

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1111

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5  
6 AS INTRODUCED

7 An Act relating to schools; creating the Educational  
8 Accountability Reform Act; providing short title;  
9 transferring powers, duties, functions, and  
10 responsibilities for certain programs from State  
11 Department of Education to Education Oversight Board;  
12 providing for transfer of certain assets and  
13 liabilities; providing for succession of contractual  
14 rights and responsibilities; requiring transfer of  
15 certain funds; amending 70 O.S. 2001, Section 3-116,  
16 as last amended by Section 29, Chapter 434, O.S.L.  
17 2003 (70 O.S. Supp. 2008, Section 3-116), which  
18 relates to the Education Oversight Board; modifying  
19 appointments of members; providing for termination of  
20 certain member's terms; modifying duties of Board;  
21 amending 70 O.S. 2001, Section 3-117, as amended by  
22 Section 30, Chapter 434, O.S.L. 2003 (70 O.S. Supp.  
23 2008, Section 3-117), which relates to the Office of  
24 Accountability; changing name to Educational Quality  
and Accountability Office; removing certain  
requirements of Oklahoma State Regents of Higher  
Education; directing Education Oversight Board to  
submit program budget to Office of State Finance;  
amending 70 O.S. 2001, Section 3-121, which relates  
to funds appropriated to State Board of Education;  
removing requirement to expend funds for certain  
duty; amending 70 O.S. 2001, Sections 3-150 and 3-  
151, which relate to the Academic Performance Index;  
modifying administrator of program; deleting obsolete  
language; amending 70 O.S. 2001, Section 3-152.1,  
which relates to the Academic Achievement Award  
Program; modifying administrator of program; amending  
Section 2, Chapter 430, O.S.L. 2003 (70 O.S. Supp.  
2008, Section 3-160), which relates to the state  
student record system; transferring system to  
Education Oversight Board; amending 70 O.S. 2001,

1 Section 11-103.6a, as amended by Section 3, Chapter  
2 289, O.S.L. 2002 (70 O.S. Supp. 2008, Section 11-  
3 103.6a), which relates to curriculum review;  
4 requiring State Board of Education to convene certain  
5 committee for review process; requiring alignment  
6 with certain national standards; amending 70 O.S.  
7 2001, Section 11-103.6d, which relates to  
8 certificates of distinction; modifying performance  
9 level terminology; amending 70 O.S. 2001, Section 18-  
10 200.1, as last amended by Section 1, Chapter 90,  
11 O.S.L. 2005 (70 O.S. Supp. 2008, Section 18-200.1),  
12 which relates to the State Aid formula; modifying  
13 agency responsible for development and implementation  
14 of student identification system; amending 70 O.S.  
15 2001, Section 1210.506, which relates to the Oklahoma  
16 School Testing Program Act; modifying definitions;  
17 amending 70 O.S. 2001, Sections 1210.507 and  
18 1210.508, as last amended by Sections 3 and 4,  
19 Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2008,  
20 Sections 1210.507 and 1210.508), which relate to the  
21 Oklahoma School Testing Program Act; modifying agency  
22 responsible for development and administration of  
23 student testing system; modifying performance level  
24 terminology; requiring addition of certain  
constructed-response test items to certain  
assessments contingent on availability of funds;  
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; amending 70 O.S. 2001,  
Section 1210.509, which relates to training for test  
administrators; modifying agency responsible for  
certain duties; modifying performance level  
terminology; amending 70 O.S. 2001, Section 1210.513,  
which relates to participation in National Assessment  
of Educational Progress; modifying agency responsible  
for certain duties; requiring certain crosswalk of  
standards contingent on availability of funds;  
amending 70 O.S. 2001, Section 1210.515, as amended  
by Section 3, Chapter 197, O.S.L. 2004 (70 O.S. Supp.  
2008, Section 1210.515), which relates to reading  
ability for driver license applicant; modifying  
performance level terminology; amending Sections 5  
and 6, Chapter 432, O.S.L. 2005, as amended by  
Sections 5 and 6, Chapter 289, O.S.L. 2006 (70 O.S.  
Supp. 2008, Sections 1210.522 and 1210.523), which  
relate to the Achieving Classroom Excellence Act of

1 2005; modifying performance level terminology;  
2 amending 70 O.S. 2001, Section 1210.541, as amended  
3 by Section 3, Chapter 428, O.S.L. 2003 (70 O.S. Supp.  
4 2008, Section 1210.541), which relates to student  
5 performance levels; modifying agency responsible for  
6 certain duties; modifying performance level  
7 terminology and definitions; providing for  
8 codification; and providing an effective date.

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

10 SECTION 1. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 3-116.1 of Title 70, unless  
12 there is created a duplication in numbering, reads as follows:

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

15 SECTION 2. AMENDATORY 70 O.S. 2001, Section 3-116, as  
16 last amended by Section 29, Chapter 434, O.S.L. 2003 (70 O.S. Supp.  
17 2008, Section 3-116), is amended to read as follows:

18 Section 3-116. A. There is hereby created the Education  
19 Oversight Board. The membership of the Education Oversight Board  
20 shall consist of:

21 1. ~~The Chairperson of the Education Committee of the Oklahoma~~  
22 ~~House of Representatives;~~

23 2. ~~The Chairperson of the Education Committee of the Senate;~~

24 3. ~~Two~~ Three members, who are not legislators, one of whom  
shall be the Secretary of Education and who shall serve as Chair of  
the Board, appointed by the Governor;

