

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1168 By: Ford of the Senate
3 and
4 Coody of the House
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8 An Act relating to schools; creating the Legislative
9 Task Force on Achieving Classroom Excellence; stating
10 duties; providing for membership, appointment,
11 designation of officers, quorum, staff support, and
12 travel reimbursement; requiring report of findings
13 and recommendations by certain deadline; providing
14 for noncodification; providing an effective date; and
15 declaring an emergency.

14 AUTHOR: Add the following House Coauthor: Hickman

15 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
16 and insert

17 "An Act relating to schools; creating the Legislative
18 Task Force on Achieving Classroom Excellence;
19 stating duties; providing for membership,
20 appointment, designation of officers, quorum, staff
21 support, and travel reimbursement; requiring report
22 of findings and recommendations by certain deadline;
23 amending 70 O.S. 2001, Section 1210.508, as last
24 amended by Section 4, Chapter 289, O.S.L. 2006 (70
O.S. Supp. 2008, Section 1210.508), which relates to
the Oklahoma School Testing Program Act; adding
additional tests that students may take instead of
the end-of-instruction tests; providing option for
online testing; providing for reporting of certain
test scores on a high school transcript; amending
Section 6, Chapter 432, O.S.L. 2005, as amended by

1 Section 6, Chapter 289, O.S.L. 2006 (70 O.S. Supp.
2 2008, Section 1210.523), which relates to the
3 Achieving Classroom Excellence Act of 2005;
4 modifying requirements for demonstrating mastery of
5 state academic content; adding certain tests which
6 students may take to demonstrate mastery; specifying
7 that remediation be provided to students not
8 attaining a satisfactory score on any end-of-
9 instruction test taken after any attempt; providing
10 for alternative methods for testing for certain
11 students; authorizing technology center schools to
12 provide intervention and remediation in additional
13 subject areas to certain students; requiring
14 alternative testing to include certain examinations;
15 providing for noncodification; providing an
16 effective date; and declaring an emergency.

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

18 SECTION 1. NEW LAW A new section of law not to be
19 codified in the Oklahoma Statutes reads as follows:

20 A. There is hereby created until November 30, 2009, the
21 Legislative Task Force on Achieving Classroom Excellence. The task
22 force shall conduct a comprehensive review of the Achieving
23 Classroom Excellence Act of 2005 and subsequent amendments.

24 B. The task force shall study topics including, but not limited
to, the following:

1. The requirements of the Achieving Classroom Excellence Act
of 2005, as amended;

2. Possible alternative assessments and alternative methods for
meeting the requirements of the Achieving Classroom Excellence Act
of 2005, as amended;

- 1 3. Policies to reduce the high school drop-out rate;
- 2 4. Policies to enhance completion of the requirements for high
- 3 school graduation and increase postsecondary program enrollment and
- 4 completion; and
- 5 5. The potential of blending services offered by common
- 6 education, career and technology education, and higher education.
- 7 C. The task force shall consist of ten (10) members as follows:
- 8 1. The Chair of the Senate Committee on Education;
- 9 2. The Vice Chair of the Senate Committee on Education;
- 10 3. The Chair of the Senate Appropriations Subcommittee on
- 11 Education;
- 12 4. One member of the Senate Committee on Education, appointed
- 13 by the Minority Leader of the Senate;
- 14 5. One member of the Senate Appropriations Subcommittee on
- 15 Education, appointed by the Minority Leader of the Senate;
- 16 6. The Chair of the House Committee on Common Education;
- 17 7. The Chair of the House Committee on Higher Education and
- 18 Career Tech;
- 19 8. The Chair of the House Appropriations and Budget
- 20 Subcommittee on Education;
- 21 9. One member of the House Committee on Common Education or the
- 22 House Committee on Higher Education and Career Tech, appointed by
- 23 the Minority Leader of the House of Representatives; and
- 24

1 10. One member of the House Appropriations and Budget
2 Subcommittee on Education, appointed by the Minority Leader of the
3 House of Representatives.

4 D. The Chair of the Senate Committee on Education shall serve
5 as the chair of the task force. The Chair of the House Committee on
6 Common Education shall serve as vice-chair of the task force.
7 Appointments to the task force shall be made by July 1, 2009.
8 Meetings of the task force shall be held at the call of the chair of
9 the task force. Members shall serve at the pleasure of their
10 appointing authorities. A majority of the members of the task force
11 shall constitute a quorum to transact business, but no vacancy shall
12 impair the right of the remaining members to exercise all of the
13 powers of the task force. A vacancy on the task force shall be
14 filled by the original appointing authority. Staff support for the
15 task force shall be provided by the staff of the Senate and the
16 House of Representatives. The State Department of Education,
17 Oklahoma Department of Career and Technology Education, and the
18 Oklahoma State Regents for Higher Education shall provide support
19 and information as requested by the task force.

20 E. Members of the task force shall receive no compensation for
21 serving on the task force, but shall receive travel reimbursement in
22 accordance with Section 456 of Title 74 of the Oklahoma Statutes.

23 F. The task force shall submit a report by November 30, 2009,
24 to the Governor, the President Pro Tempore of the Senate, and the

1 Speaker of the House of Representatives. The report shall include
2 findings and recommendations for any statutory or regulatory changes
3 necessary to improve the Achieving Classroom Excellence Act of 2005.

4 SECTION 2. AMENDATORY 70 O.S. 2001, Section 1210.508, as
5 last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp.
6 2008, Section 1210.508), is amended to read as follows:

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

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

- 20 a. reading, and
- 21 b. mathematics.

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

- 24 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.

