

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 1792

By: Paddack, Jolley and Mazzei
of the Senate

and

Dank of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools; creating Achieving Classroom Excellence Steering Committee; stating duties; providing for membership; designating chair; providing for staffing; requiring report; prohibiting compensation; authorizing travel reimbursement; amending 70 O.S. 2001, Section 11-103.6, as last amended by Section 7, Chapter 432, O.S.L. 2005 (70 O.S. Supp. 2005, Section 11-103.6), which relates to curricular requirements for high school graduation; requiring certain college preparatory/work ready curriculum beginning with certain students; authorizing students to enroll in certain core curriculum with certain approval; directing State Department of Education to develop certain form; requiring certain core curriculum for certain students; requiring certain approval for certain credit; clarifying language; making certain graduation requirements applicable to certain alternative education students; requiring State Department of Education to collect and report certain data; amending 70 O.S. 2001, Section 1210.507, as amended by Section 1, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2005, Section 1210.507), which relates to administration of Oklahoma School Testing Program; providing for annual release of certain test items subject to availability of funds; amending 70 O.S. 2001, Section 1210.508, as amended by Section 2, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2005, Section 1210.508), which relates to criterion-referenced tests; deleting obsolete language; clarifying language; requiring State Board of Education to administer certain tests online and make certain reports available by certain deadline; requiring certain students to complete end-of-instruction tests in English III, Geometry, and Algebra II when implemented; directing State Board of Education to develop, field test and implement certain tests; requiring certain English tests to include writing component; providing certain students up to three retake opportunities each year; modifying certain information reported on high school transcript for certain students; directing Board to ensure state academic content standards reflect certain benchmarks; directing Board to review, realign and recalibrate certain tests; authorizing Board to

determine cut scores and phase in over multi-year period; directing Board to conduct certain review and adjust cut scores as necessary; directing Board to conduct certain studies of end-of-instruction tests; specifying certain requirements; modifying deadline for testing vendor to report certain data; authorizing Board to develop tests in collaboration with other states; amending Section 5, Chapter 432, O.S.L. 2005 (70 O.S. Supp. 2005, Section 1210.522), which relates to mastery of reading and mathematics by eighth grade; requiring seventh-grade students to demonstrate mastery of certain reading and mathematics standards by 2006-07 school year; establishing method of demonstrating mastery; providing for remediation of certain students for certain purpose; requiring eighth-grade students to attain certain score on certain tests; providing for remediation of certain students for certain purpose; expanding authorized means of providing remediation; directing State Department of Education to provide certain information to districts; directing districts to monitor results and report findings to Department; providing assessment procedures for students with individualized education programs; providing assessment procedures for students identified as English language learners; amending Section 6, Chapter 432, O.S.L. 2005 (70 O.S. Supp. 2005, Section 1210.523), which relates to mastery of state academic content standards requirement for high school diploma; modifying and specifying subject areas requiring demonstration of mastery; deleting obsolete language; clarifying language; authorizing technology center schools to provide certain intervention and remediation; providing for State Board of Education to determine alternative methods for demonstration of mastery of certain standards; directing State Board of Education to adopt rules providing for certain exceptions and exemptions; requiring Board to collect data and provide certain report; providing assessment procedures for students with individualized education programs; providing assessment procedures for students identified as English language learners; authorizing Board to contract for certain purpose; amending 70 O.S. 2001, Section 1210.568, as last amended by Section 26, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2005, Section 1210.568), which relates to alternative education programs; making certain graduation requirements applicable to certain students; repealing Section 8, Chapter 432, O.S.L. 2005 (70 O.S. Supp. 2005, Section 11-111), which relates to college preparatory curriculum; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.525 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created to continue until December 31, 2009, the Achieving Classroom Excellence (ACE) Steering Committee. The Committee shall assist the State Board of Education with implementation of the student assessment requirements enacted pursuant to the Achieving Classroom Excellence Act of 2005. The ACE Steering Committee shall advise the Board on the following:

1. Curriculum alignment of third through eighth grade and high school subjects which are assessed pursuant to Section 1210.508 of Title 70 of the Oklahoma Statutes;

2. Review of existing and development of new assessments;

3. Determination of cut scores for required assessments;

4. Alternate tests or assessments which equal or exceed the rigor of the end-of-instruction assessments. The Steering Committee shall:

a. evaluate alternate tests including, but not limited to, the ACT assessment, the Advanced Placement (AP) tests, the Scholastic Aptitude Test (SAT), the International Baccalaureate (IB) Program assessments, WorkKeys assessments, Compass tests, and the Test of Adult Basic Education (TABE),

b. develop a list of career and technology education state and national tests that may serve as alternatives, provided the test is a state and/or national business and industry-recognized test that results in a business and industry-endorsed recognized credential. The list of tests developed shall be forwarded to the State Board of Career and Technology Education for consideration and approval. The tests approved by the State Board of Career and Technology Education shall be forwarded to the State Board of Education for consideration and approval, and

