolled in a public or private secondary school, including any technology center school, of this state or any other state,

   b. has received a diploma or certificate of completion issued to the person from a secondary school of this state or any other state,

   c. is enrolled and making satisfactory progress in a program leading to a Certificate of High School Equivalency issued by the State Department of Education, or has obtained such certificate,

   d. is excused from such requirement pursuant to a lawful excuse as defined in subsection G of this section or due to circumstances beyond the control of the person, or

   e. is excused from such requirement pursuant to subsection C of this section; and

2. Has successfully passed the criterion-referenced reading and mathematics test required for all eighth grade students or an alternative reading and mathematics proficiency test approved by the State Department of Education pursuant to the provisions of Section

~~3~~ 1210.515 of ~~this act~~ Title 70 of the Oklahoma Statutes demonstrating reading and mathematics proficiency at the eighth-grade reading level, unless such student is excused from such requirement pursuant to the provisions of Section ~~3~~ 1210.515 of ~~this act~~ Title 70 of the Oklahoma Statutes.

Provided, during the summer months when school is not in regular session, as established by the school district pursuant to Section 1-109 of Title 70 of the Oklahoma Statutes, persons under eighteen (18) years of age may satisfy the documentation requirement of this subsection by providing a notarized written statement from the parent, custodial parent or legal guardian of the child to the Department of Public Safety that the child completed the immediately previous school year and is enrolled or intends to enroll for the immediately subsequent school year. The documentation shall be signed by the parent, custodial parent or legal guardian.

B. 1. A student under eighteen (18) years of age who is receiving education by other means, including education at home pursuant to Section 4 of Article XIII of the Oklahoma Constitution, shall satisfy the documentation requirement of paragraph 1 of subsection A of this section by providing a written statement from the parent, custodial parent, or legal guardian of the student to the Department of Public Safety attesting that the child is receiving instruction by other means pursuant to Section 4 of Article XIII of the Oklahoma Constitution. The documentation shall be signed by the parent, custodial parent, or legal guardian.

2. Any person who falsifies the information required in such documentation, upon conviction, shall be guilty of a misdemeanor.

C. 1. A student under eighteen (18) years of age, who does not meet the requirements of subparagraphs a through c of paragraph 1 of subsection A of this section or the requirements of subsection B of this section, may retain or be issued a driver license if:

a. the student is employed at least twenty-four (24) hours per week, and

b. the student's employer verifies such employment on a form prescribed by the Department of Public Safety.

2. Any student who has retained or been issued a driver license pursuant to this subsection who leaves such employment shall have fifteen (15) days from the date of termination of employment to provide verification of employment from a new employer.

3. Any employer who falsifies a verification of employment shall be subject to an administrative fine of not more than Fifty Dollars ($50.00), to be assessed by the Department of Public Safety.

D. 1. School district attendance officers, upon request, shall provide a documentation of enrollment status form, established and approved by the Department of Public Safety, to any student under eighteen (18) years of age who is properly enrolled in a school for which the attendance officer is responsible, for presentation to the Department of Public Safety upon application for or reinstatement of an instruction permit, restricted license, or license to operate a motor vehicle.

2. Except as provided in subsection E of this section, whenever a student over fourteen (14) years of age and under eighteen (18) years of age withdraws from school, the attendance officer shall notify the Department of Public Safety of such withdrawal through a documentation of enrollment status form.

3. Within fifteen (15) working days of the receipt of such notice, the Department of Public Safety shall provide written notice to the student, by first class, postage prepaid mail, that the student's license will be canceled, or the driver license application of the student will be denied thirty (30) days following the date the notice to the student was sent, unless documentation of compliance with the provisions of this section is received by the Department of Public Safety before such time. After the thirty-day

period, the Department of Public Safety shall cancel the driving privileges of the student.

