

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 CONFERENCE COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL 829

By: Wilcoxson of the Senate

and

6 Kern of the House

7  
8  
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to schools; amending 70 O.S. 2001,  
11 Section 11-103.6d, which relates to certificates of  
12 distinction; amending 70 O.S. 2001, Section 1210.508,  
13 as last amended by Section 4, Chapter 289, O.S.L.  
14 2006 (70 O.S. Supp. 2006, Section 1210.508), which  
15 relates to the Oklahoma School Testing Program Act;  
16 amending 70 O.S. 2001, Section 1210.508B, as last  
17 amended by Section 1, Chapter 146, O.S.L. 2006 (70  
18 O.S. Supp. 2006, Section 1210.508B), which relates to  
19 the Reading Sufficiency Act; amending 70 O.S. 2001,  
20 Section 1210.515, as amended by Section 3, Chapter  
21 197, O.S.L. 2004 (70 O.S. Supp. 2006, Section  
22 1210.515), which relates to reading ability for  
23 driver license applicant; amending Sections 5 and 6,  
24 Chapter 432, O.S.L. 2005, as amended by Sections 5  
and 6, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2006,  
Sections 1210.522 and 1210.523), which relate to the  
Achieving Classroom Excellence Act of 2005; amending  
70 O.S. 2001, Section 1210.541, as amended by Section  
3, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2006,  
Section 1210.541), which relates to student  
performance levels; clarifying requirements for  
alternative tests; modifying performance level  
terminology; repealing Section 1, Chapter 289, O.S.L.  
2006 (70 O.S. Supp. 2006, Section 1210.525), which  
relates to the Achieving Classroom Excellence  
Steering Committee; providing an effective date; and  
declaring an emergency.

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

2 SECTION 1. AMENDATORY 70 O.S. 2001, Section 11-103.6d,  
3 is amended to read as follows:

4 Section 11-103.6d A. District boards of education may develop  
5 and issue a certificate of distinction that is to be awarded to  
6 students, beginning with students in the 2000-2001 high school  
7 graduating class who have met or exceeded the following criteria by  
8 the end of their senior year in high school with at least a 3.25  
9 grade point average on a 4.0 scale:

10 1. Earned four units each in English, mathematics, social  
11 studies, and science;

12 2. Earned two additional units in the area of technology, the  
13 humanities, or the arts;

14 3. Earned two units in a foreign language; and

15 4. Achieved a ~~satisfactory~~ proficient or advanced score, ~~or its~~  
16 ~~equivalent~~, on all end-of-instruction tests as required pursuant to  
17 Section 1210.508 of ~~Title 70 of the Oklahoma Statutes~~ this title, as  
18 those tests are implemented.

19 B. For purposes of this section, applicable vocational-  
20 technical classes offered by comprehensive high school vocational-  
21 technical programs shall qualify for technology, science, and  
22 mathematics units. Students enrolled in the programs may use one  
23 unit of their six concentrated vocational-technical curriculum units  
24 for one unit of mathematics required by this section and one unit of

1 their six concentrated vocational-technical curriculum units for one  
2 unit of science required by this section. Advanced placement  
3 classes in the subject areas listed in paragraphs 1, 2, and 3 of  
4 subsection A of this section may be substituted on a course-by-  
5 course basis to satisfy the academic units required for a  
6 certificate of distinction.

7 C. For purposes of this section, "unit" means a Carnegie Unit  
8 as defined by the North Central Association's Commission on Schools.

9 SECTION 2. AMENDATORY 70 O.S. 2001, Section 1210.508, as  
10 last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp.  
11 2006, Section 1210.508), is amended to read as follows:

12 Section 1210.508 A. 1. The State Board of Education shall  
13 develop and administer a series of criterion-referenced tests  
14 designed to indicate whether the state academic content standards,  
15 as defined by the State Board of Education in the Priority Academic  
16 Student Skills Curriculum, which Oklahoma public school students are  
17 expected to have attained have been achieved. The Board may develop  
18 and administer any criterion-referenced test in any subject not  
19 required by federal law, contingent upon the availability of  
20 funding. Students who do not perform ~~satisfactorily~~ at least at the  
21 proficient level on tests shall be remediated, subject to the  
22 availability of funding.

23

24

1           2. 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 three and four in:

- 4           a. reading, and
- 5           b. mathematics.

6           3. Contingent upon the availability of funds, the Board shall  
7 administer criterion-referenced tests for grade five in:

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

15          4. 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 six and seven in:

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

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

22          5. Contingent upon the availability of funds, the Board shall  
23 administer criterion-referenced tests for grade eight in:

- 24          a. reading,

- 1           b.    mathematics,
- 2           c.    science,
- 3           d.    social studies, which shall consist of the history,
- 4                 Constitution, and government of the United States, and
- 5           e.    writing of English.

