

3 Senate Bill No. 1792  
4 As Amended

5 SENATE BILL NO. 1792 - By: PADDACK, JOLLEY and MAZZEI of the Senate  
6 and DANK of the House.

7 [ schools and motor vehicles - end-of-instruction tests -  
8 mathematics - codification - effective date -  
9 emergency ]

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

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

14 A. There is hereby created to continue until June 30, 2007, the  
15 Achieving Classroom Excellence (ACE) Steering Committee. The  
16 Committee shall assist the State Board of Education with  
17 implementation of the student assessment requirements enacted  
18 pursuant to the Achieving Classroom Excellence Act of 2005. The ACE  
19 Committee shall advise the Board on the following:

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

23 2. Review of existing and development of new assessments;

24 3. Determination of cut scores for required assessments;

1           4. Alternate tests **or assessments** which equal or exceed the  
2 rigor of the end-of-instruction assessments; and

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

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

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

9           2. The Chairman of the Oklahoma House of Representatives Common  
10 Education Committee, or designee;

11           **3. One member of the State Senate to be appointed by the**  
12 **minority leader of the Senate;**

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

15           **5. One representative of the private business sector to be**  
16 **appointed by the Governor;**

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

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

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

22           9. Faculty from institutions within The Oklahoma State System  
23 of Higher Education with expertise in the affected curriculum areas,

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

3 **10.** The State Superintendent of Public Instruction shall  
4 appoint one representative from each of the following:

- 5 a. a statewide organization representing rural schools,
- 6 b. a statewide organization representing rural elementary  
7 schools,
- 8 c. a statewide organization representing suburban  
9 schools,
- 10 d. a statewide organization representing secondary school  
11 principals,
- 12 e. a statewide organization representing parent-teacher  
13 organizations,
- 14 f. a statewide organization representing school  
15 administrators,
- 16 g. a statewide association representing teachers,
- 17 h. a statewide federation representing teachers,
- 18 i. a statewide association representing professional  
19 educators,
- 20 j. non-affiliated teachers,
- 21 k. a statewide organization representing school board  
22 members, and

1           1.    a statewide coalition representing business and  
2                    education; and

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

6           C. The State Superintendent of Public Instruction shall serve  
7 as chair of the ACE Steering Committee. Staffing shall be provided  
8 by the State Department of Education.

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

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

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

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

1 SECTION 2. AMENDATORY 70 O.S. 2001, Section 1210.507, as  
2 amended by Section 1, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2005,  
3 Section 1210.507), is amended to read as follows:

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

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

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

1 D. The State Board of Education shall post on the Internet  
2 criterion-referenced sample tests for each grade level and subject  
3 matter test administered to students pursuant to the Oklahoma School  
4 Testing Program Act for the purpose of communicating expectation  
5 concerning test difficulty level and format to teacher, parents and  
6 students. The Board shall maintain the sample tests on the Internet  
7 throughout the year and, as changes are made in the state academic  
8 content standards, known as the Priority Academic Student Skills  
9 Curriculum, the Board shall update the sample tests. The Board  
10 shall seek to expand the number of sample test items each year and  
11 to revise test items as needed. The sample tests shall reflect the  
12 actual test administered to students and may contain questions used  
13 on actual tests given in previous years.

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

19 SECTION 3. AMENDATORY 70 O.S. 2001, Section 1210.508, as  
20 amended by Section 2, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2005,  
21 Section 1210.508), is amended to read as follows:

22 Section 1210.508 A. 1. ~~Beginning with the 2000-2001 school~~  
23 ~~year through the 2003-2004 school year, the State Board of Education~~

1 ~~shall cause a norm-referenced test to be administered to every~~  
2 ~~student in the third grade of the public schools who is a resident~~  
3 ~~of or transferee into the district in which the student is enrolled.~~  
4 ~~The test used shall be selected by the Board and shall measure~~  
5 ~~specific skills represented by learner objectives. The student~~  
6 ~~skills to be tested at the third-grade level shall include reading,~~  
7 ~~mathematics, and language arts.~~