E. When the withdrawal from school of a student is:

1. Due to circumstances beyond the control of the student;

2. Pursuant to any lawful excuse; or

3. For the purpose of transfer to another school, including education at home pursuant to Section 4 of Article XIII of the Oklahoma Constitution, as confirmed in writing by a parent, custodial parent, or legal guardian of the student,

no notice as required by subsection D of this section shall be sent to the Department of Public Safety, or, if sent, such notice shall be disregarded by the Department of Public Safety. If the student is applying for a license, restricted license, or instruction permit, the attendance officer shall provide the student with documentation to present to the Department of Public Safety to excuse the student from the requirements of this section.

F. Every school district shall, upon request, provide documentation of reading and mathematics proficiency for any student enrolled in such school district by certifying passage of a reading and mathematics examination pursuant to the provisions of Section ~~3~~ 1210.515 of ~~this act~~ Title 70 of the Oklahoma Statutes.

G. As used in this section:

1. "Withdrawal" means more than ten (10) consecutive days, or parts of days, of unexcused absences or fifteen (15) days, or parts of days, total unexcused absences during a single semester;

2. "Lawful excuse" means absence from school pursuant to any valid physical or mental illness or pursuant to any legal excuse as provided in Section 10-105 of Title 70 of the Oklahoma Statutes; provided, however, the meaning of such term shall not include marriage;

3. "Circumstances beyond the control of the person" shall not include marriage, suspension or expulsion from school, or

imprisonment in a jail, penitentiary or other correctional institution;

4. "Documentation of enrollment status form" means the document established and approved by the Department of Public Safety to substantiate information concerning a student's eligibility to apply for or to retain a license or permit to drive. Such documentation shall not include any information which is considered an education record pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g through 1232i, unless compliance is made with the restrictions regarding disclosure of the information; and

5. "Documentation of reading and mathematics proficiency" means information provided by a school authorized by subsection B of Section ~~3~~ 1210.515 of ~~this act~~ Title 70 of the Oklahoma Statutes to certify a student's eligibility to apply for a license or permit based on passage of a reading and mathematics proficiency test approved by the State Department of Education, or pursuant to the alternative documentation criteria provided in subsection C of Section ~~3~~ 1210.515 of ~~this act~~ Title 70 of the Oklahoma Statutes. Such documentation shall not include any information which is considered an education record pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g through 1232i, unless compliance is made with the restrictions regarding disclosure of the information.

H. The provisions of this section shall be inapplicable with respect to any minor upon whom rights of majority have been conferred pursuant to Sections 91 through 94 of Title 10 of the Oklahoma Statutes.

I. The Department of Public Safety shall establish and approve documentation forms and certificates required by this section for use by school districts to comply with the provisions of this section. Upon establishment and approval of such forms and certificates, the Department of Public Safety shall notify each

school district and the State Board of Education of the content thereof.

SECTION 8. AMENDATORY 47 O.S. 2001, Section 6-107.4, is amended to read as follows:

Section 6-107.4 A. Whenever a license or instruction permit for the operation of a motor vehicle is canceled or denied pursuant to Section 6-107.3 of this title, the license or privilege to operate a motor vehicle shall remain canceled or denied for a minimum period of sixty (60) days or until the person whose license or permit has been canceled or denied reaches eighteen (18) years of age, whichever period is the shortest~~; provided, however, a~~. A denial pursuant to paragraph 2 of subsection A of Section 6-107.3 of this title shall remain in effect only until such time as a student presents to the Department of Public Safety sufficient documentation of attainment of an eighth grade level of reading and mathematics proficiency pursuant to the provisions of Section 1210.515 of Title 70 of the Oklahoma Statutes.

B. After the minimum period, the licensee or applicant may at any time apply for driving privileges by presenting sufficient documentation to the Department of Public Safety pursuant to Section 6-107.3 of this title and paying the fee required for issuance or renewal of a Class D license. Upon reinstatement after cancellation and upon issuance after denial, the Department shall remove the record of cancellation or denial from the person's driving record.

SECTION 9. This act shall become effective July 1, 2006.

SECTION 10. 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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