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, the Board shall administer criterion-referenced tests for grade eight in:

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

The Board shall administer the tests for grade eight in reading and mathematics online with raw score test results reported

1 immediately and complete results reported in less than two (2) weeks
2 beginning in the 2007-08 school year.

3 6. Each student who completes the instruction for English II,
4 English III, United States History, Biology I, Algebra I, Geometry,
5 and Algebra II at the secondary level shall either complete an end-
6 of-instruction test, when implemented, to measure for attainment in
7 the appropriate state academic content standards or shall take the
8 American College Testing Program (ACT), the SAT Reasoning Test, the
9 PLAN test administered by the American College Testing Program, or
10 the Preliminary SAT/National Merit Scholarship Qualifying Test
11 (PSAT) in order to graduate from a public high school with a
12 standard diploma. The school district shall determine which test
13 each student will be required to take. All students shall take the
14 tests prior to graduation, unless otherwise exempt by law. The
15 State Board of Education shall administer the criterion-referenced
16 tests. The Board shall develop and field test the end-of-
17 instruction tests in English III, Geometry, and Algebra II during
18 the 2006-07 school year, implement the tests during the 2007-08
19 school year, and administer them each year thereafter. The
20 Beginning in the 2008-2009 school year, the Board shall administer
21 the multiple choice portion of the end-of-instruction tests online
22 with in school districts that elect to offer the tests online. For
23 tests administered online the raw score test results shall be
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1 reported immediately and complete results reported in less than two
2 (2) weeks ~~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 level shall be afforded the opportunity to
8 retake each test up to three (3) times each calendar year until at
9 least achieving at the satisfactory level. In order to provide an
10 indication of the levels of competency attained by the student in a
11 permanent record for potential future employers and institutions of
12 higher education, for students who enter the ninth grade in or prior
13 to the 2007-08 school year, school districts shall report the
14 highest achieved state test performance level on the end-of-
15 instruction tests on the student's high school transcript.

16 Beginning with students who enter the ninth grade in the 2008-09
17 school year, school districts shall report the student's performance
18 levels of satisfactory and above on the end-of-instruction tests on
19 the student's high school transcript. For students that take the
20 ACT, SAT Reasoning Test, the PLAN test administered by the American
21 College Testing Program, or PSAT instead of the end-of-instruction
22 tests, school districts shall report the student's scores in each
23 subject area on the student's high school transcript. Any student
24 at the middle school level who completes the instruction in a

1 secondary course specified in this paragraph shall be administered
2 the appropriate end-of-instruction test.

3 7. a. Each school district shall administer to each student
4 in the school district in grades three through eight
5 an assessment designed to assess the student in the
6 fine arts area in which the student has received
7 instruction.

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

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

1 standards shall reflect the benchmarks of the American Diploma
2 Project and the goal of improving the state average ACT score.

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

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

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

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

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

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

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1 Oklahoma Educational Indicators Program at the end of each school
2 year.

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

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

16 SECTION 3. AMENDATORY Section 6, Chapter 432, O.S.L.
17 2005, as amended by Section 6, Chapter 289, O.S.L. 2006 (70 O.S.
18 Supp. 2008, Section 1210.523), is amended to read as follows:

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

1 ~~1. Algebra I,~~

2 ~~2. English II; and~~

3 ~~3. Two of the following five:~~

4 a. ~~Algebra II,~~

5 b. ~~Biology I,~~

6 c. ~~English III,~~

7 d. ~~Geometry, and~~

8 e. ~~United States History.~~ The school district shall

9 determine which test used for demonstrating mastery as

10 set forth in subsection B of this section that each

11 student will be required to take.

12 B. To demonstrate mastery, the student shall ~~attain~~ either:

13 1. Attain at least a satisfactory score on the following end-

14 of-instruction criterion-referenced tests administered pursuant to

15 Section 1210.508 of this title:

16 a. Algebra I,

17 b. English II, and

18 c. two of the following five:

19 (1) English III,

20 (2) United States History,

21 (3) Biology I,

22 (4) Geometry, and

23 (5) Algebra II; or

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1 2. Achieve a satisfactory score as determined by the State
2 Board of Education in each subject area of the American College
3 Testing Program (ACT), the SAT Reasoning Test, the PLAN test
4 administered by the American College Testing Program, or the
5 Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT).

6 C. Notwithstanding any other provision of law, students who do
7 not attain at least a satisfactory score on any end-of-instruction
8 test taken after the first attempt and after any subsequent attempt,
9 shall ~~be~~, as determined by local board policy:

10 1. Be provided remediation and the opportunity to retake the
11 test until at least a satisfactory score is attained on the tests of
12 Algebra I, English II and two of the tests required in paragraph 3 1
13 of subsection A B of this section; or an approved

14 2. Be provided alternative test methods for testing as set
15 forth in subsection E of this section.

16 D. Technology center schools shall be authorized to provide
17 intervention and remediation in Algebra I, Algebra II, Geometry,
18 English II, English III, United States History, and Biology I to
19 students enrolled in technology center schools, with the approval of
20 the independent school district board.

21 ~~D.~~ E. 1. Students who do not ~~meet the requirements of~~
22 demonstrate mastery of state academic content as set forth in
23 subsection A B of this section may graduate from a public high
24 school with a standard diploma by demonstrating mastery of state

1 academic content standards by alternative methods as approved by the
2 State Board of Education. Alternative methods for testing shall
3 include WorkKeys and the examinations recommended without
4 reservation by the Southern Regional Education Board in their review
5 of career and technology education tests which have both English and
6 mathematics academic skills embedded in the test.

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

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

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

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

12 SECTION 4. This act shall become effective July 1, 2009.

13 SECTION 5. 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."

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1 Passed the House of Representatives the 23rd day of April, 2009.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2009.

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9 Presiding Officer of the Senate
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