1       4. 2. Two members, ~~who are not legislators~~ one of whom shall be  
2 the Chair or Vice-Chair of the Education Committee of the Oklahoma  
3 House of Representatives, appointed by the Speaker of the Oklahoma  
4 House of Representatives; and

5       5. 3. Two members, ~~who are not legislators~~ one of whom shall be  
6 the Chair or Vice-Chair of the Education Committee of the Senate,  
7 appointed by the President Pro Tempore of the Senate; ~~and~~

8       6. ~~One member, who is not a legislator, appointed jointly by~~  
9 ~~the President Pro Tempore of the Senate and the Speaker of the House~~  
10 ~~of Representatives.~~

11       ~~The two Education Committee Chairpersons shall serve as~~  
12 ~~nonvoting members of the Board as long as each holds that position~~  
13 ~~in such chairperson's respective house. The terms of the appointed~~  
14 ~~members shall be staggered. The terms of the seven appointed~~  
15 ~~members shall begin on July 1 of the year the preceding term~~  
16 ~~expires. All terms shall be for five (5) years. At least one~~  
17 ~~appointed member must reside in each congressional district.~~  
18 ~~However, when congressional districts are redrawn each member~~  
19 ~~appointed prior to July 1 of the year in which such modification~~  
20 ~~becomes effective shall complete the current term of office and~~  
21 ~~appointments made after July 1 of the year in which such~~  
22 ~~modification becomes effective shall be based on the redrawn~~  
23 ~~districts. Appointments made after July 1 of the year in which such~~  
24 ~~modification becomes effective shall be from any redrawn districts~~

1 ~~which are not represented by a board member until such time as each~~  
2 ~~of the modified congressional districts are represented by a board~~  
3 ~~member. If a vacancy occurs, the vacancy shall be filled for the~~  
4 ~~unexpired term in the same manner as the office was previously~~  
5 ~~filled.~~

6 B. ~~A chairperson and vice chairperson shall be elected annually~~  
7 ~~from the membership of the Board.~~

8 1. All initial appointments made by the Governor pursuant to  
9 this act shall be for terms as follows:

10 a. one for a term to expire on June 30, 2011,

11 b. one for a term to expire on June 30, 2012, and

12 c. one for a term to expire on June 30, 2013;

13 2. After the initial terms, all members appointed by the  
14 Governor shall be appointed for terms of three (3) years. Initial  
15 appointments pursuant to the provisions of this section shall be  
16 made no later than July 1, 2010. All terms shall expire on June 30  
17 of the year in which the term of each member expires, except for the  
18 terms of office of members serving on the Board on the effective  
19 date of this act, which shall expire June 30, 2010.

20 3. Vacancies shall be filled for any unexpired terms by the  
21 original appointing authority.

22 C. The Secretary of Education shall serve as Chair of the  
23 Board. In the absence of a Secretary of Education designated by the  
24 Governor, the legislative member appointed by the President Pro

1 Tempore of the Senate shall serve as Vice-Chair or Acting Chair. A  
2 quorum which shall consist of four ~~voting~~ members must be present  
3 for the transaction of any business. The Board shall hold meetings  
4 at least on a quarterly basis. Members shall be reimbursed for  
5 travel in the performance of their official duties in accordance  
6 with the State Travel Reimbursement Act.

7 ~~C.~~ D. The Education Oversight Board shall:

8 1. Oversee implementation of the provisions of Enrolled House  
9 Bill No. 1017 of the 1st Extraordinary Session of the 42nd Oklahoma  
10 Legislature;

11 2. Oversee implementation of the provisions of the Oklahoma  
12 Teacher Preparation Act; ~~and~~

13 3. Make recommendations to the Governor and Legislature on  
14 methods to achieve an aligned, seamless system from preschool  
15 through postsecondary education;

16 4. Administer the Oklahoma School Testing Program Act, as  
17 provided in Section 3 of this act;

18 5. Administer the State Student Record System as provided in  
19 Section 3 of this act; and

20 6. Shall be responsible for all functions related to  
21 accountability, determination of adequate yearly progress, and  
22 school improvement as required under the Elementary and Secondary  
23 Education Act, P.L. No. 107-110, as provided in Section 3 of this  
24 act.

1       ~~D.~~ E. The Education Oversight Board shall govern the operation  
2 of the ~~Office of~~ Educational Quality and Accountability Office  
3 created in Section 3-117 of this title. ~~The Secretary of Education~~  
4 ~~shall be the chief executive officer of the Office of~~  
5 ~~Accountability.~~

6       ~~E.~~ F. Legislators and appointed members who serve on the  
7 Education Oversight Board shall be exempt from the dual office  
8 holding prohibitions of Section 6 of Title 51 of the Oklahoma  
9 Statutes.

10       SECTION 3.       NEW LAW       A new section of law to be codified  
11 in the Oklahoma Statutes as Section 3-116.2 of Title 70, unless  
12 there is created a duplication in numbering, reads as follows:

13       A. Effective July 1, 2010, all powers, duties, functions, and  
14 responsibilities of the State Department of Education related to the  
15 Oklahoma School Testing Program Act, the State Student Record System  
16 created pursuant to Section 3-160 of Title 70 of the Oklahoma  
17 Statutes and subsection E of Section 18-200.1 of Title 70 of the  
18 Oklahoma Statutes and known as "the Wave", and all responsibilities  
19 related to accountability and determination of adequate yearly  
20 progress (AYP) as required under the Elementary and Secondary  
21 Education Act, P.L. No. 107-110, shall be transferred to the  
22 Education Oversight Board to be administered by the Educational  
23 Quality and Accountability Office. The transfer shall include all  
24

1 records, equipment, supplies, furniture, current and future  
2 liabilities, fund balances, encumbrances, and obligations.

