

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 2068

By: McNiel

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7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; creating the Fair Testing Act; amending 70 O.S.
9 2001, Section 11-103.6, as last amended by Section 3, Chapter 173, O.S.L. 2007
10 (70 O.S. Supp. 2008, Section 11-103.6), which relates to curriculum standards
11 and options for high school graduation; adding time period for electing
12 enrollment in core curriculum; authorizing school districts to impose certain
13 requirement; amending 70 O.S. 2001, Section 1210.508, as last amended by
14 Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1210.508),
15 which relates to criterion-referenced tests and end-of-instruction tests;
16 modifying requirement for administering end-of-instruction tests online;
17 amending Section 6, Chapter 432, O.S.L. 2005, as amended by Section 6,
18 Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1210.523), which relates
19 to testing required to graduate from public high school; providing remediation
20 shall be provided to students not attaining a satisfactory score of any end-of-
21 instruction test taken after any attempt; providing for alternative methods for
22 testing for certain students; authorizing technology center schools to provide
23 intervention and remediation in additional subject areas to students enrolled in
24 technology center schools; requiring alternative testing to include certain
examinations; providing for noncodification; providing an effective date; and
declaring an emergency.

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

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

This act shall be known and may be cited as the "Fair Testing Act".

1 SECTION 2. AMENDATORY 70 O.S. 2001, Section 11-103.6, as last amended by Section
2 3, Chapter 173, O.S.L. 2007 (70 O.S. Supp. 2008, Section 11-103.6), is amended to read as follows:

3 Section 11-103.6 A. The State Board of Education shall adopt curricular standards for
4 instruction of students in the public schools of this state that are necessary to ensure there is attainment
5 of desired levels of competencies in a variety of areas to include language, mathematics, science, social
6 studies and communication. All students shall gain literacy at the elementary and secondary levels
7 through a core curriculum. Students must develop skills in reading, writing, speaking, computing and
8 critical thinking. They also must learn about cultures and environments - their own and those of others
9 with whom they share the earth. Students, therefore, must study social studies, literature, languages,
10 the arts, mathematics and science. Such curricula shall provide for the teaching of a hands-on career
11 exploration program in cooperation with technology center schools. The core curriculum shall be
12 designed to teach the competencies for which students shall be tested as provided in Section 1210.508
13 of this title, and shall be designed to prepare all students for employment and/or postsecondary
14 education.

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

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

21 2. Three units of mathematics, limited to Algebra I, Algebra II, Geometry, Trigonometry, Math
22 Analysis, Calculus, Advanced Placement Statistics, or any mathematics course with content and/or
23 rigor above Algebra I and approved for college admission requirements;
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1 3. Three units of laboratory science, limited to Biology, Chemistry, Physics, or any laboratory
2 science course with content and/or rigor equal to or above Biology and approved for college admission
3 requirements;

4 4. Three units of history and citizenship skills, including one unit of American History, 1/2 unit
5 of Oklahoma History, 1/2 unit of United States Government and one unit from the subjects of History,
6 Government, Geography, Economics, Civics, or Non-Western culture and approved for college
7 admission requirements;

8 5. Two units of the same foreign or non-English language or two units of computer technology
9 approved for college admission requirements, whether taught at a high school or a technology center
10 school, including computer programming, hardware, and business computer applications, such as word
11 processing, databases, spreadsheets, and graphics, excluding keyboarding or typing courses;

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

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

16 C. 1. Beginning with students entering the ninth grade in the 2006-07 school year, in lieu of the
17 requirements of subsection B of this section which requires a college preparatory/work ready
18 curriculum, a student may enroll in the core curriculum as provided in subsection D of this section
19 upon written approval of the parent or legal guardian of the student. School districts may require a
20 parent or legal guardian of the student to meet with a designee of the school prior to enrollment in the
21 core curriculum. The State Department of Education shall develop and distribute to school districts a
22 form suitable for this purpose, which shall include information on the benefits to students of
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1 completing the college preparatory/work ready curriculum as provided for in subsection B of this
2 section.

3 2. Beginning with students entering the ninth grade in the 2009-2010 school year, a student who
4 did not elect to enroll in the core curriculum as provided in subsection D of this section prior to
5 entering the ninth grade may enroll in the core curriculum as provided in subsection D of this section at
6 any time prior to entering the eleventh grade. School districts may require a parent or legal guardian of
7 the student to meet with a designee of the school prior to enrollment in the core curriculum.