- c. determine if each alternate test evaluated is standardized, independently graded, knowledge-based, and administered on a multistate or international level. The Steering Committee shall also study and recommend the minimum score or level of mastery needed to pass each alternate test;

5. Intervention and remediation strategies and delivery methods for students who do not meet the mandated standard; and

6. Consequences for eighth-grade students who do not meet the mandated standard.

B. The membership of the ACE Steering Committee shall be composed as follows:

1. The Chair of the State Senate Education Committee, or designee;

2. The Chair of the Oklahoma House of Representatives Common Education Committee, or designee;

3. One member of the State Senate to be appointed by the minority leader of the Senate, or designee;

4. One member of the Oklahoma House of Representatives to be appointed by the minority leader of the House of Representatives, or designee;

5. One representative of the private business sector selected from the Governor's Council on Workforce and Economic Development to be appointed by the Governor;

6. The State Superintendent of Public Instruction, or designee;

7. The Director of the State Department of Career and Technology Education, or designee;

8. The Chancellor of the Oklahoma State Regents for Higher Education, or designee;

9. Four faculty members from institutions within The Oklahoma State System of Higher Education with expertise in the curriculum areas of mathematics, English, science and social studies, to be

appointed by the Chancellor of the Oklahoma State Regents for Higher Education;

10. One superintendent of a technology center to be appointed by the Director of the Oklahoma Department of Career and Technology Education;

11. The State Superintendent of Public Instruction shall appoint one representative from each of the following:

- a. a statewide organization representing rural schools,
- b. a statewide organization representing rural elementary schools,
- c. a statewide organization representing suburban schools,
- d. a statewide organization representing secondary school principals,
- e. a statewide organization representing parent-teacher organizations,
- f. a statewide organization representing school administrators,
- g. a statewide association representing teachers,
- h. a statewide federation representing teachers,
- i. a statewide association representing professional educators,
- j. nonaffiliated teachers,
- k. a statewide organization representing school board members, and
- l. a statewide coalition representing business and education; and

12. The State Superintendent may also appoint interested members who served on the ACE Task Force created pursuant to the Achieving Classroom Excellence Act of 2005.

C. The State Superintendent of Public Instruction shall serve as chair of the ACE Steering Committee. Staffing shall be provided

by the State Department of Education. Vacancies shall be filled in the same manner as the original appointment.

D. The ACE Steering Committee shall present a written report of recommendations to the State Board of Education, the Legislature, and the Governor annually, beginning December 1, 2006, with a final report presented by December 31, 2009.

E. The ACE Steering Committee members shall receive no compensation for serving on the committee but may receive travel reimbursement as follows:

1. Legislative members of the committee may be reimbursed for necessary travel expenses incurred in the performance of duties, in accordance with Section 456 of Title 74 of the Oklahoma Statutes, from the legislative body in which they serve; and

2. Other members of the committee may be reimbursed for necessary travel expenses incurred in the performance of duties by the respective appointing authorities in accordance with the State Travel Reimbursement Act.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 11-103.6, as last amended by Section 7, Chapter 432, O.S.L. 2005 (70 O.S. Supp. 2005, Section 11-103.6), is amended to read as follows:

Section 11-103.6 A. The State Board of Education shall adopt curricular standards for instruction of students in the public schools of this state that are necessary to ensure there is attainment of desired levels of competencies in a variety of areas to include language, mathematics, science, social studies and communication. All students shall gain literacy at the elementary and secondary levels through a core curriculum. Students must develop skills in reading, writing, speaking, computing and critical thinking. They also must learn about cultures and environments - their own and those of others with whom they share the earth. Students, therefore, must study social studies, literature, languages, the arts, mathematics and science. Such curricula shall

provide for the teaching of a hands-on career exploration program in cooperation with technology center schools. The core curriculum shall be designed to teach the competencies for which students shall be tested as provided in Section 1210.508 of this title, and shall be designed to prepare all students for employment and/or postsecondary education.