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

10          6.    Each student who completes the instruction for English II,  
11 English III, United States History, Biology I, Algebra I, Geometry,  
12 and Algebra II at the secondary level shall complete an end-of-  
13 instruction test, when implemented, to measure for attainment in the  
14 appropriate state academic content standards in order to graduate  
15 from a public high school with a standard diploma. All students  
16 shall take the tests prior to graduation, unless otherwise exempt by  
17 law. The State Board of Education shall administer the criterion-  
18 referenced tests. The Board shall develop and field test the end-  
19 of-instruction tests in English III, Geometry, and Algebra II during  
20 the 2006-07 school year, implement the tests during the 2007-08  
21 school year, and administer them each year thereafter. The Board  
22 shall administer the multiple choice portion of the end-of-  
23 instruction tests online with raw score test results reported

1 immediately and complete results reported in less than two (2) weeks  
2 beginning in the 2008-09 school year.

3       The end-of-instruction tests shall serve the purpose of the  
4 criterion-referenced tests as provided in paragraph 1 of this  
5 subsection. The English II and English III end-of-instruction tests  
6 shall include a writing component. Students who do not score at  
7 least at the ~~satisfactory~~ proficient level shall be afforded the  
8 opportunity to retake each test up to three (3) times each calendar  
9 year until at least achieving at the ~~satisfactory~~ proficient level.  
10 In order to provide an indication of the levels of competency  
11 attained by the student in a permanent record for potential future  
12 employers and institutions of higher education, for students who  
13 enter the ninth grade in or prior to the 2007-08 school year, school  
14 districts shall report the highest achieved state test performance  
15 level on the end-of-instruction tests on the student's high school  
16 transcript. Beginning with students who enter the ninth grade in  
17 the 2008-09 school year, school districts shall report the student's  
18 performance levels of ~~satisfactory~~ proficient and above on the end-  
19 of-instruction tests on the student's high school transcript. Any  
20 student at the middle school level who completes the instruction in  
21 a secondary course specified in this paragraph shall be administered  
22 the appropriate end-of-instruction test.

23       7. a. Each school district shall administer to each student  
24               in the school district in grades three through eight

1 an assessment designed to assess the student in the  
2 fine arts area in which the student has received  
3 instruction.

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

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

23 2. The State Department of Education shall annually evaluate  
24 the results of the criterion-referenced tests. The State Board of

1 Education shall ensure that test results are reported to districts  
2 in a manner that yields detailed, diagnostic information for the  
3 purpose of guiding instruction and student remediation. As  
4 improvements are made to the criterion-referenced tests required by  
5 this section, the Board shall seek to increase the depth of  
6 knowledge assessed for each subject. The State Board of Education  
7 shall seek to ensure that data yielded from the tests required in  
8 this section are utilized at the school district level to prescribe  
9 reinforcement and/or remediation by requiring school districts to  
10 develop and implement a specific program of improvement based on the  
11 test results.

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

22 4. The State Board of Education, for the purposes of conducting  
23 reliability and validity studies, monitoring contractor adherence to  
24 professionally accepted testing standards, and providing

1 recommendations for testing program improvement, shall retain the  
2 services of an established, independent agency or organization that  
3 is nationally recognized for its technical expertise in educational  
4 testing but is not engaged in the development of aptitude or  
5 achievement tests for elementary or secondary level grades. These  
6 national assessment experts shall annually conduct studies of the  
7 reliability and validity of the end-of-instruction tests  
8 administered pursuant to this section. Validity studies shall  
9 include studies of decision validity, concurrent validity and the  
10 validity of performance level cut scores.

11 C. 1. The State Board of Education shall set the testing  
12 window dates for each criterion-referenced test required in  
13 paragraphs 1 through 5 of subsection A of this section for grades  
14 three through eight so that, with the exception of the writing  
15 assessments, the tests are administered to students no earlier than  
16 April 10 each year and so that the test results are reported back to  
17 school districts in a timely manner. Each criterion-referenced test  
18 required in paragraph 6 of subsection A of this section may be  
19 administered to students at a time set by the State Board of  
20 Education as near as possible to the end of the course. All results  
21 and reports of the criterion-referenced test series required in  
22 paragraphs 1 through 5 of subsection A of this section for grades  
23 three through eight shall be returned to each school district prior  
24 to the beginning of the next school year. The vendor shall provide

1 a final electronic data file of all school site, school district,  
2 and state results to the Department and the Office of Accountability  
3 prior to September 1 of each year. The Department shall forward the  
4 final data files for each school district and each school site in  
5 that district to the school district. The Board shall ensure the  
6 contract with the testing vendor includes a provision that the  
7 vendor report test results directly to the Office of Accountability  
8 at the same time it is reported to the Board.

