

1 ENGROSSED HOUSE
2 BILL NO. 2068

By: McNiell and Walker of the
House

3 and

4 Anderson of the Senate

5
6
7 (schools - Fair Testing Act - amending 70 O.S.,
8 Sections 11-103.6, 1210.508 and 1210.523 -
9 criterion-referenced test - noncodification -
10 effective date -

11 emergency)

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13

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

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

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

19 SECTION 2. AMENDATORY 70 O.S. 2001, Section 11-103.6, as
20 last amended by Section 3, Chapter 173, O.S.L. 2007 (70 O.S. Supp.
21 2008, Section 11-103.6), is amended to read as follows:

22 Section 11-103.6 A. The State Board of Education shall adopt
23 curricular standards for instruction of students in the public
24 schools of this state that are necessary to ensure there is

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

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

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

1 2. Three units of mathematics, limited to Algebra I, Algebra
2 II, Geometry, Trigonometry, Math Analysis, Calculus, Advanced
3 Placement Statistics, or any mathematics course with content and/or
4 rigor above Algebra I and approved for college admission
5 requirements;

6 3. Three units of laboratory science, limited to Biology,
7 Chemistry, Physics, or any laboratory science course with content
8 and/or rigor equal to or above Biology and approved for college
9 admission requirements;

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

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

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

24

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

3 C. 1. Beginning with students entering the ninth grade in the
4 2006-07 school year, in lieu of the requirements of subsection B of
5 this section which requires a college preparatory/work ready
6 curriculum, a student may enroll in the core curriculum as provided
7 in subsection D of this section upon written approval of the parent
8 or legal guardian of the student. School districts may require a
9 parent or legal guardian of the student to meet with a designee of
10 the school prior to enrollment in the core curriculum. The State
11 Department of Education shall develop and distribute to school
12 districts a form suitable for this purpose, which shall include
13 information on the benefits to students of completing the college
14 preparatory/work ready curriculum as provided for in subsection B of
15 this section.

16 2. Beginning with students entering the ninth grade in the
17 2009-2010 school year, a student who did not elect to enroll in the
18 core curriculum as provided in subsection D of this section prior to
19 entering the ninth grade may enroll in the core curriculum as
20 provided in subsection D of this section at any time prior to
21 entering the eleventh grade. School districts may require a parent
22 or legal guardian of the student to meet with a designee of the
23 school prior to enrollment in the core curriculum.

1 D. For students who entered the ninth grade prior to the 2006-
2 07 school year and for those students subject to the requirements of
3 subsection C of this section, in order to graduate from a public
4 high school accredited by the State Board of Education with a
5 standard diploma, students shall complete the following core
6 curriculum units or sets of competencies at the secondary level:

7 1. Language Arts - 4 units or sets of competencies, to consist
8 of 1 unit or set of competencies of grammar and composition, and 3
9 units or sets of competencies which may include, but are not limited
10 to, the following courses:

- 11 a. American Literature,
- 12 b. English Literature,
- 13 c. World Literature,
- 14 d. Advanced English Courses, or
- 15 e. other English courses with content and/or rigor equal
16 to or above grammar and composition;

17 2. Mathematics - 3 units or sets of competencies, to consist of
18 1 unit or set of competencies of Algebra I or Algebra I taught in a
19 contextual methodology, and 2 units or sets of competencies which
20 may include, but are not limited to, the following courses:

- 21 a. Algebra II,
- 22 b. Geometry or Geometry taught in a contextual
23 methodology,
- 24 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
- 15 preparation whether taught at a:
- 16 (1) comprehensive high school, or
- 17 (2) technology center school when taken in the
- 18 eleventh or twelfth grade, taught by a certified
- 19 teacher, and approved by the State Board of
- 20 Education and the independent district board of
- 21 education,
- 22 p. science courses taught at a technology center school
- 23 by a teacher certified in the secondary subject area
- 24 when taken in the eleventh or twelfth grade upon

1 approval of the State Board of Education and the
2 independent district board of education, or

3 q. other science courses with content and/or rigor equal
4 to or above Biology I;

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

11 a. World History,

12 b. Geography,

13 c. Economics,

14 d. Anthropology, or

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

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

20 E. 1. In addition to the curriculum requirements of either
21 subsection B or D of this section, in order to graduate from a
22 public high school accredited by the State Board of Education
23 students shall complete the requirements for a personal financial
24 literacy passport as set forth in the Passport to Financial Literacy

1 Act and any additional course requirements or recommended elective
2 courses as may be established by the State Board of Education and
3 the district school board. School districts shall strongly
4 encourage students to complete two units or sets of competencies of
5 foreign languages and two units or sets of competencies of physical
6 and health education.