B. ~~In~~ Beginning with students entering the ninth grade in the 2006-07 school year and subject to the provisions of subsection C of this section, in order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall complete the following ~~core~~ college preparatory/work ready curriculum units or sets of competencies at the secondary level:

1. Four units of English to include Grammar, Composition, Literature, or any English course approved for college admission requirements;

2. Three units of mathematics, limited to Algebra I, Algebra II, Geometry, Trigonometry, Math Analysis, Calculus, Advanced Placement Statistics, or any mathematics course with content and/or rigor above Algebra I and approved for college admission requirements;

3. Three units of laboratory science, limited to Biology, Chemistry, Physics, or any laboratory science course with content and/or rigor equal to or above Biology and approved for college admission requirements;

4. Three units of history and citizenship skills, including one unit of American History, one-half unit of Oklahoma History, one-half unit of United States Government and one unit from the subjects of History, Government, Geography, Economics, Civics, or Non-Western culture and approved for college admission requirements;

5. Two units of the same foreign or non-English language or two units of computer technology approved for college admission

requirements, whether taught at a high school or a technology center school, including computer programming, hardware, and business computer applications, such as word processing, databases, spreadsheets, and graphics, excluding keyboarding or typing courses;

6. One additional unit selected from paragraphs 1 through 5 of this subsection or career and technology education courses approved for college admission requirements; and

7. One unit or set of competencies of fine arts, such as music, art, or drama, or one unit or set of competencies of speech.

C. Beginning with students entering the ninth grade in the 2006-07 school year, in lieu of the requirements of subsection B of this section which requires a college preparatory/work ready curriculum, a student may enroll in the core curriculum as provided in subsection D of this section upon written approval of the parent or legal guardian of the student. School districts may require a parent or legal guardian of the student to meet with a designee of the school prior to enrollment in the core curriculum. The State Department of Education shall develop and distribute to school districts a form suitable for this purpose, which shall include information on the benefits to students of completing the college preparatory/work ready curriculum as provided for in subsection B of this section.

D. For students who entered the ninth grade prior to the 2006-07 school year and for those students subject to the requirements of subsection C of this section, in order to graduate from a public high school accredited by the State Board of Education with a standard diploma, students shall complete the following core curriculum units or sets of competencies at the secondary level:

1. Language Arts - 4 units or sets of competencies, to consist of 1 unit or set of competencies of grammar and composition, and 3 units or sets of competencies which may include, but are not limited to, the following courses:

- a. American Literature,
- b. English Literature,
- c. World Literature,
- d. Advanced English Courses, or
- e. other English courses with content and/or rigor equal to or above grammar and composition;

2. Mathematics - 3 units or sets of competencies, to consist of 1 unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology, and 2 units or sets of competencies which may include, but are not limited to, the following courses:

- a. Algebra II,
- b. Geometry or Geometry taught in a contextual methodology,
- c. Trigonometry,
- d. Math Analysis or Precalculus,
- e. Calculus,
- f. Statistics and/or Probability,
- g. Computer Science,
- h. contextual mathematics courses which enhance technology preparation whether taught at a:
 - (1) comprehensive high school, or
 - (2) technology center school when taken in the eleventh or twelfth grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education,
- i. mathematics courses taught at a technology center school by a teacher certified in the secondary subject area when taken in the eleventh or twelfth grade upon approval of the State Board of Education and the independent district board of education, or
- j. equal to or above Algebra I;

3. Science - 3 units or sets of competencies, to consist of 1 unit or set of competencies of Biology I or Biology I taught in a contextual methodology, and 2 units or sets of competencies in the areas of life, physical, or earth science or technology which may include, but are not limited to, the following courses:

- a. Chemistry I,
- b. Physics,
- c. Biology II,
- d. Chemistry II,
- e. Physical Science,
- f. Earth Science,
- g. Botany,
- h. Zoology,
- i. Physiology,
- j. Astronomy,
- k. Applied Biology/Chemistry,
- l. Applied Physics,
- m. Principles of Technology,
- n. qualified agricultural education courses,
- o. contextual science courses which enhance technology preparation whether taught at a:
 - (1) comprehensive high school, or
 - (2) technology center school when taken in the eleventh or twelfth grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education,
- p. science courses taught at a technology center school by a teacher certified in the secondary subject area when taken in the eleventh or twelfth grade upon approval of the State Board of Education and the independent district board of education, or

- q. other science courses with content and/or rigor equal to or above Biology I;

4. Social Studies - 3 units or sets of competencies, to consist of 1 unit or set of competencies of United States History, 1/2 to 1 unit or set of competencies of United States Government, 1/2 unit or set of competencies of Oklahoma History, and 1/2 to 1 unit or set of competencies which may include, but are not limited to, the following courses:

- a. World History,
- b. Geography,
- c. Economics,
- d. Anthropology, or
- e. other social studies courses with content and/or rigor equal to or above United States History, United States Government, and Oklahoma History; and

5. Arts - 2 units or sets of competencies which may include, but are not limited to, courses in Visual Arts and General Music.

~~C.~~ E. 1. In addition to the ~~15 units or sets of competencies of core~~ curriculum requirements ~~established in~~ of either subsection B or D of this section, in order to graduate from a public high school accredited by the State Board of Education students shall complete any additional course requirements or recommended elective courses as may be established by the State Board of Education and the district school board. School districts shall strongly encourage students to complete two units or sets of competencies of foreign languages and two units or sets of competencies of physical and health education.