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

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

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

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

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

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

- a. Chemistry I,

- 1 b. Physics,
- 2 c. Biology II,
- 3 d. Chemistry II,
- 4 e. Physical Science,
- 5 f. Earth Science,
- 6 g. Botany,
- 7 h. Zoology,
- 8 i. Physiology,
- 9 j. Astronomy,
- 10 k. Applied Biology/Chemistry,
- 11 l. Applied Physics,
- 12 m. Principles of Technology,
- 13 n. qualified agricultural education courses,
- 14 o. contextual science courses which enhance technology preparation whether taught
- 15 at a:
- 16 (1) comprehensive high school, or
- 17 (2) technology center school when taken in the eleventh or twelfth grade,
- 18 taught by a certified teacher, and approved by the State Board of
- 19 Education and the independent district board of education,
- 20 p. science courses taught at a technology center school by a teacher certified in the
- 21 secondary subject area when taken in the eleventh or twelfth grade upon approval
- 22 of the State Board of Education and the independent district board of education,
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1 q. other science courses with content and/or rigor equal to or above Biology I;

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

6 a. World History,

7 b. Geography,

8 c. Economics,

9 d. Anthropology, or

10 e. other social studies courses with content and/or rigor equal to or above United
11 States History, United States Government, and Oklahoma History; and

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

14 E. 1. In addition to the curriculum requirements of either subsection B or D of this section, in
15 order to graduate from a public high school accredited by the State Board of Education students shall
16 complete the requirements for a personal financial literacy passport as set forth in the Passport to
17 Financial Literacy Act and any additional course requirements or recommended elective courses as
18 may be established by the State Board of Education and the district school board. School districts shall
19 strongly encourage students to complete two units or sets of competencies of foreign languages and
20 two units or sets of competencies of physical and health education.

21 2. No student shall receive credit for high school graduation more than once for completion of
22 the same unit or set of competencies to satisfy the curriculum requirements of this section.
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1 3. A school district shall not be required to offer every course listed in subsections B and D of
2 this section, but shall offer sufficient courses to allow a student to meet the graduation requirements
3 during the secondary grade years of the student.

4 F. For purposes of this section:

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

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

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

16 4. “Sets of competencies” means those skills and competencies that are specified in the Priority
17 Academic Student Skills (PASS), as adopted by the State Board of Education, subchapter 5, Chapter
18 15, Title 210 of the Oklahoma Administrative Code, and other skills and competencies adopted by the
19 Board; and

20 5. “Unit” means a Carnegie Unit as defined by the North Central Association’s Commission on
21 Schools.
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1 G. 1. The State Board of Education shall adopt a plan to ensure that rigor is maintained in the
2 content, teaching methodology, level of expectations for student achievement, and application of
3 learning in all the courses taught to meet the graduation requirements as specified in this section.

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

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

18 4. If a student enrolls in a concurrent course, the school district shall not be responsible for any
19 costs incurred for that course, unless the school district does not offer enough course selection during
20 the student's secondary grade years to allow the student to receive the courses needed to meet the
21 graduation requirements of this section. If the school district does not offer the necessary course
22 selection during the student's secondary grade years, it shall be responsible for the cost of resident
23 tuition at an institution in The Oklahoma State System of Higher Education, fees, and books for the
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1 concurrent enrollment course, and providing for transportation to and from the institution to the school
2 site.

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

9 5. Credit for the units or sets of competencies required in subsection B or D of this section shall
10 be given when such units or sets of competencies are taken in the seventh or eighth grades if the
11 teachers are certified or authorized to teach the subjects for high school credit and the required rigor is
12 maintained.

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

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

21 H. As a condition of receiving accreditation from the State Board of Education, all students in
22 grades nine through twelve shall enroll in a minimum of six periods, or the equivalent in block
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1 scheduling, of rigorous academic and/or rigorous vocational courses each day, which may include arts,
2 vocal and instrumental music, speech classes, and physical education classes.

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

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

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

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

21 J. The State Board of Education shall provide an option for high school graduation based upon
22 attainment of the desired levels of competencies as required in tests pursuant to the provisions of
23 Section 1210.508 of this title. Such option shall be in lieu of the amount of course credits earned.
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1 K. The State Board of Education shall prescribe, adopt and approve a promotion system based
2 on the attainment by students of specified levels of competencies in each area of the core curriculum.

