

ENROLLED SENATE  
BILL NO. 222

By: Jolley, Myers, Gumm and  
Ford of the Senate

and

Miller, Martin (Scott) and  
Sullivan of the House

An Act relating to schools; creating the Educational Accountability Reform Act; providing short title; creating the P-20 Data Coordinating Council; providing for membership, appointment, designation of officers, quorum, staff support, and travel reimbursement; stating duties and powers; requiring Senate confirmation of Chair; requiring compliance with Oklahoma Open Meeting Act and Oklahoma Open Records Act; authorizing Council to contract for certain purpose contingent on availability of funds; authorizing use of certain funds; providing certain definition; establishing the P-20 Data Coordinating Council Revolving Fund; specifying purpose of fund and procedures related thereto; creating the Quality Assessment and Accountability Task Force; stating duties; providing for membership, appointment, designation of officers, quorum, staff support, and travel reimbursement; authorizing contract for certain purpose contingent on availability of funds; requiring report of findings and recommendations by certain deadline; establishing the Educational Quality and Accountability Board; providing for membership, appointment, designation of officers, quorum, staff support, and travel reimbursement; stating duties and powers; providing certain exemption; establishing the Educational Quality and Accountability Board Revolving Fund; specifying

purpose of fund and procedures related thereto; amending 70 O.S. 2001, Section 11-103.6d, which relates to certificates of distinction; modifying performance level terminology; amending 70 O.S. 2001, Section 1210.508, as last amended by Section 1 of Enrolled Senate Bill No. 497 of the 1st Session of the 52nd Oklahoma Legislature, which relates to the Oklahoma School Testing Program Act; modifying performance level terminology; requiring State Board of Education to coordinate with Educational Quality and Accountability Board for certain purpose; amending 70 O.S. 2001, Section 1210.508B, as last amended by Section 1, Chapter 146, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1210.508B), which relates to the Reading Sufficiency Act; modifying performance level terminology; amending Section 5, Chapter 432, O.S.L. 2005, as amended by Section 5, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1210.522) and Section 6, Chapter 432, O.S.L. 2005 (70 O.S. Supp. 2008, Section 1210.523), as last amended by Section 1 of Enrolled Senate Bill No. 867 of the 1st Session of the 52nd Oklahoma Legislature, which relate to the Achieving Classroom Excellence Act of 2005; modifying performance level terminology; amending 70 O.S. 2001, Section 1210.541, as last amended by Section 1 of Enrolled House Bill No. 1461 of the 1st Session of the 52nd Oklahoma Legislature, which relates to student performance levels; directing State Board of Education to utilize certain procedure for determination of cut scores; modifying performance level terminology and definitions; providing for codification; 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 to be codified in the Oklahoma Statutes as Section 3-116.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Educational Accountability Reform Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-163 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created to continue until July 1, 2015, in accordance with the provisions of the Oklahoma Sunset Law, the P-20 Data Coordinating Council.

B. The Council shall be composed of members as follows:

1. One member who shall serve as chair of the Council, appointed by the Governor, and confirmed by the Senate;
2. The Chancellor of Higher Education, or designee;
3. The State Superintendent of Public Instruction, or designee;
4. The Director of the Oklahoma State Department of Career and Technical Education, or designee;
5. A member of the Senate, appointed by the President Pro Tempore of the Senate;
6. A member of the House of Representatives, appointed by the Speaker of the House of Representatives;
7. A staff member of the Office of State Finance, appointed by the Director of the Office of State Finance;
8. The Chief Information Officer, if such position is created through enactment of legislation;
9. The Executive Director of the Oklahoma Employment Security Commission, or designee;

10. The Director of the Office of Accountability, or designee;

11. A representative of a statewide business organization, appointed by the Governor;

12. A representative of a statewide organization representing public school superintendents, appointed by the Governor; and

13. A representative of a statewide organization representing public school teachers, appointed by the Governor.

C. Appointments to the Council shall be made by July 1, 2009. Meetings of the Council shall be held at least quarterly at the call of the chair. Members shall serve at the pleasure of their appointing authorities. A majority of the members of the Council shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining members to exercise all of the powers of the Council. A vacancy on the Council shall be filled by the original appointing authority. The Office of State Finance, the State Department of Education, Oklahoma Department of Career and Technology Education, and the Oklahoma State Regents for Higher Education shall provide staff, support and information as requested by the Council.