~~D.~~ 2. No student shall receive credit for high school graduation more than once for completion of the same unit or set of competencies to satisfy the ~~core~~ curriculum requirements of ~~subsection B~~ of this section.

~~E.~~ 3. A school district shall not be required to offer every course listed in ~~subsection~~ subsections B and D of this section, but shall offer sufficient courses to allow a student to meet the graduation requirements during the secondary grade years of the student.

F. For purposes of this section:

1. "Contextual methodology" means academic content and skills taught by utilizing real-world problems and projects in a way that helps students understand the application of that knowledge;

2. "Qualified agricultural education courses" means courses that have been determined by the State Board of Education to offer the sets of competencies in the Priority Academic Student Skills (PASS), as adopted by the Board, for one or more science content areas and which correspond to academic science courses. Qualified agricultural education courses shall include, but are not limited to, Horticulture, Plant and Soil Science, Natural Resources and Environmental Science, and Animal Science. The courses shall be taught by teachers certified in agricultural education and comply with all rules of the Oklahoma Department of Career and Technology Education;

3. "Rigor" means a level of difficulty that is appropriate for the grade level and that meets state and/or national standards;

4. "Sets of competencies" means those skills and competencies that are specified in the Priority Academic Student Skills (PASS), as adopted by the State Board of Education, subchapter 5, Chapter 15, Title 210 of the Oklahoma Administrative Code, and other skills and competencies adopted by the Board; and

5. "Unit" means a Carnegie Unit as defined by the North Central Association's Commission on Schools.

G. 1. The State Board of Education shall adopt a plan to ensure that rigor is maintained in the content, teaching methodology, level of expectations for student achievement, and

application of learning in all the courses taught to meet the graduation requirements as specified in ~~subsection B~~ of this section.

2. The State Board of Education shall allow as much flexibility at the district level as is possible without diminishing the rigor or undermining the intent of providing these courses. To accomplish this purpose, the State Department of Education shall work with school districts in reviewing and approving courses taught by districts that are not specifically listed in ~~subsection~~ subsections B and D of this section. Options may include, but shall not be limited to, courses taken by concurrent enrollment, advanced placement, or correspondence, or courses bearing different titles.

3. Technology center school districts may offer programs designed in cooperation with institutions of higher education which have an emphasis on a focused field of career study upon approval of the State Board of Education and the independent district board of education. Students in the tenth grade may be allowed to attend these programs for up to one-half (1/2) of a school day and credit for the units or sets of competencies required in paragraphs 2 and 3 of subsection B or D of this section shall be given if the courses are taught by a teacher certified in the secondary subject area; provided, credit for units or sets of competencies pursuant to subsection B of this section shall be approved for college admission requirements.

4. If a student enrolls in a concurrent course, the school district shall not be responsible for any costs incurred for that course, unless the school district does not offer enough course selection during the student's secondary grade years to allow the student to receive the courses needed to meet the graduation requirements of ~~subsection B~~ of this section. If the school district does not offer the necessary course selection during the student's secondary grade years, it shall be responsible for the

cost of resident tuition at an institution in The Oklahoma State System of Higher Education, fees, and books for the concurrent enrollment course, and providing for transportation to and from the institution to the school site.

It is the intent of the Legislature that for students enrolled in a concurrent enrollment course which is paid for by the school district pursuant to this paragraph, the institution charge only the supplementary and special service fees that are directly related to the concurrent enrollment course and enrollment procedures for that student. It is further the intent of the Legislature that fees for student activities and student service facilities, including the student health care and cultural and recreational service fees, not be charged to such students.

5. Credit for the units or sets of competencies required in ~~paragraph 2 of~~ subsection B or D of this section shall be given when such units or sets of competencies are taken in the seventh or eighth grades if the teachers are certified or authorized ~~pursuant to Section 6-189.1 of this title~~ to teach the subjects for high school credit and the required rigor is maintained.

6. Beginning with ninth-grade students enrolled in the 2008-2009 school year, the three units or sets of competencies in mathematics required in subsection B or D of this section shall be completed in the ninth through twelfth grades; provided, if a student completes any required courses in mathematics prior to ninth grade, the student may take any other mathematics courses to fulfill the requirement to complete three units in grades nine through twelve after the student has satisfied the requirements of ~~paragraph 2 of~~ subsection B or D of this section.

~~6.~~ 7. All units or sets of competencies required for graduation may be taken in any sequence recommended by the school district.

H. As a condition of receiving accreditation from the State Board of Education, all students in grades nine through twelve shall

enroll in a minimum of six periods, or the equivalent in block scheduling, of rigorous academic and/or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes.