7 2. No student shall receive credit for high school graduation
8 more than once for completion of the same unit or set of
9 competencies to satisfy the curriculum requirements of this section.

10 3. A school district shall not be required to offer every
11 course listed in subsections B and D of this section, but shall
12 offer sufficient courses to allow a student to meet the graduation
13 requirements during the secondary grade years of the student.

14 F. For purposes of this section:

15 1. "Contextual methodology" means academic content and skills
16 taught by utilizing real-world problems and projects in a way that
17 helps students understand the application of that knowledge;

18 2. "Qualified agricultural education courses" means courses
19 that have been determined by the State Board of Education to offer
20 the sets of competencies in the Priority Academic Student Skills
21 (PASS), as adopted by the Board, for one or more science content
22 areas and which correspond to academic science courses. Qualified
23 agricultural education courses shall include, but are not limited
24 to, Horticulture, Plant and Soil Science, Natural Resources and

1 Environmental Science, and Animal Science. The courses shall be
2 taught by teachers certified in agricultural education and comply
3 with all rules of the Oklahoma Department of Career and Technology
4 Education;

5 3. "Rigor" means a level of difficulty that is appropriate for
6 the grade level and that meets state and/or national standards;

7 4. "Sets of competencies" means those skills and competencies
8 that are specified in the Priority Academic Student Skills (PASS),
9 as adopted by the State Board of Education, subchapter 5, Chapter
10 15, Title 210 of the Oklahoma Administrative Code, and other skills
11 and competencies adopted by the Board; and

12 5. "Unit" means a Carnegie Unit as defined by the North Central
13 Association's Commission on Schools.

14 G. 1. The State Board of Education shall adopt a plan to
15 ensure that rigor is maintained in the content, teaching
16 methodology, level of expectations for student achievement, and
17 application of learning in all the courses taught to meet the
18 graduation requirements as specified in this section.

19 2. The State Board of Education shall allow as much flexibility
20 at the district level as is possible without diminishing the rigor
21 or undermining the intent of providing these courses. To accomplish
22 this purpose, the State Department of Education shall work with
23 school districts in reviewing and approving courses taught by
24 districts that are not specifically listed in subsections B and D of

1 this section. Options may include, but shall not be limited to,
2 courses taken by concurrent enrollment, advanced placement, or
3 correspondence, or courses bearing different titles.

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

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

1 fees, and books for the concurrent enrollment course, and providing
2 for transportation to and from the institution to the school site.

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

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

17 6. Beginning with ninth-grade students enrolled in the 2008-
18 2009 school year, the three units or sets of competencies in
19 mathematics required in subsection B or D of this section shall be
20 completed in the ninth through twelfth grades; provided, if a
21 student completes any required courses in mathematics prior to ninth
22 grade, the student may take any other mathematics courses to fulfill
23 the requirement to complete three units in grades nine through
24

1 twelve after the student has satisfied the requirements of
2 subsection B or D of this section.

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

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

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

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

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

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

14 J. The State Board of Education shall provide an option for
15 high school graduation based upon attainment of the desired levels
16 of competencies as required in tests pursuant to the provisions of
17 Section 1210.508 of this title. Such option shall be in lieu of the
18 amount of course credits earned.

19 K. The State Board of Education shall prescribe, adopt and
20 approve a promotion system based on the attainment by students of
21 specified levels of competencies in each area of the core
22 curriculum.

23 L. Children who have individualized education programs pursuant
24 to the Individuals with Disabilities Education Act (IDEA), and who

1 satisfy the graduation requirements through the individualized
2 education program for that student shall be awarded a standard
3 diploma.

4 M. For students who enter the ninth grade in or prior to the
5 2007-08 school year who are enrolled in an alternative education
6 program and meet the requirements of their plans leading to high
7 school graduation developed pursuant to Section 1210.568 of this
8 title shall be awarded a standard diploma.