8       The State Board of Education shall develop and administer a  
9 series of criterion-referenced tests designed to indicate whether  
10 the state academic content standards, as defined by the State Board  
11 of Education in the Priority Academic Student Skills Curriculum,  
12 which Oklahoma public school students are expected to have attained  
13 have been achieved. The Board may develop and administer any  
14 criterion-referenced test in any subject not required by federal  
15 law, contingent upon the availability of funding. Students who do  
16 not perform satisfactorily on tests shall be remediated, subject to  
17 the availability of funding.

18       2. The Contingent upon the availability of state and federal  
19 funds, the Board, in accordance with federal law, shall administer  
20 criterion-referenced tests ~~in the reading and writing of English,~~  
21 ~~mathematics, science, and social studies as delineated in paragraphs~~  
22 ~~3 and 4 of this subsection to every student in the fifth- and~~  
23 ~~eighth-grades~~ for grades three and four in:

- 1            a. reading, and
- 2            b. mathematics.

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

- 7            a. reading,
- 8            b. mathematics,
- 9            c. science,
- 10           d. social studies, which shall consist of the history,  
11              Constitution and government of the United States, and  
12              geography, and
- 13           e. writing of English.

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

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

- 1           a. reading, and  
2           b. mathematics.

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

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

- 9           a. reading,  
10          b. mathematics,  
11          c. science,  
12          d. social studies, which shall consist of the history,  
13             Constitution, and government of the United States, and  
14          e. writing of English.

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

- 18           ~~a. reading, and~~  
19           ~~b. mathematics.~~

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

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

4             ~~a. reading, and~~

5             ~~b. mathematics.~~

6       ~~The tests shall be developed during the 2003-2004 school year,~~  
7 ~~field-tested during the 2004-2005 school year, implemented during~~  
8 ~~the 2005-2006 school year and administered each year thereafter. In~~  
9 ~~addition, the geography criterion-referenced test currently~~  
10 ~~administered in the eighth grade shall be modified to measure the~~  
11 ~~state academic content standards for geography for the seventh~~  
12 ~~grade. The test shall be field-tested if necessary during the 2003-~~  
13 ~~2004 school year, implemented during the 2004-2005 school year and~~  
14 ~~administered each year thereafter to students in the seventh grade.~~  
15 ~~Provided, the test shall be implemented during the 2003-2004 school~~  
16 ~~year if field-testing is determined not to be necessary.~~

17       ~~7.~~ 6. Each student who completes the instruction for English  
18 II, English III, United States History, Biology I, and Algebra I,  
19 Geometry, and Algebra II, when implemented, at the secondary level  
20 shall complete an end-of-instruction test to measure for attainment  
21 in the appropriate state academic content standards in order to  
22 graduate from high school. All students shall take the tests prior  
23 to graduation, unless otherwise exempt by law. The State Board of

1 Education shall administer the criterion-referenced tests. The  
2 State Board of Education shall develop and field test the end-of-  
3 instruction tests in English III, Geometry, and Algebra II during  
4 the 2006-07 school year, implement the tests during the 2007-08  
5 school year, and administer them each year thereafter.

6 The end-of-instruction tests shall serve the purpose of the  
7 criterion-referenced tests as provided in paragraph 1 of this  
8 subsection. The English II and English III end-of-instruction ~~test~~  
9 tests shall, at a minimum, assess include a writing component  
10 ~~skills~~. Students who do not score at least at the satisfactory  
11 level shall be afforded the opportunity to retake ~~the tests once~~  
12 ~~prior to graduation~~ each such test up to three (3) times each  
13 calendar year until at least achieving at the satisfactory level.