I. 1. Academic and vocational-technical courses designed to offer sets of competencies integrated or embedded within the course that provide for the teaching and learning of the appropriate skills and knowledge in the Priority Academic Student Skills (PASS), as adopted by the State Board of Education, may upon approval of the Board be counted for academic credit and toward meeting the graduation requirements of ~~subsection B~~ of this section.

2. Internet-based courses offered by a technology center school that are taught by a certified teacher and provide for the teaching and learning of the appropriate skills and knowledge in the PASS may, upon approval of the State Board of Education and the independent district board of education, be counted for academic credit and toward meeting the graduation requirements of ~~subsection B~~ of this section.

3. Internet-based courses or vocational-technical courses utilizing integrated or embedded skills for which no Priority Academic Student Skills have been adopted by the State Board of Education may be approved by the Board if such courses incorporate standards of nationally recognized professional organizations and are taught by certified teachers.

4. Courses offered by a supplemental education organization that is accredited by a national accrediting body and that are taught by a certified teacher and provide for the teaching and learning of the appropriate skills and knowledge in the PASS may, upon approval of the State Board of Education and the school district board of education, be counted for academic credit and toward meeting the graduation requirements of ~~subsection B~~ of this section.

J. The State Board of Education shall provide an option for high school graduation based upon attainment of the desired levels of competencies as required in tests pursuant to the provisions of Section 1210.508 of this title. Such option shall be in lieu of the amount of course credits earned.

K. The State Board of Education shall prescribe, adopt and approve a promotion system based on the attainment by students of specified levels of competencies in each area of the core curriculum.

L. Children who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA), and who satisfy the graduation requirements through the individualized education program for that student shall be awarded a standard diploma.

M. ~~Students~~ For students who enter the ninth grade in or prior to the 2007-08 school year who are enrolled in an alternative education program ~~who~~ and meet the requirements of their plans leading to high school graduation developed pursuant to Section 1210.568 of this title shall be awarded a standard diploma.

N. Any student who completes the curriculum requirements of the International Baccalaureate Diploma Program shall be awarded a standard diploma.

O. ~~Notwithstanding any other provision of law, any~~ Any student who successfully completes an advanced mathematics or science course offered pursuant to Section 1210.404 of this title shall be granted academic credit toward meeting the graduation requirements pursuant to paragraph 2 or 3, as appropriate, of subsection B or D of this section.

P. For purposes of this section, the courses approved for college admission requirements shall be courses which are approved by the Oklahoma State Regents for Higher Education for admission to an institution within The Oklahoma State System of Higher Education.

Q. The State Department of Education shall collect and report data by school site and district on the number of students who enroll in the core curriculum as provided in subsection D of this section.

SECTION 3. AMENDATORY 70 O.S. 2001, Section 1210.507, as amended by Section 1, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2005, Section 1210.507), is amended to read as follows:

Section 1210.507 A. The State Board of Education shall promulgate rules necessary for the implementation and administration of the provisions of the Oklahoma School Testing Program Act.

B. The State Board of Education shall require school district boards of education to annually provide information to the district's students, parents of students, and the public at large about the proper meaning and use of tests administered pursuant to the provisions of the Oklahoma School Testing Program Act. The Department shall develop materials and make them available to school districts regarding the Oklahoma School Testing Program.

C. The State Board of Education shall seek to establish and post on the Internet a sample test item bank that will be made available to teachers and will allow them to create and deliver classroom assessments throughout the school year to check for student mastery of key concepts assessed by the criterion-referenced tests administered to students pursuant to the Oklahoma School Testing Program Act. Subject to the availability of funds, the Board shall annually release end-of-instruction test items and make them available to the public.

D. The State Board of Education shall post on the Internet criterion-referenced sample tests for each grade level and subject matter test administered to students pursuant to the Oklahoma School Testing Program Act for the purpose of communicating expectation concerning test difficulty level and format to teacher, parents and students. The Board shall maintain the sample tests on the Internet

throughout the year and, as changes are made in the state academic content standards, known as the Priority Academic Student Skills Curriculum, the Board shall update the sample tests. The Board shall seek to expand the number of sample test items each year and to revise test items as needed. The sample tests shall reflect the actual test administered to students and may contain questions used on actual tests given in previous years.

E. The State Board of Education shall seek to implement an electronic delivery system for all tests administered pursuant to the Oklahoma School Testing Program Act that will allow students to participate in computer-based assessments in order to expedite the delivery and use of the test results.

SECTION 4. AMENDATORY 70 O.S. 2001, Section 1210.508, as 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~~ Contingent upon the availability of state and federal funds, the Board, in accordance with federal law, 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~~ for grades three and four in:

- a. reading, and
- b. mathematics.

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~~ tests for grade five 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 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.