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

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

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

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

1 SECTION 3. AMENDATORY 70 O.S. 2001, Section 1210.508, as
2 last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp.
3 2008, Section 1210.508), is amended to read as follows:

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

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

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

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

- 21 a. reading,
- 22 b. mathematics,
- 23 c. science,

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1 d. social studies, which shall consist of the history,
2 Constitution and government of the United States, and
3 geography, and

4 e. writing of English.

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

8 a. reading, and

9 b. mathematics.

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

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

14 a. reading,

15 b. mathematics,

16 c. science,

17 d. social studies, which shall consist of the history,

18 Constitution, and government of the United States, and

19 e. writing of English.

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

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

20 The end-of-instruction tests shall serve the purpose of the
21 criterion-referenced tests as provided in paragraph 1 of this
22 subsection. The English II and English III end-of-instruction tests
23 shall include a writing component. Students who do not score at
24 least at the satisfactory level shall be afforded the opportunity to

1 retake each test up to three (3) times each calendar year until at
2 least achieving at the satisfactory level. In order to provide an
3 indication of the levels of competency attained by the student in a
4 permanent record for potential future employers and institutions of
5 higher education, for students who enter the ninth grade in or prior
6 to the 2007-08 school year, school districts shall report the
7 highest achieved state test performance level on the end-of-
8 instruction tests on the student's high school transcript.

9 Beginning with students who enter the ninth grade in the 2008-09
10 school year, school districts shall report the student's performance
11 levels of satisfactory and above on the end-of-instruction tests on
12 the student's high school transcript. Any student at the middle
13 school level who completes the instruction in a secondary course
14 specified in this paragraph shall be administered the appropriate
15 end-of-instruction test.

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

21 b. Each school district shall prepare an annual report
22 for approval by the State Board of Education outlining
23 the fine arts assessment strategies used by the
24 district, when the assessments were administered, how

1 many students were assessed during the previous year,
2 and the results of the assessments.

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

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

1 this section are utilized at the school district level to prescribe
2 reinforcement and/or remediation by requiring school districts to
3 develop and implement a specific program of improvement based on the
4 test results.

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

15 4. The State Board of Education, for the purposes of conducting
16 reliability and validity studies, monitoring contractor adherence to
17 professionally accepted testing standards, and providing
18 recommendations for testing program improvement, shall retain the
19 services of an established, independent agency or organization that
20 is nationally recognized for its technical expertise in educational
21 testing but is not engaged in the development of aptitude or
22 achievement tests for elementary or secondary level grades. These
23 national assessment experts shall annually conduct studies of the
24 reliability and validity of the end-of-instruction tests

1 administered pursuant to this section. Validity studies shall
2 include studies of decision validity, concurrent validity and the
3 validity of performance level cut scores.

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

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1 vendor report test results directly to the Office of Accountability
2 at the same time it is reported to the Board.

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

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

23 E. The Board shall develop, administer, and incorporate as a
24 part of the Oklahoma School Testing Program, other testing programs

1 or procedures, including appropriate accommodations for the testing
2 of students with disabilities as required by the Individuals with
3 Disabilities Education Act (IDEA), 20 USC, Section 1400 et seq.

4 SECTION 4. AMENDATORY Section 6, Chapter 432, O.S.L.
5 2005, as amended by Section 6, Chapter 289, O.S.L. 2006 (70 O.S.
6 Supp. 2008, Section 1210.523), is amended to read as follows:

7 Section 1210.523 A. Except as provided in subsections ~~D~~ E and
8 ~~E~~ F of this section, beginning with students entering the ninth
9 grade in the 2008-2009 school year, every student shall demonstrate
10 mastery of the state academic content standards in the following
11 subject areas in order to graduate from a public high school with a
12 standard diploma:

- 13 1. Algebra I;
- 14 2. English II; and
- 15 3. Two of the following five:
 - 16 a. Algebra II,
 - 17 b. Biology I,
 - 18 c. English III,
 - 19 d. Geometry, and
 - 20 e. United States History.

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

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

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

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

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

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

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

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

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

1 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
4 contract with an entity to develop and advise on the implementation
5 of a communications campaign to build public understanding of and
6 support for the testing requirements of this section.

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

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

12 Passed the House of Representatives the 12th day of March, 2009.

13

14

15

Presiding Officer of the House of
Representatives

16

17

Passed the Senate the ____ day of _____, 2009.

18

19

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Presiding Officer of the Senate

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