14 In order to provide an indication of the levels of competency  
15 attained by the student in a permanent record for potential future  
16 employers and institutions of higher education, school districts  
17 shall report the highest achieved state test performance level on  
18 the end-of-instruction tests on the student's high school  
19 transcript. Any student at the middle school level who completes  
20 the instruction in a secondary course specified in this paragraph  
21 shall be administered the appropriate end-of-instruction test. ~~It~~  
22 ~~is the intent of the Legislature that the performance data and any~~

1 ~~available research shall be reviewed for consideration of additional~~  
2 ~~consequences, including, but not limited to, high school graduation.~~

3 ~~8.~~

4 7. a. ~~The State Board of Education shall convene a task~~  
5 ~~force composed of representatives of school districts,~~  
6 ~~teachers, faculty from higher education institutions,~~  
7 ~~and representatives of the Oklahoma Arts Council. By~~  
8 ~~December 31, 2003, the task force shall make~~  
9 ~~recommendations on appropriate fine arts assessment~~  
10 ~~strategies that are aligned with the state academic~~  
11 ~~arts standards by grade level as adopted by the State~~  
12 ~~Board of Education and known as the Priority Academic~~  
13 ~~Student Skills and the National Standards for Arts~~  
14 ~~Education. The recommendations shall be communicated~~  
15 ~~to school districts by the State Board of Education~~  
16 ~~for use in implementing the assessment strategies for~~  
17 ~~the district. The assessment strategies selected by~~  
18 ~~the school district may be in the form of grading,~~  
19 ~~portfolio, or performance assessment. The assessment~~  
20 ~~strategies shall measure achievement levels based on~~  
21 ~~the state and national academic art standards and~~  
22 ~~shall be labeled as "meets standard" or "does not meet~~  
23 ~~standard".~~

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

9           ~~e. Beginning with the 2004-2005 school year, each Each~~  
10          school district shall administer to each student in  
11          the school district in grades three through eight an  
12          assessment designed to assess the student in the fine  
13          arts area in which the student has received  
14          instruction.

15          ~~d.~~

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

22          ~~e. The criterion-referenced tests in the arts shall be~~  
23          ~~discontinued after the 2002-2003 school year and~~

1                   ~~replaced with the school district assessments as~~  
2                   ~~provided for in this paragraph.~~

3           B. 1. All criterion-referenced tests required by this section  
4 shall measure academic competencies in correlation with the state  
5 academic content standards adopted by the Board pursuant to Section  
6 11-103.6 of this title and known as the Priority Academic Student  
7 Skills Curriculum. The State Board of Education shall evaluate the  
8 academic content standards to ensure the competencies reflect high  
9 standards, are specific, well-defined, measurable, challenging, and  
10 will prepare elementary students for next-grade-level course work  
11 and secondary students for postsecondary studies at institutions of  
12 higher education or technology center schools without the need for  
13 remediation in core curriculum areas. All state academic content  
14 standards shall reflect the standards of the American Diploma  
15 Project and the goal of improving the state average ~~American College~~  
16 ~~Testing~~ (ACT) score.

17           2. The State Department of Education shall annually evaluate  
18 the results of the criterion-referenced tests. The State Board of  
19 Education shall ensure that test results are reported to districts  
20 in a manner that yields detailed, diagnostic information for the  
21 purpose of guiding instruction and student remediation. As  
22 improvements are made to the criterion-referenced tests required by  
23 this section, the Board shall seek to increase the depth of

1 knowledge assessed for each subject. The State Board of Education  
2 shall seek to ensure that data yielded from the tests required in  
3 this section are utilized at the school district level to prescribe  
4 reinforcement and/or remediation by requiring school districts to  
5 develop and implement a specific program of improvement based on the  
6 test results.

7 3. The State Board of Education shall review, realign, and  
8 recalibrate as necessary, the tests in third through eighth grade  
9 and the end-of-instruction tests. The Board shall determine the cut  
10 scores for the performance levels on the end-of-instruction tests  
11 developed pursuant to paragraph 6 of subsection A of this section,  
12 which shall be phased in over a multi-year period. The Board shall  
13 conduct an ongoing study to compare the end-of-instruction test  
14 content and performance descriptors with those of other states.  
15 Upon review of the study, the Board may adjust the cut scores as  
16 necessary.