In addition, the Board shall administer a criterion-referenced test in geography in grade seven.

5. 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 tests for grade eight 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~~

The Board shall administer the tests for grade eight in reading and mathematics online with raw score test results reported immediately and complete results reported in less than two (2) weeks beginning in the 2007-08 school year.

~~7. 6.~~ Each student who completes the instruction for English II, English III, United States History, Biology I, ~~and Algebra I~~, Geometry, and Algebra II at the secondary level shall complete an end-of-instruction test, when implemented, to measure for attainment in the appropriate state academic content standards in order to graduate from a public high school with a standard diploma. 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 Board shall develop and field test the end-of-instruction tests in English III, Geometry, and Algebra II during the 2006-07 school year, implement the tests during the 2007-08 school year, and administer them each year thereafter. The Board shall administer the multiple choice portion of the end-of-instruction tests online with raw score test results reported immediately and complete results reported in less than two (2) weeks beginning in the 2008-09 school year.

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 and English III end-of-instruction ~~test tests~~ shall, ~~at a minimum, assess~~ include a writing component skills. Students who do not score at least at the satisfactory level shall be afforded the opportunity to retake ~~the tests once prior to graduation~~ each test up to three (3) times each calendar

year until at least achieving at the satisfactory level. 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, for students who enter the ninth grade in or prior to the 2007-08 school year, school districts shall report the highest achieved state test performance level on the end-of-instruction tests on the student's high school transcript. Beginning with students who enter the ninth grade in the 2008-09 school year, school districts shall report the student's performance levels of satisfactory and above 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.~~

~~8.~~

7. 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 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.~~

b. 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~~ were 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. 1. 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 benchmarks of the American Diploma Project and the goal of improving the state average American College Testing (ACT) score.

2. 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.

3. The State Board of Education shall review, realign, and recalibrate, as necessary, the tests in reading and mathematics in third through eighth grade and the end-of-instruction tests. The Board shall determine the cut scores for the performance levels on the end-of-instruction tests developed pursuant to paragraph 6 of

subsection A of this section, which shall be phased in over a multi-year period. The Board shall conduct an ongoing review to compare the end-of-instruction test content and performance descriptors with those of other states. Upon receipt of the review, the Board may adjust the cut scores as necessary.

4. The State Board of Education, for the purposes of conducting reliability and validity studies, monitoring contractor adherence to professionally accepted testing standards, and providing recommendations for testing program improvement, shall retain the services of an established, independent agency or organization that is nationally recognized for its technical expertise in educational testing but is not engaged in the development of aptitude or achievement tests for elementary or secondary level grades. These national assessment experts shall annually conduct studies of the reliability and validity of the end-of-instruction tests administered pursuant to this section. Validity studies shall include studies of decision validity, concurrent validity and the validity of performance level cut scores.

C. 1. The State Board of Education shall set the testing window dates for each criterion-referenced test required in paragraphs 1 through ~~6~~ 5 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~~ 6 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~~ 5 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~~ September 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 or in collaboration with 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~~ 20 USC, Section 1400 et seq.

SECTION 5. 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~~ D 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~~ seventh-grade year, beginning in the ~~2009-2010~~ 2006-07 school year. To demonstrate mastery of reading and mathematics, a student shall attain at least a satisfactory or advanced score on the eighth-grade seventh-grade criterion-referenced tests in reading and mathematics administered pursuant to Section 1210.508 of Title 70 of the Oklahoma Statutes this title. ~~Students~~ Each student who ~~do~~ does not score at least at the satisfactory or advanced level shall be provided remediation for the purpose of assisting the student in performing at least at the satisfactory level on the eighth-grade criterion-referenced tests in reading and mathematics.

B. Except as provided in subsection D of this section, beginning in the 2007-08 school year, each student who does not score at least at the satisfactory level on the eighth-grade criterion-referenced tests in reading and mathematics shall be provided remediation for the purpose of assisting the student in performing at least at the satisfactory level on the end-of-instruction tests administered in high school.

C. Remediation may be provided by means which may include, but are not limited to, extended time during the school day, a summer academy, tutoring, ~~on-line~~ online coursework, or other supplementary services. The State Department of Education shall provide information about best practices for remediation and interventions. School districts will monitor results of the remediation and

interventions implemented and report the findings to the State Department of Education.

~~B. D.~~ 1. 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~~ have an appropriate statement on the student's individualized education program requiring administration of the assessment with or without accommodations or an alternate assessment. Any accommodations normally employed for the assessment shall be approved by the State Board of Education and be provided for in the individualized education program. All documentation for each student shall be on file in the school prior to administration of the assessment.

2. Students identified as English language learners shall be assessed in a valid and reliable manner with the state academic assessments with acceptable accommodations as necessary or, to the extent practicable, with alternate assessments aligned to the state assessment provided by the school district in the language and form most likely to yield accurate data of the student's knowledge of the content areas.