D. Members of the Council shall receive no compensation for serving on the Council, but shall receive travel reimbursement as follows:

1. State employees who are members of the Council shall be reimbursed for travel expenses incurred in the performance of their duties by their respective agencies in accordance with the State Travel Reimbursement Act;

2. Legislative members shall be reimbursed in accordance with Section 456 of Title 74 of the Oklahoma Statutes; and

3. All other members of the Council shall be reimbursed by the Office of State Finance for travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

E. The Council shall advise the State Department of Education, the State Regents for Higher Education, the Department of Career and Technology Education, the Office of Accountability, the Oklahoma Employment Security Commission, the Legislature, and the Governor on coordination of the creation of a unified, longitudinal student data system to provide interoperability and efficient and effective storage, use and sharing of data among the State Department of Education, Oklahoma Department of Career and Technology Education, Oklahoma State Regents for Higher Education, Legislature, other policymakers and executive agencies, and the general public.

F. The Council shall act in accordance with the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

G. By October 31, 2009, the P-20 Data Coordinating Council shall complete an assessment of the current status of student data systems in place by the State Department of Education, Oklahoma Department of Career and Technology Education, and Oklahoma State Regents for Higher Education. The P-20 Data Coordinating Council may contract with a private consultant or consultants to assist in the assessment, contingent upon the availability of funding. The Council is hereby authorized to utilize any funds received including, but not limited to, any state or federal funds, grants, or private donations.

H. By December 31, 2009, the Chair of the P-20 Data Coordinating Council shall notify in writing the agencies set forth in paragraph G of this subsection of any actions necessary for each agency to take to enable the move to a unified data system and shall recommend any statutory changes necessary to the Legislature and the Governor. The data system established shall include the elements described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871(e)(2)(D)).

I. For the purposes of this act, a "unified data system" shall connect essential data elements relating to student level course work and course grades. The system shall facilitate the transfer of data across systems and among interested parties to address questions that cut across levels of the educational system and agencies. The unified data system shall facilitate the addition of data elements relating to testing, instruction and other performance and demographic data. The unified data system shall be accessible

to a wide range of stakeholders and serve a variety of purposes, including improving teaching and learning, informing public policy, fostering a culture of evidence-based decision making, conducting research, evaluating system and program effectiveness, and providing reports to various stakeholder groups.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-164 of Title 70, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the P-20 Data Coordinating Council to be designated the "P-20 Data Coordinating Council Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the P-20 Data Coordinating Council from state or federal funds, grants, and private donations. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the P-20 Data Coordinating Council for the purpose of providing financial support to the Council, including salary and benefits of the P-20 Data Officer and other necessary expenditures. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 4. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. There is hereby created until December 31, 2010, the Quality Assessment and Accountability Task Force.

B. The Task Force shall study the student testing system of this state including, but not be limited to, the following:

1. The Task Force shall conduct a crosswalk of curricular and performance standards developed by the State Department of Education with those of other states with high achievement as recommended by the Achieving Classroom Excellence II Task Force;

2. The Task Force shall review the results of the crosswalk conducted pursuant to paragraph 1 of this subsection and conduct a

thorough review of the state student testing system and report findings on reforming and improving the system; and

3. The Task Force shall recommend a plan to achieve the identified reforms, along with any statutory, regulatory, or deregulatory changes necessary to improve the system, as well as any savings that could be realized or additional costs that may be incurred by the recommendations.

C. The Task Force shall consist of twelve (12) members as follows:

1. The Chair of the Senate Committee on Education, appointed by the President Pro Tempore of the Oklahoma Senate;

2. The Vice Chair of the Senate Committee on Education, appointed by the President Pro Tempore of the Oklahoma Senate;

3. A member of the Oklahoma Senate, appointed by the Minority Leader of the Oklahoma Senate;

4. The Chair of the House Committee on Common Education, appointed by the Speaker of the House of Representatives;

5. The Vice Chair of the House Committee on Common Education, appointed by the Speaker of the House of Representatives;

6. A member of the House of Representatives, appointed by the Minority Leader of the House of Representatives;

7. A Superintendent of a public school district, appointed by the Governor;

8. A Principal from a school in which over fifty percent (50%) of the student population qualifies for the free-and-reduced lunch program, appointed by the Governor;

9. A representative of a statewide teacher's organization, appointed by the Governor;

10. State Superintendent of Public Instruction or designee;

11. Director of the Oklahoma Department of Career and Technology Education or designee; and

12. A representative of a statewide organization representing business, appointed by the Governor.

D. The Chair of the Educational Quality and Accountability Board shall convene the first meeting of the Task Force. The members of the Task Force shall elect a chair and vice-chair from among the members at the first meeting. Appointments to the Task Force shall be made by September 1, 2009. Meetings of the Task Force shall be held at the call of the chair of the Task Force. Members shall serve at the pleasure of their appointing authorities. A majority of the members of the Task Force shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining members to exercise all of the powers of the Task Force. A vacancy on the Task Force shall be filled by the original appointing authority. Staff support for the Task Force shall be provided by the staff of the Senate, House of Representatives, and Office of State Finance. The Office of Accountability, State Department of Education, Oklahoma Department of Career and Technology Education, and the Oklahoma State Regents for Higher Education shall provide support and information as requested by the Task Force.