17 C. 1. The State Board of Education shall set the testing  
18 window dates for each criterion-referenced test required in  
19 paragraphs 1 through ~~6~~ 5 of subsection A of this section for grades  
20 three through eight so that, with the exception of the writing  
21 assessments, the tests are administered to students no earlier than  
22 April 10 each year and so that the test results are reported back to  
23 school districts in a timely manner. Each criterion-referenced test

1 required in paragraph ~~7~~ 6 of subsection A of this section may be  
2 administered to students at a time set by the State Board of  
3 Education as near as possible to the end of the course. All results  
4 and reports of the criterion-referenced test series required in  
5 paragraphs 1 through ~~6~~ 5 of subsection A of this section for grades  
6 three through eight shall be returned to each school district prior  
7 to the beginning of the next school year. The vendor shall provide  
8 a final electronic data file of all school site, school district,  
9 and state results to the Department and the Office of Accountability  
10 prior to July 1 of each year. The Department shall forward the  
11 final data files for each school district and each school site in  
12 that district to the school district. The Board shall ensure the  
13 contract with the testing vendor includes a provision that the  
14 vendor report test results directly to the Office of Accountability  
15 at the same time it is reported to the Board.

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

1 site shall notify the student's parents of the school's performance  
2 levels in the Oklahoma School Testing Program as reported in the  
3 Oklahoma Educational Indicators Program at the end of each school  
4 year.

5 D. The State Board of Education shall be responsible for the  
6 development, field-testing, and validation of the criterion-  
7 referenced test series required in subsection A of this section. In  
8 the interest of economy the Board shall adapt criterion-referenced  
9 tests that have been developed by other states or are otherwise  
10 commercially available, or portions of such tests, to the extent  
11 that such tests are appropriate for use in the testing program to be  
12 administered to Oklahoma students.

13 E. The Board shall develop, administer, and incorporate as a  
14 part of the Oklahoma School Testing Program, other testing programs  
15 or procedures, including appropriate accommodations for the testing  
16 of students with disabilities as required by the Individuals with  
17 Disabilities Education Act (IDEA), ~~P.L. No. 101-476~~ 20 USC, Section  
18 1400 et seq.

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

22 Section 1210.515 A. Pursuant to the provisions of paragraph 2  
23 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma

1 Statutes, any person under the age of eighteen (18) years wishing to  
2 apply for a driver license or permit shall successfully demonstrate  
3 a satisfactory reading and mathematics ability at the eighth-grade  
4 ~~reading~~ level by meeting the following criteria:

5 1. A student enrolled in a public school shall ~~successfully~~  
6 ~~complete the reading portion of the state~~ attain a satisfactory or  
7 advanced score on the eighth-grade criterion-referenced ~~test offered~~  
8 ~~in the eighth grade~~ tests in reading and mathematics administered  
9 pursuant to Section 1210.508 of this title. ~~Following the~~  
10 ~~administration of this test in the eighth grade, any student not~~  
11 ~~successfully completing the reading portion shall be assigned a plan~~  
12 ~~of remedial reading.~~ Any student who does not ~~successful in~~  
13 ~~completing the reading portion of the state criterion-referenced~~  
14 ~~test~~ attain a satisfactory or advanced score on the required tests  
15 may take a comparable alternative ~~reading~~ proficiency test in order  
16 to satisfy the criteria for a driver license or permit. Alternative  
17 reading and mathematics proficiency tests shall be approved by the  
18 State Department of Education. ~~Subsequent successful completion of~~  
19 ~~an alternative reading proficiency test shall serve to satisfy any~~  
20 ~~test retaking requirement which may be required for the reading~~  
21 ~~portion of the state criterion-referenced test in the eighth grade~~  
22 ~~in the Oklahoma School Testing Program.~~ School districts shall  
23 notify, in writing, each student who takes the ~~reading portion of~~