SECTION 6. 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 provided in subsections ~~C~~ D and ~~D~~ E 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~~ the following subject areas in order to ~~receive a graduate from a public high school diploma from a public school in this state~~ with a standard diploma:

1. Algebra I;
2. English II; and

3. Two of the following five:

- a. Algebra II,
- b. Biology I,
- c. English III,
- d. Geometry, and
- e. United States History.

B. To demonstrate mastery, the student shall attain at least 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.~~ 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~~ this title.

C. Notwithstanding any other provision of law, students who do not attain at least a satisfactory ~~or advanced~~ score on any required end-of-instruction test shall be provided remediation and the opportunity to retake the test until at least a satisfactory ~~or advanced~~ score is attained on the tests of Algebra I, English II and two of the tests required in paragraph 3 of subsection A of this section or an approved alternative test. Technology center schools shall be authorized to provide intervention and remediation in Algebra I and Biology I to students enrolled in technology center schools, with the approval of the independent school district board.

~~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.~~

~~C. D. 1.~~ Students who do not meet the requirements of subsection A of this section may ~~receive~~ graduate from a public high school with a standard 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~~ approved by the State Board of Education.

2. The State Board of Education shall adopt rules providing for necessary student exceptions and exemptions to the requirements of this section. The Board shall collect data by school site and district on the number of students provided and categories of exceptions and exemptions granted. Beginning October 1, 2012, the Board shall provide an annual report of this data to the Governor, President Pro Tempore of the State Senate and Speaker of the House of Representatives.

~~D. E. 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~~ have an appropriate statement on the student's individualized education program requiring administration of the assessment with or without accommodations or an alternate assessment. Any accommodations normally employed for the assessment shall be approved by the State Board of Education and be provided for in the individualized education program. All documentation for each student shall be on file in the school prior to administration of the assessment.

2. Students identified as English language learners shall be assessed in a valid and reliable manner with the state academic

assessments with acceptable accommodations as necessary or, to the extent practicable, with alternate assessments aligned to the state assessment provided by the school district in the language and form most likely to yield accurate data of the student's knowledge of the content areas.

F. The State Board of Education shall be authorized to contract with an entity to develop and advise on the implementation of a communications campaign to build public understanding of and support for the testing requirements of this section.

SECTION 7. AMENDATORY 70 O.S. 2001, Section 1210.568, as last amended by Section 26, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2005, Section 1210.568), is amended to read as follows:

Section 1210.568 A. Beginning with the first semester of the 1996-1997 school year, the State Board of Education shall implement a statewide system of alternative education programs which shall be phased-in within seven (7) years. The statewide system shall include but not be limited to Alternative Approaches grant programs, funded pursuant to Section 1210.561 of this title, and alternative academies or alternative programs implemented pursuant to this section.

B. Beginning with the first semester of the 2002-2003 school year, all school districts of this state shall provide alternative education programs that conform to the requirements of statutes and rules applicable to alternative education. A program shall:

1. Allow class sizes and student/teacher ratios which are conducive to effective learning for at-risk students;

2. Incorporate appropriate structure, curriculum, and interaction and reinforcement strategies designed to provide effective instruction;

3. Include an intake and screening process to determine eligibility of students;

4. Demonstrate that teaching faculty are appropriately licensed or certified teachers;

5. Demonstrate that teaching faculty have been selected on the basis of a record of successful work with at-risk students or personal and educational factors that qualify them for work with at-risk students;

6. Reflect appropriate collaborative efforts with state agencies and local agencies serving youth;

7. Provide courses that meet the academic curricula standards adopted by the State Board of Education and additional remedial courses;

8. Offer individualized instruction;

9. State clear and measurable program goals and objectives;

10. Include counseling and social services components with the provision that providers of services are not required to be certified as school counselors;

11. Require a plan leading to graduation be developed for each student in the program which will allow the student to participate in graduation exercises for the school district after meeting the requirements of the school district as specified in the individual graduation plan for that student; provided, for students who enter the ninth grade in or prior to the 2007-08 school year, the plan shall specifically address whether the student is required to meet the graduation requirements established in Section 11-103.6 of this title;

12. Offer life skills instruction;

13. Provide opportunities for arts education to students, including Artists in Residence programs coordinated with the Oklahoma Arts Council;

14. Provide a proposed annual budget;

15. Include an evaluation component including an annual written self-evaluation;

16. Be appropriately designed to serve middle school, junior high school and secondary school students in grades six through twelve who are most at risk of not completing a high school education for a reason other than that identified in Section 13-101 of this title; and

17. Allow students in the alternative education program, who otherwise meet all of the participation requirements, to participate in vocational programs and extracurricular activities, including but not limited to athletics, band, and clubs.