9 2. State, district, and site level results of all tests  
10 required in this section shall be disaggregated by gender, race  
11 ethnicity, disability status, migrant status, English proficiency,  
12 and status as economically disadvantaged, except that such  
13 disaggregation shall not be required in a case in which the number  
14 of students in a category is insufficient to yield statistically  
15 reliable information or the results would reveal personally  
16 identifiable information about an individual student. Each school  
17 site shall notify the student's parents of the school's performance  
18 levels in the Oklahoma School Testing Program as reported in the  
19 Oklahoma Educational Indicators Program at the end of each school  
20 year.

21 D. The State Board of Education shall be responsible for the  
22 development, field-testing, and validation of the criterion-  
23 referenced test series required in subsection A of this section. In  
24 the interest of economy the Board shall adapt criterion-referenced

1 tests that have been developed by or in collaboration with other  
2 states or are otherwise commercially available, or portions of such  
3 tests, to the extent that such tests are appropriate for use in the  
4 testing program to be administered to Oklahoma students.

5 E. The Board shall develop, administer, and incorporate as a  
6 part of the Oklahoma School Testing Program, other testing programs  
7 or procedures, including appropriate accommodations for the testing  
8 of students with disabilities as required by the Individuals with  
9 Disabilities Education Act (IDEA), 20 USC, Section 1400 et seq.

10 SECTION 3. AMENDATORY 70 O.S. 2001, Section 1210.508B,  
11 as last amended by Section 1, Chapter 146, O.S.L. 2006 (70 O.S.  
12 Supp. 2006, Section 1210.508B), is amended to read as follows:

13 Section 1210.508B A. The Legislature finds that it is  
14 essential for children in the public schools to read early and well  
15 in elementary school. The Legislature further finds that clear and  
16 visible goals, assessments to determine the reading level at each  
17 elementary school, annual measurements of elementary school reading  
18 improvement, and accountability in each level of the educational  
19 system will result in a significant increase in the number of  
20 children reading at or above grade level.

21 B. The purpose of the Reading Sufficiency Act is to ensure that  
22 each child attains the necessary reading skills by completion of the  
23 third grade which will enable that student to continue development  
24 of reading skills and to succeed throughout school and life.

1 C. Each public school district in this state shall ensure that  
2 a majority of the instructional time each day of the school year in  
3 kindergarten through third grade is focused on reading and  
4 mathematics. The State Board of Education shall encourage school  
5 districts to integrate the teaching of the other curricular areas in  
6 the Priority Academic Student Skills (PASS) adopted by the Board  
7 with the instruction of reading and mathematics.

8 D. The reading goal for Oklahoma public schools is as follows:  
9 By July 1, 2008, and each year thereafter, all third-grade students  
10 will read at or above grade level by the end of their third-grade  
11 year, excluding up to fifteen percent (15%) of those students who  
12 have an individualized education program (IEP), pursuant to the  
13 Individuals with Disabilities Education Act (IDEA), and excluding  
14 those students who are English language learners who have been  
15 determined not to be proficient in English as defined by a state-  
16 designated English proficiency assessment. To achieve the reading  
17 goal, each public elementary school shall:

18 1. Determine its baseline no later than September 1, 2005,  
19 which shall be the percentage of students reading at or above third-  
20 grade level as determined by the percentage of students scoring  
21 ~~satisfactory~~ proficient or above on the third-grade criterion-  
22 referenced test in reading, administered pursuant to Section  
23 1210.508 of this title; and

24

1           2. Set and achieve annual improvement goals necessary to  
2 progress from the baseline established in 2005 to the reading goal  
3 by July 1, 2008. The annual improvement goals shall be included in  
4 the district's reading sufficiency plan required in Section  
5 1210.508C of this title.

6           E. The State Board of Education shall recognize schools and  
7 districts that attain or make progress toward achieving the reading  
8 goal and shall provide technical assistance to schools and districts  
9 that do not make progress toward the reading goal. The district  
10 reading sufficiency plan shall be submitted to the State Board if  
11 the district has any schools that are not achieving the required  
12 annual improvement goals pursuant to this section.