E. Members of the Task Force shall receive no compensation for serving on the Task Force, but shall receive travel reimbursement as follows:

1. Legislative members shall be reimbursed in accordance with Section 456 of Title 74 of the Oklahoma Statutes;

2. State employees who are members of the Task Force shall be reimbursed for travel expenses incurred in the performance of their duties by their respective agencies in accordance with the State Travel Reimbursement Act; and

3. All other Task Force members shall be reimbursed by the Legislative Service Bureau for travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

F. The Task Force may seek the assistance of the Legislative Service Bureau to contract with an independent consultant as necessary to fulfill the duties specified in this section contingent on the availability of funds.

G. The Task Force shall submit a report by December 31, 2010, to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. The report shall include findings and recommendations for improvement and reform of the student curriculum, testing, and other related matters.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-165 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created to continue until July 1, 2015, in accordance with the provisions of the Oklahoma Sunset Law, the Educational Quality and Accountability Board.

B. The membership of the Board shall consist of:

1. The Secretary of Education, who shall serve as Chair of the Board. If there is a vacancy in the office of Secretary of Education, or if the individual appointed as Secretary of Education is concurrently the Superintendent of Public Instruction, the Governor shall appoint a replacement member to serve as Chair of the Board in lieu of the Secretary of Education;

2. The Chair of the P-20 Data Coordinating Council appointed by the Governor pursuant to Section 2 of this act, who shall serve as Vice Chair of the Board;

3. The Chair of the Governor's Council for Workforce and Economic Development;

4. A chief executive officer of a company in this state, appointed by the Governor;

5. An individual with primary responsibility for information technology for a company with a minimum of five hundred (500) employees in this state, appointed by the Governor;

6. The Vice Chancellor of Academic Affairs for the Oklahoma State Regents for Higher Education, appointed by the Chancellor of Higher Education;

7. A president of a regional or comprehensive university within The Oklahoma State System of Higher Education, appointed by the Chancellor of Higher Education;

8. A teacher of a public school district, appointed by the Speaker of the House of Representatives;

9. A principal of a public school district, appointed by the Speaker of the House of Representatives;

10. A superintendent of a public school district, appointed by the President Pro Tempore of the Senate; and

11. A representative of a statewide parent-teacher organization, appointed by the President Pro Tempore of the Senate.

C. Initial appointments pursuant to the provisions of this section shall be made no later than July 1, 2009. Vacancies shall be filled by the original appointing authority.

D. A quorum which shall consist of six members must be present for the transaction of any business. The Board shall hold meetings at least on a quarterly basis. Members shall be reimbursed for travel in the performance of their official duties in accordance with the State Travel Reimbursement Act.

E. The Board shall:

1. Review all functions related to the determination of adequate yearly progress as required under the Elementary and Secondary Education Act, P.L. No. 107-110;

2. Review processes for selection and approval of contracts and bid specifications for contracts by the State Department of Education with vendors for administration of testing and approval of test specifications and test blueprints necessary for the administration of the Oklahoma School Testing Program Act;

3. Review all tests administered by the State Department of Education and make recommendations to realign, recalibrate and improve the tests with a particular emphasis on grades three through eight and End-of-Instruction (EOI) tests;

4. Review processes for the establishment of cut scores for the Oklahoma School Testing Program Act;

5. Study the process by which student performance levels and the corresponding cut scores pursuant to the Oklahoma School Testing Program Act are determined and adopted, including the timing of cut score adoption;

6. Study the feasibility of ensuring that the cut scores are tied to the rigor of the tests and the rate and method by which scheduled increases in cut scores shall occur, including any link to national assessments;

7. Serve as an independent auditing entity for the purpose of evaluating the systems and processes by which the Oklahoma School Testing Program Act is implemented, ascertaining the validity and reliability of information or the deficiencies thereof; and

8. Make recommendations to the Legislature and the Governor on the Board's findings.

F. The Educational Quality and Accountability Board may seek the assistance of the Legislative Service Bureau to contract with an independent consultant as necessary to conduct the audit specified in paragraph 7 of subsection E of this section, contingent on the availability of funds.