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

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

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

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

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

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

21 SECTION 3. AMENDATORY 70 O.S. 2001, Section 1210.508, as last amended by Section
22 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1210.508), is amended to read as follows:
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1 Section 1210.508 A. 1. The State Board of Education shall develop and administer a series of
2 criterion-referenced tests designed to indicate whether the state academic content standards, as defined
3 by the State Board of Education in the Priority Academic Student Skills Curriculum, which Oklahoma
4 public school students are expected to have attained have been achieved. The Board may develop and
5 administer any criterion-referenced test in any subject not required by federal law, contingent upon the
6 availability of funding. Students who do not perform satisfactorily on tests shall be remediated,
7 subject to the availability of funding.

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

- 10 a. reading, and
- 11 b. mathematics.

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

- 14 a. reading,
- 15 b. mathematics,
- 16 c. science,
- 17 d. social studies, which shall consist of the history, Constitution and government of
18 the United States, and geography, and
- 19 e. writing of English.

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

- 22 a. reading, and
 - 23 b. mathematics.
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1 In addition, the Board shall administer a criterion-referenced test in geography in grade seven.

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

4 a. reading,

5 b. mathematics,

6 c. science,

7 d. social studies, which shall consist of the history, Constitution, and government of
8 the United States, and

9 e. writing of English.

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

13 6. Each student who completes the instruction for English II, English III, United States History,
14 Biology I, Algebra I, Geometry, and Algebra II at the secondary level shall complete an end-of-
15 instruction test, when implemented, to measure for attainment in the appropriate state academic
16 content standards in order to graduate from a public high school with a standard diploma. All students
17 shall take the tests prior to graduation, unless otherwise exempt by law. The State Board of Education
18 shall administer the criterion-referenced tests. The Board shall develop and field test the end-of-
19 instruction tests in English III, Geometry, and Algebra II during the 2006-07 school year, implement
20 the tests during the 2007-08 school year, and administer them each year thereafter. The Board shall
21 administer the multiple choice portion of the end-of-instruction tests online with raw score test results
22 reported immediately and complete results reported in less than two (2) weeks beginning in the 2008-
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1 09 school year; provided, however, that the multiple choice portion of the end-of-instruction tests shall
2 not be required to be offered online if desired by the local school district.

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

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

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

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

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

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

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

12 C. 1. The State Board of Education shall set the testing window dates for each criterion-
13 referenced test required in paragraphs 1 through 5 of subsection A of this section for grades three
14 through eight so that, with the exception of the writing assessments, the tests are administered to
15 students no earlier than April 10 each year and so that the test results are reported back to school
16 districts in a timely manner. Each criterion-referenced test required in paragraph 6 of subsection A of
17 this section may be administered to students at a time set by the State Board of Education as near as
18 possible to the end of the course. All results and reports of the criterion-referenced test series required
19 in paragraphs 1 through 5 of subsection A of this section for grades three through eight shall be
20 returned to each school district prior to the beginning of the next school year. The vendor shall
21 provide a final electronic data file of all school site, school district, and state results to the Department
22 and the Office of Accountability prior to September 1 of each year. The Department shall forward the
23 final data files for each school district and each school site in that district to the school district. The
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1 Board shall ensure the contract with the testing vendor includes a provision that the vendor report test
2 results directly to the Office of Accountability at the same time it is reported to the Board.

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

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

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

20 SECTION 4. AMENDATORY Section 6, Chapter 432, O.S.L. 2005, as amended by
21 Section 6, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1210.523), is amended to read as
22 follows:
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1 Section 1210.523 A. Except as provided in subsections D and E of this section, beginning with
2 students entering the ninth grade in the 2008-2009 school year, every student shall demonstrate
3 mastery of the state academic content standards in the following subject areas in order to graduate from
4 a public high school with a standard diploma:

- 5 1. Algebra I;
- 6 2. English II; and
- 7 3. Two of the following five:
 - 8 a. Algebra II,
 - 9 b. Biology I,
 - 10 c. English III,
 - 11 d. Geometry, and
 - 12 e. United States History.

13 B. To demonstrate mastery, the student shall attain at least a satisfactory score on the end-of-
14 instruction criterion-referenced tests administered pursuant to Section 1210.508 of this title.

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

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

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

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

3 ~~D.~~ E. 1. Students who do not meet the requirements of subsection A of this section may
4 graduate from a public high school with a standard diploma by demonstrating mastery of state
5 academic and/or technical content standards by alternative methods as approved by the State Board of
6 Education. Alternative methods for testing shall include WorkKeys, the American College Testing
7 Program (ACT), and the examinations recommended without reservation by the Southern Regional
8 Education Board in their review of career and technology education tests.

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

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

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

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

6 SECTION 5. This act shall become effective July 1, 2009.

7 SECTION 6. It being immediately necessary for the preservation of the public peace, health and
8 safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in
9 full force from and after its passage and approval.

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