3 B. The Education Oversight Board shall succeed to any  
4 contractual rights and responsibilities the Department has incurred  
5 on behalf of the Oklahoma School Testing Program Act and the State  
6 Student Record System. Any federal funds received by the State  
7 Department of Education for student testing, the student data  
8 system, or for accountability or school improvement purposes shall  
9 be transferred to the Education Oversight Board within thirty (30)  
10 days of receipt of such funds.

11 C. The State Department of Education shall seek any federal  
12 approval necessary to implement the provisions of this act.

13 SECTION 4. AMENDATORY 70 O.S. 2001, Section 3-117, as  
14 amended by Section 30, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2008,  
15 Section 3-117), is amended to read as follows:

16 Section 3-117. A. There is hereby created the ~~Office of~~  
17 Educational Quality and Accountability Office. ~~The Oklahoma State~~  
18 ~~Regents for Higher Education are hereby directed to support the~~  
19 ~~Office of Accountability from the budget of the State Regents.~~ The  
20 ~~State Regents shall include the Office of~~ Educational Quality and  
21 Accountability in its Office shall prepare a budget work program to  
22 be submitted each fiscal year for the succeeding fiscal year to the  
23 Office of State Finance. Each year the Education Oversight Board  
24 shall submit a program budget for the ~~Office of~~ Educational Quality

1 and Accountability Office to the State Regents Office of State  
2 Finance. Any amendments to the ~~Office of~~ Educational Quality and  
3 Accountability Office program budget must first be approved by the  
4 Education Oversight Board. The ~~Office of~~ Educational Quality and  
5 Accountability Office, its personnel, budget, and expenditure of  
6 funds shall be solely under the direction of the Education Oversight  
7 Board.

8 B. There shall hereby be established a division of Testing,  
9 Data, and Accountability within the Educational Quality and  
10 Accountability Office, which shall have responsibility for:

- 11 1. The Oklahoma School Testing Program Act;
- 12 2. The State Student Record System; and
- 13 3. The functions related to accountability and determination of  
14 adequate yearly progress pursuant to the Elementary and Secondary  
15 Education Act, P.L. No. 107-110.

16 The Board shall hire a director to oversee the functions of the  
17 division created pursuant to this subsection.

18 C. There shall hereby be established a division of Reviews and  
19 Reporting within the Educational Quality and Accountability Office,  
20 which shall have responsibility for:

- 21 1. The Oklahoma Educational Indicators Program, as provided in  
22 Section 1210.531 of this title; and
- 23 2. The Oklahoma School Performance Review Program, as provided  
24 in Section 3-118.1 of this title.

1        The Executive Director of the Office of Accountability as of the  
2 effective date of this act may continue to serve as the director of  
3 the division created pursuant to this subsection, subject to the  
4 pleasure of the Board.

5        SECTION 5.        AMENDATORY        70 O.S. 2001, Section 3-121, is  
6 amended to read as follows:

7        Section 3-121. A portion of the funds appropriated to the State  
8 Board of Education for the Administrative and Support Functions of  
9 the State Department of Education shall be expended for:

10        1. ~~The cost involved in administering, scoring, reporting and~~  
11 ~~other incidental duties necessary to accomplish the provisions of~~  
12 ~~the Oklahoma School Testing Program Act;~~

13        2. ~~Preschool deaf education programs operated by the State~~  
14 ~~Department of Education; and~~

15        3. Conducting training workshops for administrative personnel  
16 pursuant to the provisions of Section 6-101.10 of this title.

17        SECTION 6.        AMENDATORY        70 O.S. 2001, Section 3-150, is  
18 amended to read as follows:

19        Section 3-150. A. ~~The State Board of Education~~ Oversight Board  
20 shall develop an Academic Performance Index (API) to be used to  
21 measure performance of schools, including the academic performance  
22 of students. The index shall consist of a variety of indicators  
23 including, but not limited to:

24        1. Attendance rates for students;

1 2. Dropout rates;

2 3. Results of the Oklahoma School Testing Program administered  
3 pursuant to Section 1210.508 of this title;

4 4. Advanced Placement participation;

5 5. Graduation rates for secondary school students;

6 6. Scores of the American College Test (ACT); and

7 7. College remediation rates.

8 B. The data collected for the API shall be disaggregated, when  
9 available, by socioeconomic status and ethnic group. Oklahoma  
10 School Testing Program results shall constitute no less than sixty  
11 percent (60%) of the value of the index.

12 C. Based on the API, the ~~State Board of~~ Education Oversight  
13 Board shall adopt expected annual percentage growth targets for the  
14 state level, school districts, and all school sites based on their  
15 API baseline score. The minimum percentage growth target shall be  
16 five percent (5%) annually. However, the ~~State Board of~~ Education  
17 Oversight Board may set differential growth targets based on grade  
18 level of instruction.

19 SECTION 7. AMENDATORY 70 O.S. 2001, Section 3-151, is  
20 amended to read as follows:

21 Section 3-151. ~~A. On or before December 31, 1999, the State~~  
22 ~~Board of Education shall file a report with the Governor and the~~  
23 ~~Legislature setting out the plan for establishing the Academic~~  
24 ~~Performance Index. Thereafter, on or before December 31 and every~~

1 year thereafter the Education Oversight Board shall file a report  
2 with the Governor and the Legislature on the state, district, and  
3 site results of ~~this program~~ the Academic Performance Index.

4 ~~B. On or before July 13, 2001, the State Board of Education~~  
5 ~~shall file a report with the Governor and the Legislature setting~~  
6 ~~out the draft formula to be used for the Academic Performance Index.~~

7 ~~C. On or before September 30, 2001, the State Board of~~  
8 ~~Education shall file a report with the Governor and the Legislature~~  
9 ~~setting out the formula to be used for the Academic Performance~~  
10 ~~Index.~~

11 ~~D. On or before February 28, 2002, the State Board of Education~~  
12 ~~shall file a report with the Governor and the Legislature containing~~  
13 ~~the final baseline Academic Performance Index.~~

14 ~~E. The State Department of Education shall notify school~~  
15 ~~districts of the status of implementation of the Academic~~  
16 ~~Performance Index, including the deadlines and information to be~~  
17 ~~reported as required in subsections B, C and D of this section.~~

18 SECTION 8. AMENDATORY 70 O.S. 2001, Section 3-152.1, is  
19 amended to read as follows:

20 Section 3-152.1 A. The ~~State Board of Education~~ Education Oversight  
21 Board shall develop an Academic Achievement Award (AAA) program.  
22 The AAA program shall provide monetary awards to qualified employees  
23 at the top four schools that attain the highest overall student  
24 achievement and the top four schools that attain the highest annual

1 improvement in student achievement as measured by the Academic  
2 Performance Index (API) in each of five groups based on average  
3 daily membership (ADM) as provided for in subsection D of this  
4 section. The AAA program shall also provide monetary awards to  
5 qualified employees at all schools that attain a total API score of  
6 one thousand five hundred (1,500) for regular education students  
7 tested.

8 B. 1. No later than January 31 of each year, the ~~State Board~~  
9 ~~of Education~~ Oversight Board shall provide a monetary award to all  
10 qualified employees at school sites designated as recipients of the  
11 Academic Achievement Award as calculated pursuant to this section.

12 2. The Board shall determine the amount of funds available for  
13 the AAA program, which shall include funds appropriated for the AAA  
14 program and may include other funds identified by the Board, which  
15 may be used for this purpose.

16 3. The Board shall determine the top four school sites in each  
17 of the groups as designated in subsection D of this section that  
18 have achieved the highest overall student achievement as measured by  
19 the API as calculated pursuant to Section 3-150 of this title.

20 4. The Board shall determine the top four school sites in each  
21 of the groups as designated in subsection D of this section that  
22 have achieved the highest annual percentage improvement in student  
23 achievement as measured by the API score as compared to the previous  
24 year.

1           5. The Board shall determine the school sites that have an API  
2 score of one thousand five hundred (1,500) for regular education  
3 students tested.

4           6. In the event of tie scores, the Board shall select the  
5 school with the highest annual percentage improvement in student  
6 achievement as measured by the API score as compared to the previous  
7 year. If a tie still exists, the Board shall select the school with  
8 the highest annual percentage improvement in reading achievement as  
9 measured by the reading assessments administered pursuant to Section  
10 1210.508 of this title.

11           7. Any school site that qualifies for more than one award as  
12 provided for in paragraphs 3, 4 and 5 of this subsection shall  
13 receive the highest award the school site qualifies for as  
14 calculated pursuant to subsection C of this section, but in no case  
15 shall any school site receive more than one award.

16           C. 1. The amount of monetary award to be paid to each  
17 qualified employee at each school identified as an award recipient  
18 as determined pursuant to paragraphs 3 and 4 of subsection B of this  
19 section shall be as follows:

- 20           a. Three Thousand Dollars (\$3,000.00) for each first-  
21           place school,
- 22           b. Two Thousand Dollars (\$2,000.00) for each second-place  
23           school,

24

- c. One Thousand Dollars (\$1,000.00) for each third-place school, and
- d. Five Hundred Dollars (\$500.00) for each fourth-place school.

2. The amount of monetary award to be paid to each qualified employee at each school identified as having an API score of one thousand five hundred (1,500) for regular education students tested determined pursuant to paragraph 5 of subsection B of this section shall be Three Thousand Dollars (\$3,000.00).

D. Groups shall be designated based on average daily membership (ADM) as follows:

1. Group 1 - 0 to 135 ADM;
2. Group 2 - 136 to 235 ADM;
3. Group 3 - 236 to 345 ADM;
4. Group 4 - 346 to 505 ADM; and
5. Group 5 - 506 or more ADM.

E. For purposes of this section, "qualified employees" means all certified personnel, as defined in Section 26-103 of this title, employed in the school for at least one-half (1/2) of the school year from which the student test data used for the awards provided for in this section was derived. For charter schools formed and operated pursuant to the Oklahoma Charter School Act, qualified employees shall include all administrative and instructional personnel that meet the requirements of this subsection regardless

1 of whether they are certified. Qualified employees shall not  
2 include certified personnel who are employed in the school in a  
3 noncertified position. For awards granted for the 2007-2008 school  
4 year and each school year thereafter, for early elementary schools  
5 which do not contain a grade level that is tested under the Oklahoma  
6 School Testing Program Act but use the test data from a grade level  
7 that is tested to calculate the API score for the school, qualified  
8 employees shall include the certified personnel identified as the  
9 primary classroom teachers for the grade level from which the  
10 student test data used to calculate the API score was derived who  
11 are employed by the school district at another school site for at  
12 least one-half (1/2) of the school year.

13 F. Qualified employees who are employed at more than one school  
14 site which is identified as an award recipient shall qualify for  
15 only one award, which shall be the highest award the employee  
16 qualifies for.

17 G. No school or school district shall be liable for payment of  
18 awards pursuant to this section. Awards shall not be included in  
19 the calculation of the salary of the teacher for purposes of meeting  
20 the district or statutory minimum salary schedule or for purposes of  
21 calculating Teachers' Retirement System of Oklahoma contributions or  
22 benefits.

23 H. The ~~State Board of Education~~ Oversight Board shall  
24 promulgate rules necessary for the implementation of this section.

1 SECTION 9. AMENDATORY Section 2, Chapter 430, O.S.L.  
2 2003 (70 O.S. Supp. 2008, Section 3-160), is amended to read as  
3 follows:

4 Section 3-160. A. Effective July 1, 2010, the state student  
5 record system shall be transferred from the State Department of  
6 Education to the Education Oversight Board as provided in Section 3  
7 of this act. In developing and implementing a state student record  
8 system, as required in Subsection E of Section 18-200.1 of ~~Title 70~~  
9 ~~of the Oklahoma Statutes~~ this title, and as needed to comply with  
10 the tracking and reporting requirements of the Elementary and  
11 Secondary Education Act of 2001 (ESEA), P.L. No. 107-110, also known  
12 as the "No Child Left Behind Act of 2001", the ~~State Department of~~  
13 ~~Education~~ Educational Quality and Accountability Office shall  
14 construct the system to contain the following elements and comply  
15 with the following standards and compliance capabilities:

16 1. Extensible Markup Language (XML), which defines common data  
17 formats used during communication between disparate systems;

18 2. Web services protocol developed by the World Wide Web  
19 Consortium, which enables systems that are physically separated but  
20 connected to the Internet to be combined to permit complex  
21 operations;

22 3. Schools Interoperability Framework (SIF) version 1.5  
23 specifications, or any updated versions of the specifications, which  
24 enable school district software management systems to communicate

1 with each other. The student record system shall include, but not  
2 be limited to, the specifications for course identifiers, state  
3 standard formatting, content formatting, and assessment formatting  
4 specification;

5 4. United States Department of Education Performance-Based Data  
6 Management Initiative (PBDMI) data exchange guidelines with data  
7 elements capable of providing reporting on federal educational  
8 programs; and

9 5. Defined state data codes to ensure consistent reporting from  
10 school districts including, but not limited to, data codes for  
11 course identifiers, entries, gains, and losses. Current data codes  
12 for teacher certification and the Oklahoma Cost Accounting System  
13 shall be extended to match other defined data codes.

14 B. By the 2005-2006 school year, any student information system  
15 and any instructional management system used by school districts in  
16 the state shall comply with the Extensible Markup Language (XML)  
17 standards and the Schools Interoperability Framework (SIF) version  
18 1.5 specifications, or any updated versions of the specifications.

19 SECTION 10. AMENDATORY 70 O.S. 2001, Section 11-103.6a,  
20 as amended by Section 3, Chapter 289, O.S.L. 2002 (70 O.S. Supp.  
21 2008, Section 11-103.6a), is amended to read as follows:

22 Section 11-103.6a Each area of subject matter curriculum,  
23 except for technology curriculum, adopted by the State Board of  
24 Education for implementation by the beginning of the 2003-04 school

1 year shall be thoroughly reviewed by the State Board every six (6)  
2 years according to and in coordination with the existing subject  
3 area textbook adoption cycle. ~~and the~~ The State Board shall convene  
4 a committee to assist in the review process and shall ensure that a  
5 minimum of fifteen percent (15%) of the committee membership are  
6 professionals from the business community employed in areas that  
7 align with the subject under review. The State Board shall ensure  
8 that all Oklahoma content and process standards reflect a high  
9 degree of alignment with the National Assessment of Educational  
10 Progress framework and other national standards and shall implement  
11 any revisions in such curriculum deemed necessary to achieve further  
12 improvements in the quality of education for the students of this  
13 state.

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

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

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

24

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

3        3. Earned two units in a foreign language; and

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

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

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

22        SECTION 12.        AMENDATORY        70 O.S. 2001, Section 18-200.1,  
23 as last amended by Section 1, Chapter 90, O.S.L. 2005 (70 O.S. Supp.  
24 2008, Section 18-200.1), is amended to read as follows:

1 Section 18-200.1 A. Beginning with the 1997-98 school year,  
2 and each school year thereafter, each school district shall have its  
3 initial allocation of State Aid calculated based on the state  
4 dedicated revenues actually collected during the preceding fiscal  
5 year, the adjusted assessed valuation of the preceding year and the  
6 highest weighted average daily membership for the school district of  
7 the two (2) preceding school years. Each school district shall  
8 submit the following data based on the first nine (9) weeks, to be  
9 used in the calculation of the average daily membership of the  
10 school district:

- 11 1. Student enrollment by grade level;
- 12 2. Pupil category counts; and
- 13 3. Transportation supplement data.

14 On or before December 30, the State Department of Education  
15 shall determine each school district's current year allocation  
16 pursuant to subsection D of this section. The State Department of  
17 Education shall complete an audit, using procedures established by  
18 the Department, of the student enrollment by grade level data, pupil  
19 category counts and transportation supplement data to be used in the  
20 State Aid Formula pursuant to subsection D of this section by  
21 December 1 and by January 15 shall notify each school district of  
22 the district's final State Aid allocation for the current school  
23 year. The January payment of State Aid and each subsequent payment  
24 for the remainder of the school year shall be based on the final

1 State Aid allocation as calculated in subsection D of this section.  
2 Except for reductions made due to the assessment of penalties by the  
3 State Department of Education according to law, the January payment  
4 of State Aid and each subsequent payment for the remainder of the  
5 school year shall not decrease by an amount more than the amount  
6 that the current chargeable revenue increases for that district.

7 B. The State Department of Education shall retain not less than  
8 one and one-half percent (1 1/2%) of the total funds appropriated  
9 for financial support of schools, to be used to make midyear  
10 adjustments in State Aid and which shall be reflected in the final  
11 allocations. If the amount of appropriated funds, including the one  
12 and one-half percent (1 1/2%) retained, remaining after January 1 of  
13 each year is not sufficient to fully fund the final allocations, the  
14 Department shall recalculate each school district's remaining  
15 allocation pursuant to subsection D of this section using the  
16 reduced amount of appropriated funds.

17 C. On and after July 1, 1997, the amount of State Aid each  
18 district shall receive shall be the sum of the Foundation Aid, the  
19 Salary Incentive Aid and the Transportation Supplement, as adjusted  
20 pursuant to the provisions of subsection G of this section and  
21 Section 18-112.2 of this title; provided, no district having per  
22 pupil revenue in excess of three hundred percent (300%) of the  
23 average per pupil revenue of all districts shall receive any State  
24 Aid or Supplement in State Aid.

1       The July calculation of per pupil revenue shall be determined by  
2 dividing the district's second preceding year's total weighted  
3 average daily membership (ADM) into the district's second preceding  
4 year's total revenues excluding federal revenue, insurance loss  
5 payments, reimbursements, recovery of overpayments and refunds,  
6 unused reserves, prior expenditures recovered, prior year surpluses,  
7 and less the amount of any transfer fees paid in that year.

8       The December calculation of per pupil revenue shall be  
9 determined by dividing the district's preceding year's total  
10 weighted average daily membership (ADM) into the district's  
11 preceding year's total revenues excluding federal revenue, insurance  
12 loss payments, reimbursements, recovery of overpayments and refunds,  
13 unused reserves, prior expenditures recovered, prior year surpluses,  
14 and less the amount of any transfer fees paid in that year.

15       D. For the 1997-98 school year, and each school year  
16 thereafter, Foundation Aid, the Transportation Supplement and Salary  
17 Incentive Aid shall be calculated as follows:

18       1. Foundation Aid shall be determined by subtracting the amount  
19 of the Foundation Program Income from the cost of the Foundation  
20 Program and adding to this difference the Transportation Supplement.

21       a. The Foundation Program shall be a district's highest  
22 weighted average daily membership based on the first  
23 nine (9) weeks of the current school year, the  
24 preceding school year or the second preceding school

1 year of a school district, as determined by the  
2 provisions of subsection A of Section 18-201.1 of this  
3 title and paragraphs 1, 2, 3 and 4 of subsection B of  
4 Section 18-201.1 of this title, multiplied by the Base  
5 Foundation Support Level.

6 b. The Foundation Program Income shall be the sum of the  
7 following:

8 (1) The adjusted assessed valuation of the current  
9 school year of the school district, minus the  
10 previous year protested ad valorem tax revenues  
11 held as prescribed in Section 2884 of Title 68 of  
12 the Oklahoma Statutes, multiplied by the mills  
13 levied pursuant to subsection (c) of Section 9 of  
14 Article X of the Oklahoma Constitution, if  
15 applicable, as adjusted in subsection (c) of  
16 Section 8A of Article X of the Oklahoma  
17 Constitution. For purposes of this subsection,  
18 the "adjusted assessed valuation of the current  
19 school year" shall be the adjusted assessed  
20 valuation on which tax revenues are collected  
21 during the current school year, and

22 (2) Seventy-five percent (75%) of the amount received  
23 by the school district from the proceeds of the  
24 county levy during the preceding fiscal year, as

1                   levied pursuant to subsection (b) of Section 9 of  
 2                   Article X of the Oklahoma Constitution, and  
 3                   (3) Motor Vehicle Collections, and  
 4                   (4) Gross Production Tax, and  
 5                   (5) State Apportionment, and  
 6                   (6) R.E.A. Tax.

7                   The items listed in divisions (3), (4), (5), and (6)  
 8                   of this subparagraph shall consist of the amounts  
 9                   actually collected from such sources during the  
 10                  preceding fiscal year calculated on a per capita basis  
 11                  on the unit provided for by law for the distribution  
 12                  of each such revenue.

13           2. The Transportation Supplement shall be equal to the average  
 14   daily haul times the per capita allowance times the appropriate  
 15   transportation factor.

16           a. The average daily haul shall be the number of children  
 17           in a district who are legally transported and who live  
 18           one and one-half (1 1/2) miles or more from school.