13           SECTION 4.           AMENDATORY           70 O.S. 2001, Section 1210.515, as  
14 amended by Section 3, Chapter 197, O.S.L. 2004 (70 O.S. Supp. 2006,  
15 Section 1210.515), is amended to read as follows:

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

22           1. A student enrolled in a public school shall successfully  
23 complete the reading portion of the state criterion-referenced test  
24 offered in the eighth grade. Following the administration of this

1 test in the eighth grade, any student not successfully completing  
2 the reading portion shall be assigned a plan of remedial reading.  
3 Any student not successful in completing the reading portion of the  
4 state criterion-referenced test may take a comparable alternative  
5 reading proficiency test in order to satisfy the criteria for a  
6 driver license or permit. Alternative reading proficiency tests  
7 shall be approved by the State Department of Education. Subsequent  
8 successful completion of an alternative reading proficiency test  
9 shall serve to satisfy any test retaking requirement which may be  
10 required for the reading portion of the state criterion-referenced  
11 test in the eighth grade in the Oklahoma School Testing Program.  
12 School districts shall notify, in writing, each student who takes  
13 the reading portion of the state criterion-referenced test for the  
14 eighth grade or who takes an alternative reading proficiency test  
15 and the student's parent or legal guardian of the test results. If  
16 the student fails to perform satisfactorily on the test, the notice  
17 shall inform the student of the reading proficiency driver license  
18 requirement and the school's remediation plan for the student. Upon  
19 the student's successful completion of the test, the school shall  
20 furnish the student with the documentation needed for the driver  
21 license application in Oklahoma;

22 2. Unless alternatively documented according to the provisions  
23 of subsection C of this section, students under the age of eighteen  
24

1 (18) years shall successfully complete a reading proficiency test  
2 approved by the State Department of Education; and

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

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

18 C. A school district shall provide for alternative  
19 documentation of reading proficiency for the purposes of paragraph 2  
20 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma  
21 Statutes for any student with an individualized education program  
22 that, at a minimum, is in an area related to reading. The  
23 alternative documentation shall be furnished to such student who is  
24 performing satisfactorily in reading pursuant to the student's

1 individualized education program. Parents of disabled students  
2 educated pursuant to the provisions of Section 4 of Article XIII of  
3 the Oklahoma Constitution may satisfy the requirement of paragraph 2  
4 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma  
5 Statutes by signing an affidavit that, based upon their best  
6 information and belief, their child would qualify for an  
7 individualized education program that, at a minimum, is in an area  
8 related to reading if enrolled in public school, and that in their  
9 judgment their child is performing satisfactorily in reading and is  
10 therefore academically qualified to satisfy the requirement of  
11 paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the  
12 Oklahoma Statutes.

13 SECTION 5. AMENDATORY Section 5, Chapter 432, O.S.L.  
14 2005, as amended by Section 5, Chapter 289, O.S.L. 2006 (70 O.S.  
15 Supp. 2006, Section 1210.522), is amended to read as follows:

16 Section 1210.522 A. Except as provided in subsection D of this  
17 section, every public school student shall demonstrate mastery of  
18 the state academic content standards in reading and mathematics by  
19 the end of the student's seventh-grade year, beginning in the 2006-  
20 07 school year. To demonstrate mastery of reading and mathematics,  
21 a student shall attain at least a ~~satisfactory~~ proficient score on  
22 the seventh-grade criterion-referenced tests in reading and  
23 mathematics administered pursuant to Section 1210.508 of this title.  
24 Each student who does not score at least at the ~~satisfactory~~

1 proficient level shall be provided remediation for the purpose of  
2 assisting the student in performing at least at the ~~satisfactory~~  
3 proficient level on the eighth-grade criterion-referenced tests in  
4 reading and mathematics.

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

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

20 D. 1. Students who have individualized education programs  
21 pursuant to the Individuals with Disabilities Education Act (IDEA)  
22 shall have an appropriate statement on the student's individualized  
23 education program requiring administration of the assessment with or  
24 without accommodations or an alternate assessment. Any

1 accommodations normally employed for the assessment shall be  
2 approved by the State Board of Education and be provided for in the  
3 individualized education program. All documentation for each  
4 student shall be on file in the school prior to administration of  
5 the assessment.

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 or, 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 of the student's knowledge of the  
12 content areas.

13 SECTION 6. AMENDATORY Section 6, Chapter 432, O.S.L.  
14 2005, as amended by Section 6, Chapter 289, O.S.L. 2006 (70 O.S.  
15 Supp. 2006, Section 1210.523), is amended to read as follows:

16 Section 1210.523 A. Except as provided in subsections D and E  
17 of this section, beginning with students entering the ninth grade in  
18 the 2008-2009 school year, every student shall demonstrate mastery  
19 of the state academic content standards in the following subject  
20 areas in order to graduate from a public high school with a standard  
21 diploma:

- 22 1. Algebra I;
- 23 2. English II; and
- 24 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~~ proficient score on the end-of-instruction criterion-referenced tests administered pursuant to Section 1210.508 of this title.