G. Staff support for the Board will be provided by the Staff of the House of Representatives, Senate, Office of State Finance and Legislative Service Bureau.

H. Members who serve on the Educational Quality and Accountability Board shall be exempt from the dual office holding prohibitions of Section 6 of Title 51 of the Oklahoma Statutes.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-166 of Title 70, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Educational Quality and Accountability Board to be designated the "Educational Quality and Accountability Board Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Educational Quality and Accountability Board from state or federal funds, grants, and private donations. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Educational Quality and Accountability Board for the purpose of providing financial support to the Board in order to fulfill the duties as set forth in Section 5 of this act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 7. AMENDATORY 70 O.S. 2001, Section 11-103.6d, is amended to read as follows:

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

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

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

3. Earned two units in a foreign language; and

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

B. For purposes of this section, applicable vocational-technical classes offered by comprehensive high school vocational-technical programs shall qualify for technology, science, and mathematics units. Students enrolled in the programs may use one unit of their six concentrated vocational-technical curriculum units for one unit of mathematics required by this section and one unit of their six concentrated vocational-technical curriculum units for one unit of science required by this section. Advanced placement classes in the subject areas listed in paragraphs 1, 2, and 3 of subsection A of this section may be substituted on a course-by-course basis to satisfy the academic units required for a certificate of distinction.

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

SECTION 8. AMENDATORY 70 O.S. 2001, Section 1210.508, as last amended by Section 1 of Enrolled Senate Bill No. 497 of the 1st Session of the 52nd Oklahoma Legislature, is amended to read as follows:

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

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

- a. reading, and
- b. mathematics.

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

- 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

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

6. Each student who completes the instruction for English II, English III, United States History, Biology I, Algebra I, Geometry, and Algebra II at the secondary level shall complete an end-of-instruction test, when implemented, to measure for attainment in the appropriate state academic content standards in order to graduate from a public high school with a standard diploma. All students shall take the tests prior to graduation, unless otherwise exempt by law. The State Board of Education shall administer the criterion-referenced tests. The Board shall develop and field test the end-of-instruction tests in English III, Geometry, and Algebra II during the 2006-07 school year, implement the tests during the 2007-08 school year, and administer them each year thereafter. The Board shall administer the multiple choice portion of the end-of-instruction tests online with raw score test results reported immediately and complete results reported in less than two (2) weeks beginning in the 2008-09 school year.

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

7. a. Each school district shall administer to each student in the school district in grades three through eight an assessment designed to assess the student in the fine arts area in which the student has received instruction.
- b. Each school district shall prepare an annual report for approval by the State Board of Education outlining the fine arts assessment strategies used by the district, when the assessments were administered, how many students were assessed during the previous year, and the results of the assessments.

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

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

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

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

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

and state results to the State Department of Education and the Office of Accountability prior to September 1 of each year. The Department shall forward the final data files for each school district and each school site in that district to the school district. The Board shall ensure the contract with the testing vendor includes a provision that the vendor report test results directly to the Office of Accountability at the same time it is reported to the Board.

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

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

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

SECTION 9. AMENDATORY 70 O.S. 2001, Section 1210.508B, as last amended by Section 1, Chapter 146, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1210.508B), is amended to read as follows:

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

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

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

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

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

2. Set and achieve annual improvement goals necessary to progress from the baseline established in 2005 to the reading goal

by July 1, 2008. The annual improvement goals shall be included in the district's reading sufficiency plan required in Section 1210.508C of this title.

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

SECTION 10. AMENDATORY Section 5, Chapter 432, O.S.L. 2005, as amended by Section 5, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1210.522), is amended to read as follows:

Section 1210.522 A. Except as provided in subsection D of this section, every public school student shall demonstrate mastery of the state academic content standards in reading and mathematics by the end of the student's seventh-grade year, beginning in the 2006-07 school year. To demonstrate mastery of reading and mathematics, a student shall attain at least a ~~satisfactory~~ proficient score on the seventh-grade criterion-referenced tests in reading and mathematics administered pursuant to Section 1210.508 of this title. Each student who does not score at least at the ~~satisfactory~~ proficient level shall be provided remediation for the purpose of assisting the student in performing at least at the ~~satisfactory~~ proficient level on the eighth-grade criterion-referenced tests in reading and mathematics.

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

C. Remediation may be provided by means which may include, but are not limited to, extended time during the school day, a summer academy, tutoring, online coursework, or other supplementary services. The State Department of Education shall provide

information about best practices for remediation and interventions. School districts will monitor results of the remediation and interventions implemented and report the findings to the State Department of Education.

