

ENGROSSED SENATE  
BILL NO. 1792

By: Paddack, Jolley and Mazzei  
of the Senate

and

Dank of the House

[ schools and motor vehicles - end-of-instruction  
tests - mathematics - codification - effective date  
- 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 June 30, 2007, 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 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; and

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

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

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

2. The Chairman 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;

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

5. One representative of the private business sector 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. Faculty from institutions within The Oklahoma State System of Higher Education with expertise in the affected curriculum areas, appointed by the Chancellor of the Oklahoma State Regents for Higher Education;

10. 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. non-affiliated teachers,
- k. a statewide organization representing school board members, and
- l. a statewide coalition representing business and education; and

11. 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.

D. The ACE Steering Committee shall present a written report of recommendations to the State Board of Education, the Legislature, and the Governor by June 30, 2007.

E. The ACE Steering Committee 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 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 3. 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~~ 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 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.~~ 6. Each student who completes the instruction for English II, English III, United States History, Biology I, ~~and Algebra I~~, Geometry, and Algebra II, when implemented, 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 State Board of Education 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 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 such 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, 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.~~

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 standards 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 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 study to compare the end-of-instruction test content and performance descriptors with those of other states. Upon review of the study, the Board may adjust the cut scores as necessary.

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 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~~ 20 USC, Section 1400 et seq.

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 portion of the state~~ attain a satisfactory or advanced score on the eighth-grade criterion-referenced test offered in the eighth grade tests in reading and mathematics administered pursuant to Section 1210.508 of this title. ~~Following the administration of this test in the eighth grade, any student not successfully completing the reading portion shall be assigned a plan of remedial reading.~~ Any student who does not successful in completing the reading portion of the state criterion-referenced test attain a satisfactory or advanced score on the required tests may take a comparable alternative ~~reading~~ proficiency test in order to satisfy the criteria for a driver license or permit. Alternative reading and mathematics proficiency tests shall be approved by the State Department of Education. ~~Subsequent successful completion of an alternative reading proficiency test shall serve to satisfy any test retaking requirement which may be required for the reading 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 portion of the state eighth-grade criterion-referenced test for the eighth grade~~ tests in reading and mathematics 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~~ attainment of a satisfactory or advanced score on the test tests, 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~~ pass reading and mathematics proficiency ~~test tests~~ 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 tests~~, 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 ~~choose~~ choose 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 and mathematics proficiency ~~test tests~~ 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 or mathematics proficiency test taken.

C. A school district shall provide for alternative documentation of reading and 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 and 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 and 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 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 seventh-grade 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. Contingent on the implementation of an online assessment system with immediate raw score test results and complete results reported in less than two (2) weeks, and except as provided in subsection D of this section, beginning in the 2007-08 school year, each eighth-grade 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 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 and needed must exist on the individualized education program. All documentation for each student shall be on file in the school before tests are administered.

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 and, 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 on what such students know and can do in these 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~~ Contingent on the implementation of an online assessment system with immediate raw score test results and complete results reported in less than two (2) weeks, and except as provided 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~~ seven available subject areas which shall include Algebra I and English II, 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.~~ ~~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.

B. Notwithstanding any other provision of law, students who do not attain at least a satisfactory ~~or advanced~~ score on any required test shall be provided remediation and the opportunity to retake the test until at least a satisfactory ~~or advanced~~ score is attained.

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. 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~~ determined by the State Board of Education.

D. 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 and needed must exist on the individualized education program. All documentation for each student shall be on file in the school before tests are administered.

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 and, 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 on what such students know and can do in these content areas.

E. 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 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 eighth-grade criterion-referenced ~~reading test required for all eighth-grade students~~ tests in reading and mathematics administered pursuant to Section 1210.508 of Title 70 of the Oklahoma Statutes or ~~an alternative reading proficiency test~~ tests 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 the reading examination and mathematics tests 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. This act shall become effective July 1, 2006.

SECTION 9. 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.

Passed the Senate the 6th day of March, 2006.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2006.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives