

THE HOUSE OF REPRESENTATIVES
Monday, March 2, 2009

Committee Substitute for
House Bill No. 2068

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2068 - By: MCNIEL of the House.

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

- 1 SECTION 1. NEW LAW A new section of law not to be codified in the
- 2 Oklahoma Statutes reads as follows:
- 3 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
2 by Section 3, Chapter 173, O.S.L. 2007 (70 O.S. Supp. 2008, Section 11-103.6), is
3 amended to read as follows:

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

- 1 1. Four units of English to include Grammar, Composition, Literature, or any
2 English course approved for college admission requirements;
- 3 2. Three units of mathematics, limited to Algebra I, Algebra II, Geometry,
4 Trigonometry, Math Analysis, Calculus, Advanced Placement Statistics, or any
5 mathematics course with content and/or rigor above Algebra I and approved for college
6 admission requirements;
- 7 3. Three units of laboratory science, limited to Biology, Chemistry, Physics, or any
8 laboratory science course with content and/or rigor equal to or above Biology and
9 approved for college admission requirements;
- 10 4. Three units of history and citizenship skills, including one unit of American
11 History, 1/2 unit of Oklahoma History, 1/2 unit of United States Government and one
12 unit from the subjects of History, Government, Geography, Economics, Civics, or Non-
13 Western culture and approved for college admission requirements;
- 14 5. Two units of the same foreign or non-English language or two units of computer
15 technology approved for college admission requirements, whether taught at a high school
16 or a technology center school, including computer programming, hardware, and business
17 computer applications, such as word processing, databases, spreadsheets, and graphics,
18 excluding keyboarding or typing courses;
- 19 6. One additional unit selected from paragraphs 1 through 5 of this subsection or
20 career and technology education courses approved for college admission requirements;
21 and

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

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

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

19 D. For students who entered the ninth grade prior to the 2006-07 school year and
20 for those students subject to the requirements of subsection C of this section, in order to
21 graduate from a public high school accredited by the State Board of Education with a

1 standard diploma, students shall complete the following core curriculum units or sets of
2 competencies at the secondary level:

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

- 6 a. American Literature,
- 7 b. English Literature,
- 8 c. World Literature,
- 9 d. Advanced English Courses, or
- 10 e. other English courses with content and/or rigor equal to or above
11 grammar and composition;

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

- 15 a. Algebra II,
- 16 b. Geometry or Geometry taught in a contextual methodology,
- 17 c. Trigonometry,
- 18 d. Math Analysis or Precalculus,
- 19 e. Calculus,
- 20 f. Statistics and/or Probability,
- 21 g. Computer Science,

- 1 h. contextual mathematics courses which enhance technology preparation
2 whether taught at a:
- 3 (1) comprehensive high school, or
4 (2) technology center school when taken in the eleventh or twelfth
5 grade, taught by a certified teacher, and approved by the State
6 Board of Education and the independent district board of
7 education,
- 8 i. mathematics courses taught at a technology center school by a teacher
9 certified in the secondary subject area when taken in the eleventh or
10 twelfth grade upon approval of the State Board of Education and the
11 independent district board of education, or
- 12 j. equal to or above Algebra I;
- 13 3. Science – 3 units or sets of competencies, to consist of 1 unit or set of
14 competencies of Biology I or Biology I taught in a contextual methodology, and 2 units or
15 sets of competencies in the areas of life, physical, or earth science or technology which
16 may include, but are not limited to, the following courses:
- 17 a. Chemistry I,
18 b. Physics,
19 c. Biology II,
20 d. Chemistry II,
21 e. Physical Science,
22 f. Earth Science,

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

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

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

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

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

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

7 F. For purposes of this section:

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

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

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

21 4. “Sets of competencies” means those skills and competencies that are specified in
22 the Priority Academic Student Skills (PASS), as adopted by the State Board of

1 Education, subchapter 5, Chapter 15, Title 210 of the Oklahoma Administrative Code,
2 and other skills and competencies adopted by the Board; and

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

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

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

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

1 for units or sets of competencies pursuant to subsection B of this section shall be
2 approved for college admission requirements.

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

12 It is the intent of the Legislature that for students enrolled in a concurrent
13 enrollment course which is paid for by the school district pursuant to this paragraph, the
14 institution charge only the supplementary and special service fees that are directly
15 related to the concurrent enrollment course and enrollment procedures for that student.
16 It is further the intent of the Legislature that fees for student activities and student
17 service facilities, including the student health care and cultural and recreational service
18 fees, not be charged to such students.

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

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

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

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

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

21 2. Internet-based courses offered by a technology center school that are taught by a
22 certified teacher and provide for the teaching and learning of the appropriate skills and

1 knowledge in the PASS may, upon approval of the State Board of Education and the
2 independent district board of education, be counted for academic credit and toward
3 meeting the graduation requirements of this section.

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

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

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

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

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

5 M. For students who enter the ninth grade in or prior to the 2007-08 school year
6 who are enrolled in an alternative education program and meet the requirements of their
7 plans leading to high 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 International
10 Baccalaureate Diploma Program shall be awarded a standard diploma.

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

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

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

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

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

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

- 15 a. reading, and
- 16 b. mathematics.

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

- 19 a. reading,
- 20 b. mathematics,
- 21 c. science,

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

- 7 a. reading, and
- 8 b. mathematics.

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

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

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

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

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

15 The end-of-instruction tests shall serve the purpose of the criterion-referenced tests
16 as provided in paragraph 1 of this subsection. The English II and English III end-of-
17 instruction tests shall include a writing component. Students who do not score at least
18 at the satisfactory level shall be afforded the opportunity to retake each test up to three
19 (3) times each calendar year until at least achieving at the satisfactory level. In order to
20 provide an indication of the levels of competency attained by the student in a permanent
21 record for potential future employers and institutions of higher education, for students
22 who enter the ninth grade in or prior to the 2007-08 school year, school districts shall

1 report the highest achieved state test performance level on the end-of-instruction tests on
2 the student's high school transcript. Beginning with students who enter the ninth grade
3 in the 2008-09 school year, school districts shall report the student's performance levels
4 of satisfactory and above on the end-of-instruction tests on the student's high school
5 transcript. Any student at the middle school level who completes the instruction in a
6 secondary course specified in this paragraph shall be administered the appropriate end-
7 of-instruction test.

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

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

17 B. 1. All criterion-referenced tests required by this section shall measure academic
18 competencies in correlation with the state academic content standards adopted by the
19 Board pursuant to Section 11-103.6 of this title and known as the Priority Academic
20 Student Skills Curriculum. The State Board of Education shall evaluate the academic
21 content standards to ensure the competencies reflect high standards, are specific, well-
22 defined, measurable, challenging, and will prepare elementary students for next-grade-

1 level course work and secondary students for postsecondary studies at institutions of
2 higher education or technology center schools without the need for remediation in core
3 curriculum areas. All state academic content standards shall reflect the benchmarks of
4 the American Diploma Project and the goal of improving the state average ACT score.

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

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

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

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

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

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

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

21 E. The Board shall develop, administer, and incorporate as a part of the Oklahoma
22 School Testing Program, other testing programs or procedures, including appropriate

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

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

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

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

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

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

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

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

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

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

20 2. The State Board of Education shall adopt rules providing for necessary student
21 exceptions and exemptions to the requirements of this section. The Board shall collect
22 data by school site and district on the number of students provided and categories of

1 exceptions and exemptions granted. Beginning October 1, 2012, the Board shall provide
2 an annual report of this data to the Governor, President Pro Tempore of the State Senate
3 and Speaker of the House of Representatives.

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

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

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

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

1 SECTION 6. It being immediately necessary for the preservation of the public
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
3 this act shall take effect and be in full force from and after its passage and approval.
4 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02-26-09
5 - DO PASS, As Amended.