C. The alternative education program of a school district shall be operational and serving students by September 15 of each school year.

D. Each alternative education program of a school district shall receive funding based on the combined number of dropouts and students within the district who have been referred to a county juvenile service unit, a county juvenile bureau or who have been committed to the custody of the Office of Juvenile Affairs. Each alternative education program shall receive incentive funding as follows:

1. For the first year of operation, One Thousand Dollars (\$1,000.00) per student;

2. For the second year of operation, Seven Hundred Fifty Dollars (\$750.00) per student; and

3. For the third year of operation and each year thereafter, Seven Hundred Dollars (\$700.00) per student.

Statewide alternative education funding shall not be used to supplant existing school district resources or to support programs that do not meet all the criteria for the statewide alternative education system. No alternative education program shall receive less than a total of Ten Thousand Dollars (\$10,000.00) per school year.

E. By September 15 of each school year, all statewide alternative education funds received and expended for students participating in an alternative education program shall be reported 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 this title.

F. Elementary school districts, as defined in Section 5-103 of this title, may request a waiver from the State Board of Education from the requirements of this section to implement and provide an alternative education program. Any elementary school district that has not received funding pursuant to the provisions of subsection D of this section shall be automatically granted a waiver. If a school district is granted a waiver, no statewide alternative education funding shall be allocated to the district.

G. 1. The State Board of Education shall contract for technical assistance for operation of an Alternative Education Technical Assistance Center. 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 Oklahoma. The technical assistance provider 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 technical assistance provider shall include, but shall not be limited to:

- a. providing initial and ongoing training of personnel who will educate at-risk populations through alternative education programs,

- b. providing technical assistance to school districts to enhance the probability of success of their alternative education programs,
- c. evaluating state-funded alternative education programs,
- d. reporting to the State Board of Education the evaluation results of state-funded alternative education programs, and
- e. providing in-depth program analysis and evaluation of state-funded alternative education programs.

3. The State Board of Education shall not provide funding to an alternative education program that does not receive a recommendation for continued funding in the evaluation provided for in this subsection. Provided, any school district not receiving such a recommendation for continued funding may request a hearing before the Board with a review of the evaluation prior to the Board's final determination.

H. All alternative education programs shall be subject to statutes and rules applicable to alternative education, including any exemptions from statutory or regulatory requirements authorized by statutes or rule.

I. An alternative education program may be offered by an individual school district or may be offered jointly by school districts that have formed interlocal cooperative agreements pursuant to Section 5-117b of this title. Any school district submitting a plan for an alternative education program serving fewer than ten students shall enter into a cooperative agreement with another school district to jointly provide the program unless the program has been granted a waiver from this requirement by the State Board of Education.

J. Any materials or equipment purchased by a school district with revenue received for students participating in an alternative

education program shall be used only in or directly for the alternative education program offered by the district or any subsequent alternative education program offered to students enrolled in that district. Such materials and equipment shall be made available exclusively to alternative education students during the hours that the alternative education program is operating; provided, the material or equipment may be used for other purposes when the alternative education program is not operating.

K. Upon implementation of this subsection as provided for in subsection M of this section and contingent upon the provision of appropriated funds designated for such purpose, all school districts in the state providing alternative education programs as required in subsection B of this section shall expand the programs to include middle-school-grade students. The program shall conform to the requirements of subsection B of this section.

L. Upon implementation of this subsection as provided for in subsection M of this section and contingent upon the provision of appropriated funds designated for such purpose, each urban school district identified by the State Department of Education as having a high population of elementary grade students who are at-risk and in need of alternative education shall provide elementary level alternative education programs. The State Department of Education shall establish requirements for the programs. For purposes of this section, "urban school district" means a school district with an average daily membership of thirty thousand (30,000) or more.

M. Implementation of subsections K and L of this section shall be delayed until the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for the 1998-99 school year or any school year thereafter for Oklahoma, as reported by the National Center for Education Statistics annually in the Digest of Education Statistics, reaches at least ninety percent (90%) of the regional average expenditure

for that same year, and funds are provided. For purposes of this subsection, the regional average expenditure shall consist of the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for each of the following states: Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Texas, averaged together. By January 1 of each year, the State Board of Education shall report whether or not the ninety-percent expenditure level has been reached based on information reported annually in the Digest of Education Statistics by the National Center for Education Statistics. Subsections K and L of this section shall be implemented on July 1 after the first January 1 report verifies that the ninety-percent expenditure level has been reached and funds have been provided for the specific purposes of this section.

SECTION 8. REPEALER Section 8, Chapter 432, O.S.L. 2005 (70 O.S. Supp. 2005, Section 11-111), is hereby repealed.

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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