1 ~~the state~~ eighth-grade criterion-referenced ~~test for the eighth~~  
2 ~~grade~~ tests in reading and mathematics or who takes an alternative  
3 reading or mathematics proficiency test and the student's parent or  
4 legal guardian of the test results. If the student fails to perform  
5 satisfactorily on the test, the notice shall inform the student of  
6 the reading and mathematics proficiency driver license requirement  
7 and the school's remediation plan for the student. Upon the  
8 student's ~~successful completion of~~ attainment of a satisfactory or  
9 advanced score on the ~~test~~ tests, the school shall furnish the  
10 student with the documentation needed for the driver license  
11 application in Oklahoma;

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

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

20 B. Alternative reading and mathematics proficiency tests shall  
21 be offered by testing sites, which shall include the public schools  
22 at least four (4) times per calendar year, and may include any of  
23 the following which ~~choose~~ choose to participate, the technology

1 center school districts, Regional Education Service Centers,  
2 colleges, accredited private schools, and other sites approved by  
3 the State Department of Education. A student may take ~~the~~ a test as  
4 often as wished, subject to the provisions of this section. Testing  
5 sites shall provide the first alternative reading and mathematics  
6 proficiency ~~test~~ tests for each student at no cost to the student.  
7 Students may be assessed a fee not to exceed Twenty-five Dollars  
8 (\$25.00) by the testing site for each subsequent alternative reading  
9 or mathematics proficiency test taken.

10 C. A school district shall provide for alternative  
11 documentation of reading and mathematics proficiency for the  
12 purposes of paragraph 2 of subsection A of Section 6-107.3 of Title  
13 47 of the Oklahoma Statutes for any student with an individualized  
14 education program that, at a minimum, is in an area related to  
15 reading or mathematics. The alternative documentation shall be  
16 furnished to such student who is performing satisfactorily in  
17 reading and mathematics pursuant to the student's individualized  
18 education program. Parents of disabled students educated pursuant  
19 to the provisions of Section 4 of Article XIII of the Oklahoma  
20 Constitution may satisfy the requirement of paragraph 2 of  
21 subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes  
22 by signing an affidavit that, based upon their best information and  
23 belief, their child would qualify for an individualized education

1 program that, at a minimum, is in an area related to reading or  
2 mathematics if enrolled in public school, and that in their judgment  
3 their child is performing satisfactorily in reading and mathematics  
4 and is therefore academically qualified to satisfy the requirement  
5 of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the  
6 Oklahoma Statutes.

7 SECTION 5. AMENDATORY Section 5, Chapter 432, O.S.L.  
8 2005 (70 O.S. Supp. 2005, Section 1210.522), is amended to read as  
9 follows:

10 Section 1210.522 A. Except as provided in subsection ~~B~~ D of  
11 this section, every public school student shall demonstrate mastery  
12 of the state academic content standards in reading and mathematics  
13 by the end of the student's ~~eighth-grade~~ seventh-grade year,  
14 beginning in the ~~2009-2010~~ 2006-07 school year. To demonstrate  
15 mastery of reading and mathematics, a student shall attain at least  
16 a satisfactory ~~or advanced~~ score on the ~~eighth-grade~~ seventh-grade  
17 criterion-referenced tests in reading and mathematics administered  
18 pursuant to Section 1210.508 of ~~Title 70 of the Oklahoma Statutes~~  
19 this title. ~~Students~~ Each seventh-grade student who ~~do~~ does not  
20 score at least at the satisfactory ~~or advanced~~ level shall be  
21 provided remediation for the purpose of assisting the student in  
22 performing at least at the satisfactory level on the eighth-grade  
23 criterion-referenced tests in reading and mathematics.