C. Notwithstanding any other provision of law, students who do not attain at least a ~~satisfactory~~ proficient score on any end-of-instruction test shall be provided remediation and the opportunity to retake the test until at least a ~~satisfactory~~ proficient 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 which measures the content standards as set forth in subsection A of this section, as approved by the State Board of Education. 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.

D. 1. Students who do not meet the requirements of subsection A of this section may graduate from a public high school with a standard diploma by demonstrating mastery of state academic content

1 standards by alternative methods as approved by the State Board of  
2 Education.

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

11       E. 1. Students who have individualized education programs  
12 pursuant to the Individuals with Disabilities Education Act (IDEA)  
13 shall have an appropriate statement on the student's individualized  
14 education program requiring administration of the assessment with or  
15 without accommodations or an alternate assessment. Any  
16 accommodations normally employed for the assessment shall be  
17 approved by the State Board of Education and be provided for in the  
18 individualized education program. All documentation for each  
19 student shall be on file in the school prior to administration of  
20 the assessment.

21       2. Students identified as English language learners shall be  
22 assessed in a valid and reliable manner with the state academic  
23 assessments with acceptable accommodations as necessary or, to the  
24 extent practicable, with alternate assessments aligned to the state

1 assessment provided by the school district in the language and form  
2 most likely to yield accurate data of the student's knowledge of the  
3 content areas.

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

8 SECTION 7. AMENDATORY 70 O.S. 2001, Section 1210.541, as  
9 amended by Section 3, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2006,  
10 Section 1210.541), is amended to read as follows:

11 Section 1210.541 A. The State Board of Education shall  
12 determine and adopt a series of student performance levels for the  
13 criterion-referenced tests administered pursuant to the Oklahoma  
14 School Testing Program Act, ~~Section 1210.505 et seq. of this title.~~  
15 The performance levels shall be set by a method that indicates  
16 students are ready for the next grade, course, or level of  
17 education, as applicable. The performance levels shall be set by a  
18 method similar to that used for the achievement levels on the  
19 National Assessment of Educational Progress. The State Board of  
20 Education shall ensure that the criterion-referenced tests developed  
21 and administered pursuant to the Oklahoma School Testing Program Act  
22 in grades three through eight and the end-of-instruction tests  
23 administered at the secondary level are vertically aligned by  
24

1 content across grade levels to ensure consistency, continuity,  
2 alignment and clarity.

3 B. Student performance levels shall be ~~labeled: advanced,~~  
4 ~~satisfactory, limited knowledge, and unsatisfactory~~

5 1. Advanced, which shall indicate that students demonstrate  
6 superior performance on challenging subject matter;

7 2. Proficient, which shall indicate that students demonstrate  
8 mastery over appropriate grade-level subject matter and that  
9 students are ready for the next grade, course, or level of  
10 education, as applicable;

11 3. Limited knowledge, which shall indicate that students have  
12 demonstrated partial mastery of the essential knowledge and skills  
13 appropriate to their grade level or course; and

14 4. Unsatisfactory, which shall indicate that students have not  
15 performed at least at the limited knowledge level.

16 ~~B-~~ C. The State Board of Education shall develop and implement  
17 in accordance with the Elementary and Secondary Education Act of  
18 2001 (ESEA), P.L. No. 107-110, also known as the No Child Left  
19 Behind Act of 2001, an accountability system as provided for in 20  
20 U.S.C., 6311 and any related federal regulations. The  
21 accountability system shall be implemented beginning with the 2002-  
22 2003 school year and shall be based on the Academic Performance  
23 Index data as established pursuant to Section 3-150 of this title  
24 and as modified to meet the mandates of the ESEA. For the 2002-2003

1 school year and every year thereafter the State Board of Education  
2 shall publish and ensure that each local education agency is  
3 provided with Academic Performance Index data annually by site and  
4 by district so that the local education agency can make Adequate  
5 Yearly Progress determinations to identify schools for rewards and  
6 sanctions. The State Board of Education shall establish a system of  
7 recognition, rewards, sanctions and technical assistance.

8 SECTION 8. REPEALER Section 1, Chapter 289, O.S.L. 2006  
9 (70 O.S. Supp. 2006, Section 1210.525), is hereby repealed.

10 SECTION 9. This act shall become effective July 1, 2007.

11 SECTION 10. It being immediately necessary for the preservation  
12 of the public peace, health and safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

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