19           b. The per capita allowance shall be determined using the  
 20           following chart:

	PER CAPITA		PER CAPITA
DENSITY FIGURE	ALLOWANCE	DENSITY FIGURE	ALLOWANCE
.3000 - .3083	\$167.00	.9334 - .9599	\$99.00
.3084 - .3249	\$165.00	.9600 - .9866	\$97.00

1	.3250 - .3416	\$163.00	.9867 - 1.1071	\$95.00
2	.3417 - .3583	\$161.00	1.1072 - 1.3214	\$92.00
3	.3584 - .3749	\$158.00	1.3215 - 1.5357	\$90.00
4	.3750 - .3916	\$156.00	1.5358 - 1.7499	\$88.00
5	.3917 - .4083	\$154.00	1.7500 - 1.9642	\$86.00
6	.4084 - .4249	\$152.00	1.9643 - 2.1785	\$84.00
7	.4250 - .4416	\$150.00	2.1786 - 2.3928	\$81.00
8	.4417 - .4583	\$147.00	2.3929 - 2.6249	\$79.00
9	.4584 - .4749	\$145.00	2.6250 - 2.8749	\$77.00
10	.4750 - .4916	\$143.00	2.8750 - 3.1249	\$75.00
11	.4917 - .5083	\$141.00	3.1250 - 3.3749	\$73.00
12	.5084 - .5249	\$139.00	3.3750 - 3.6666	\$70.00
13	.5250 - .5416	\$136.00	3.6667 - 3.9999	\$68.00
14	.5417 - .5583	\$134.00	4.0000 - 4.3333	\$66.00
15	.5584 - .5749	\$132.00	4.3334 - 4.6666	\$64.00
16	.5750 - .5916	\$130.00	4.6667 - 4.9999	\$62.00
17	.5917 - .6133	\$128.00	5.0000 - 5.5000	\$59.00
18	.6134 - .6399	\$125.00	5.5001 - 6.0000	\$57.00
19	.6400 - .6666	\$123.00	6.0001 - 6.5000	\$55.00
20	.6667 - .6933	\$121.00	6.5001 - 7.0000	\$53.00
21	.6934 - .7199	\$119.00	7.0001 - 7.3333	\$51.00
22	.7200 - .7466	\$117.00	7.3334 - 7.6667	\$48.00
23	.7467 - .7733	\$114.00	7.6668 - 8.0000	\$46.00
24	.7734 - .7999	\$112.00	8.0001 - 8.3333	\$44.00

1	.8000 - .8266	\$110.00	8.3334 - 8.6667	\$42.00
2	.8267 - .8533	\$108.00	8.6668 - 9.0000	\$40.00
3	.8534 - .8799	\$106.00	9.0001 - 9.3333	\$37.00
4	.8800 - .9066	\$103.00	9.3334 - 9.6667	\$35.00
5	.9067 - .9333	\$101.00	9.6668 or more	\$33.00

6           c.    The formula transportation factor shall be 1.39.

7           3.   Salary Incentive Aid shall be determined as follows:

8           a.    Multiply the Incentive Aid guarantee by the district's  
9                   highest weighted average daily membership based on the  
10                   first nine (9) weeks of the current school year, the  
11                   preceding school year or the second preceding school  
12                   year of a school district, as determined by the  
13                   provisions of subsection A of Section 18-201.1 of this  
14                   title and paragraphs 1, 2, 3 and 4 of subsection B of  
15                   Section 18-201.1 of this title.

16           b.    Divide the district's adjusted assessed valuation of  
17                   the current school year minus the previous year's  
18                   protested ad valorem tax revenues held as prescribed  
19                   in Section 2884 of Title 68 of the Oklahoma Statutes,  
20                   by one thousand (1,000) and subtract the quotient from  
21                   the product of subparagraph a of this paragraph. The  
22                   remainder shall not be less than zero (0).

23           c.    Multiply the number of mills levied for general fund  
24                   purposes above the fifteen (15) mills required to

1 support Foundation Aid pursuant to division (1) of  
2 subparagraph b of paragraph 1 of this subsection, not  
3 including the county four-mill levy, by the remainder  
4 of subparagraph b of this paragraph. The product  
5 shall be the Salary Incentive Aid of the district.

6 E. ~~By June 30, 1998, the State Department of Education~~ The  
7 Educational Quality and Accountability Office shall develop and ~~the~~  
8 ~~Department and~~ all school districts shall ~~have implemented~~ implement  
9 a student identification system which is consistent with the  
10 provisions of subsections C and D of Section 3111 of Title 74 of the  
11 Oklahoma Statutes. The student identification system shall be used  
12 specifically for the purpose of reporting enrollment data by school  
13 sites and by school districts, the administration of the Oklahoma  
14 School Testing Program Act, the collection of appropriate and  
15 necessary data pursuant to the Oklahoma Educational Indicators  
16 Program, determining student enrollment, establishing a student  
17 mobility rate, allocation of the State Aid Formula and mid-year  
18 adjustments in funding for student growth. This enrollment data  
19 shall be submitted to the ~~State Department of Education~~ Educational  
20 Quality and Accountability Office in accordance with rules  
21 promulgated by the ~~State Board of Education~~ Education Oversight  
22 Board. Funding for the development, implementation, personnel  
23 training and maintenance of the student identification system shall  
24 be set out in a separate line item in the allocation section of the

1 appropriation bill for the ~~State Board of Education~~ Education  
2 Oversight Board for each year.