1        B. Contingent on the implementation of an online assessment  
2 system with immediate raw score test results and complete results  
3 reported in less than two (2) weeks, and except as provided in  
4 subsection D of this section, beginning in the 2007-08 school year,  
5 each eighth-grade student who does not score at least at the  
6 satisfactory level on the eighth-grade criterion-referenced tests in  
7 reading and mathematics shall be provided remediation for the  
8 purpose of assisting the student in performing at least at the  
9 satisfactory level on the end-of-instruction tests administered in  
10 high school.

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

19        ~~B.~~ D. 1. Students who have individualized education programs  
20 pursuant to the Individuals with Disabilities Education Act (IDEA)  
21 shall be ~~exempt from the requirements of this section unless~~  
22 ~~provided for in the~~ have an appropriate statement on the student's  
23 individualized education program requiring administration of the

1 assessment with or without accommodations or an alternate  
2 assessment. Any accommodations normally employed and needed must  
3 exist on the individualized education program. All documentation  
4 for each student shall be on file in the school before tests are  
5 administered.

6 2. Students identified as English language learners shall be  
7 assessed in a valid and reliable manner with the state academic  
8 assessments with acceptable accommodations as necessary and, to the  
9 extent practicable, with alternate assessments aligned to the state  
10 assessment provided by the school district in the language and form  
11 most likely to yield accurate data on what such students know and  
12 can do in these content areas.

13 SECTION 6. AMENDATORY Section 6, Chapter 432, O.S.L.  
14 2005 (70 O.S. Supp. 2005, Section 1210.523), is amended to read as  
15 follows:

16 Section 1210.523 A. ~~Except~~ Contingent on the implementation of  
17 an online assessment system with immediate raw score test results  
18 and complete results reported in less than two (2) weeks, and except  
19 as provided in subsections C and D of this section, beginning with  
20 students entering the ninth grade in the 2008-2009 school year,  
21 every student shall demonstrate mastery of the state academic  
22 content standards in a minimum of four out of ~~six selected~~ seven  
23 available subject areas which shall include Algebra I and English

1 II, in order to receive a high school diploma from a public school  
2 in this state. To demonstrate mastery, the student shall attain a  
3 satisfactory or advanced score on the end-of-instruction criterion-  
4 referenced tests administered pursuant to Section 1210.508 of Title  
5 ~~70 of the Oklahoma Statutes. Each of the six tests shall assess~~  
6 ~~core academic subjects. Two of the four required end-of-instruction~~  
7 ~~tests shall include Algebra I, or the additional mathematics test~~  
8 ~~developed based upon the recommendation of the Achieving Classroom~~  
9 ~~Excellence Task Force as provided for in subsection B of this~~  
10 ~~section, and English II this title.~~

11 B. Notwithstanding any other provision of law, students who do  
12 not attain at least a satisfactory ~~or advanced~~ score on any required  
13 test shall be provided remediation and the opportunity to retake the  
14 test until at least a satisfactory ~~or advanced~~ score is attained.  
15 Technology center schools shall be authorized to provide  
16 intervention and remediation in Algebra I and Biology I to students  
17 enrolled in technology center schools, with the approval of the  
18 independent school district board.

19 ~~B. Determination of the two additional end-of-instruction tests~~  
20 ~~to be developed shall be made by the Legislature upon receipt of~~  
21 ~~recommendations of the Achieving Classroom Excellence Task Force~~  
22 ~~created pursuant to Section 4 of this act. One of the two~~  
23 ~~additional end-of-instruction tests developed shall be a mathematics~~

1 ~~test with rigor which is equal to or greater than the core~~  
2 ~~curriculum courses listed in paragraph 2 of subsection B of Section~~  
3 ~~11-103.6 of Title 70 of the Oklahoma Statutes. The second of the~~  
4 ~~two additional end-of-instruction tests developed shall assess one~~  
5 ~~of the core curriculum subjects or units listed in paragraph 1, 3,~~  
6 ~~or 4 of subsection B of Section 11-103.6 of Title 70 of the Oklahoma~~  
7 ~~Statutes.~~

8 C. Students who do not meet the requirements of subsection A of  
9 this section may receive a high school diploma by demonstrating  
10 mastery of state academic content standards by alternative methods  
11 as ~~recommended by the Achieving Classroom Excellence Task Force~~  
12 ~~created pursuant to Section 4 of this act~~ determined by the State  
13 Board of Education.