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

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

SECTION 11. AMENDATORY Section 6, Chapter 432, O.S.L. 2005 (70 O.S. Supp. 2008, Section 1210.523), as last amended by Section 1 of Enrolled Senate Bill No. 867 of the 1st Session of the 52nd Oklahoma Legislature, is amended to read as follows:

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

1. Algebra I;
2. English II; and
3. Two of the following five:

- a. Algebra II,
- b. Biology I,
- c. English III,
- d. Geometry, and
- e. United States History.

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

C. Notwithstanding any other provision of law, students who do not attain at least a ~~satisfactory~~ proficient score on any end-of-instruction test shall be provided remediation and the opportunity to retake the test until at least a ~~satisfactory~~ proficient score is attained on the tests of Algebra I, English II and two of the tests required in paragraph 3 of subsection A of this section or an approved alternative test. Technology center schools shall be authorized to provide intervention and remediation in Algebra I, Algebra II, Geometry, English II, English III, United States History, and Biology I to students enrolled in technology center schools, with the approval of the independent school district board.

D. 1. Students who do not meet the requirements of subsection A of this section may graduate from a public high school with a standard diploma by demonstrating mastery of state academic content standards by alternative methods as approved by the State Board of Education.

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

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

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

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

SECTION 12. AMENDATORY 70 O.S. 2001, Section 1210.541, as last amended by Section 1 of Enrolled House Bill No. 1461 of the 1st Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 1210.541 A. The State Board of Education shall determine and adopt a series of student performance levels ~~for the criterion-referenced tests administered and the corresponding cut scores~~ pursuant to the Oklahoma School Testing Program Act, ~~Section 1210.505 et seq. of this title.~~ Beginning July 1, 2009, and through June 30, 2011, the State Board of Education shall carry out two separate rounds of cut score setting for each school year, the first of which shall be non-binding in efforts to determine the feasibility and practicality of setting cut scores prior to administration of the tests. The first round of scores shall be determined prior to the administration of the tests and published after administration of the tests, and the second round of scores shall be determined and published after administration of the tests.

B. The State Board of Education shall ensure that the cut scores are tied to the rigor of the tests and shall strive to increase the cut scores by ten percent (10%) of the gap between state and national assessments each year.

C. The performance levels shall be set by a method that indicates students are ready for the next grade, course, or level of education, as applicable. The State Board of Education shall establish panels to review and revise the performance levels level descriptors for each subject and grade level, which shall be set by a method and panel composition similar to that used for the achievement levels on the National Assessment of Educational Progress performance setting process. The State Board of Education shall ensure that the criterion-referenced tests developed and administered pursuant to the Oklahoma School Testing Program Act in grades three through eight and the end-of-instruction tests administered at the secondary level are vertically aligned by content across grade levels to ensure consistency, continuity, alignment and clarity. Student performance levels shall be labeled advanced, satisfactory, limited knowledge, and unsatisfactory and defined as follows:

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

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

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

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

~~B-~~ D. The State Board of Education shall develop and implement in accordance with the Elementary and Secondary Education Act of 2001 (ESEA), P.L. No. 107-110, also known as the No Child Left Behind Act of 2001, an accountability system as provided for in 20

U.S.C., 6311 and any related federal regulations. The accountability system shall be implemented beginning with the 2002-2003 school year and shall be based on the Academic Performance Index data as established pursuant to Section 3-150 of this title and as modified to meet the mandates of the ESEA. For the 2002-2003 school year and every year thereafter the State Board of Education shall publish and ensure that each local education agency is provided with Academic Performance Index data annually by site and by district so that the local education agency can make Adequate Yearly Progress determinations to identify schools for rewards and sanctions. The State Board of Education shall establish a system of recognition, rewards, sanctions and technical assistance.

~~C.~~ E. A school that does not make adequate yearly progress (AYP) for two (2) consecutive years, as AYP is defined by the accountability system developed by the State Board of Education pursuant to this section, because of failure to meet either an academic performance target or an attendance or graduation performance target, or both, and is identified for school improvement shall utilize the assistance of a school support team or other similar team formed by the State Department of Education to provide support for schools in need of improvement, subject to school support team capacity. The school support team shall review and analyze all facets of operation of the school including the design and operation of the instructional program. The school support team shall assist the school in:

1. Incorporating strategies based on scientifically based research that will strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified for school improvement;

2. Incorporating strategies to promote high quality professional development; and

3. Training teachers to analyze classroom and school-level data and use the data to inform instruction.

SECTION 13. This act shall become effective July 1, 2009.

SECTION 14. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 22nd day of May, 2009.

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Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2009.

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Presiding Officer of the House  
of Representatives