14 D. 1. Students who have individualized education programs  
15 pursuant to the Individuals with Disabilities Education Act (IDEA)  
16 shall ~~be exempt from the requirements of subsection A of this~~  
17 ~~section unless provided for in~~ have an appropriate statement on the  
18 student's individualized education program requiring administration  
19 of the assessment with or without accommodations or an alternate  
20 assessment. Any accommodations normally employed and needed must  
21 exist on the individualized education program. All documentation  
22 for each student shall be on file in the school before tests are  
23 administered.



- 1           b.    has received a diploma or certificate of completion  
2                    issued to the person from a secondary school of this  
3                    state or any other state,  
4           c.    is enrolled and making satisfactory progress in a  
5                    program leading to a Certificate of High School  
6                    Equivalency issued by the State Department of  
7                    Education, or has obtained such certificate,  
8           d.    is excused from such requirement pursuant to a lawful  
9                    excuse as defined in subsection G of this section or  
10                   due to circumstances beyond the control of the person,  
11                   or  
12           e.    is excused from such requirement pursuant to  
13                   subsection C of this section; and

14        2.    Has successfully passed the eighth-grade criterion-  
15    referenced ~~reading test required for all eighth-grade students tests~~  
16    in reading and mathematics administered pursuant to Section 1210.508  
17    of Title 70 of the Oklahoma Statutes or ~~an~~ alternative ~~reading~~  
18    proficiency ~~test~~ tests approved by the State Department of Education  
19    pursuant to the provisions of Section ~~3~~ 1210.515 of ~~this act~~ Title  
20    70 of the Oklahoma Statutes demonstrating reading and mathematics  
21    proficiency at the eighth-grade ~~reading~~ level, unless such student  
22    is excused from such requirement pursuant to the provisions of  
23    Section ~~3~~ 1210.515 of ~~this act~~ Title 70 of the Oklahoma Statutes.

1            Provided, during the summer months when school is not in regular  
2 session, as established by the school district pursuant to Section  
3 1-109 of Title 70 of the Oklahoma Statutes, persons under eighteen  
4 (18) years of age may satisfy the documentation requirement of this  
5 subsection by providing a notarized written statement from the  
6 parent, custodial parent or legal guardian of the child to the  
7 Department of Public Safety that the child completed the immediately  
8 previous school year and is enrolled or intends to enroll for the  
9 immediately subsequent school year. The documentation shall be  
10 signed by the parent, custodial parent or legal guardian.

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

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

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

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

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

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

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

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

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

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

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

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

18           2. Pursuant to any lawful excuse; or

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

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

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

13 G. As used in this section:

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

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

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

1 imprisonment in a jail, penitentiary or other correctional  
2 institution;

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

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

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

5           I. The Department of Public Safety shall establish and approve  
6 documentation forms and certificates required by this section for  
7 use by school districts to comply with the provisions of this  
8 section. Upon establishment and approval of such forms and  
9 certificates, the Department of Public Safety shall notify each  
10 school district and the State Board of Education of the content  
11 thereof.

12           SECTION 8. This act shall become effective July 1, 2006.

13           SECTION 9. It being immediately necessary for the preservation  
14 of the public peace, health and safety, an emergency is hereby  
15 declared to exist, by reason whereof this act shall take effect and  
16 be in full force from and after its passage and approval.

17 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 2-27-06 - DO  
18 PASS, As Amended and Coauthored.