3 F. 1. In the event that ad valorem taxes of a school district  
4 are determined to be uncollectible because of bankruptcy, clerical  
5 error, or a successful tax protest, and the amount of such taxes  
6 deemed uncollectible exceeds Fifty Thousand Dollars (\$50,000.00) or  
7 an amount greater than twenty-five percent (25%) of ad valorem taxes  
8 per tax year, or the valuation of a district is lowered by order of  
9 the State Board of Equalization, the school district's State Aid,  
10 for the school year that such ad valorem taxes are calculated in the  
11 State Aid Formula, shall be determined by subtracting the net  
12 assessed valuation of the property upon which taxes were deemed  
13 uncollectible from the assessed valuation of the school district and  
14 the state. Upon request of the local board of education, it shall  
15 be the duty of the county assessor to certify to the Director of  
16 Finance of the State Department of Education the net assessed  
17 valuation of the property upon which taxes were determined  
18 uncollectible.

19 2. In the event that the amount of funds a school district  
20 receives for reimbursement from the Ad Valorem Reimbursement Fund is  
21 less than the amount of funds claimed for reimbursement by the  
22 school district due to insufficiency of funds as provided in Section  
23 193 of Title 62 of the Oklahoma Statutes, then the school district's  
24 assessed valuation for the school year that such ad valorem

1 reimbursement is calculated in the State Aid Formula shall be  
2 adjusted accordingly.

3 G. 1. Notwithstanding the provisions of Section 18-112.2 of  
4 this title, a school district shall have its State Aid reduced by an  
5 amount equal to the amount of carryover in the general fund of the  
6 district as of June 30 of the preceding fiscal year, that is in  
7 excess of the following standards for two consecutive years:

8	Total Amount of	Amount of
9	General Fund Collections,	General Fund
10	Excluding Previous Year	Balance
11	Cash Surplus as of June 30	Allowable
12	Less than \$1,000,000	40%
13	\$1,000,000 - \$2,999,999	35%
14	\$3,000,000 - \$3,999,999	30%
15	\$4,000,000 - \$4,999,999	25%
16	\$5,000,000 - \$5,999,999	20%
17	\$6,000,000 - \$7,999,999	18%
18	\$8,000,000 - \$9,999,999	16%
19	\$10,000,000 or more	14%

20 2. By February 1 the State Department of Education shall send  
21 by certified mail, with return receipt requested, to each School  
22 District Superintendent, Auditor and Regional Accreditation Officer  
23 a notice of and calculation sheet reflecting the general fund  
24 balance penalty to be assessed against that school district.

1 Calculation of the general fund balance penalty shall not include  
2 federal revenue. Within thirty (30) days of receipt of this written  
3 notice the school district shall submit to the Department a written  
4 reply either accepting or protesting the penalty to be assessed  
5 against the district. If protesting, the school district shall  
6 submit with its reply the reasons for rejecting the calculations and  
7 documentation supporting those reasons. The Department shall review  
8 all school district penalty protest documentation and notify each  
9 district by March 15 of its finding and the final penalty to be  
10 assessed to each district. General fund balance penalties shall be  
11 assessed to all school districts by April 1.

12 3. Any school district which receives proceeds from a tax  
13 settlement or a Federal Emergency Management Agency settlement  
14 during the last two (2) months of the preceding fiscal year shall be  
15 exempt from the penalties assessed in this subsection, if the  
16 penalty would occur solely as a result of receiving funds from the  
17 tax settlement.

18 4. Any school district which receives an increase in State Aid  
19 because of a change in Foundation and/or Salary Incentive Aid  
20 factors during the last two (2) months of the preceding fiscal year  
21 shall be exempt from the penalties assessed in this subsection, if  
22 the penalty would occur solely as a result of receiving funds from  
23 the increase in State Aid.

24

1           5. If a school district does not receive Foundation and/or  
2 Salary Incentive Aid during the preceding fiscal year, the State  
3 Board of Education may waive the penalty assessed in this subsection  
4 if the penalty would result in a loss of more than forty percent  
5 (40%) of the remaining State Aid to be allocated to the school  
6 district between April 1 and the remainder of the school year and if  
7 the Board determines the penalty will cause the school district not  
8 to meet remaining financial obligations.

9           6. Any school district which receives gross production revenue  
10 apportionment during the 2002-2003 school year or in any subsequent  
11 school year that is greater than the gross production revenue  
12 apportionment of the preceding school year shall be exempt from the  
13 penalty assessed in this subsection, if the penalty would occur  
14 solely as a result of the gross production revenue apportionment, as  
15 determined by the State Board of Education.

16           7. Beginning July 1, 2003, school districts that participate in  
17 consolidation or annexation pursuant to the provisions of the  
18 Oklahoma School Voluntary Consolidation and Annexation Act shall be  
19 exempt from the penalty assessed in this subsection for the school  
20 year in which the consolidation or annexation occurs and for the  
21 next three (3) fiscal years.

22           8. Any school district which receives proceeds from a sales tax  
23 levied by a municipality pursuant to Section 22-159 of Title 11 of  
24 the Oklahoma Statutes or proceeds from a sales tax levied by a

1 county pursuant to Section 1370 of Title 68 of the Oklahoma Statutes  
2 during the 2003-2004 school year or the 2004-2005 school year shall  
3 be exempt from the penalties assessed in this subsection, if the  
4 penalty would occur solely as a result of receiving funds from the  
5 sales tax levy.

6 9. For purposes of calculating the general fund balance  
7 penalty, the terms "carryover" and "general fund balance" shall not  
8 include federal revenue.

9 H. In order to provide startup funds for the implementation of  
10 early childhood programs, State Aid may be advanced to school  
11 districts that initially start early childhood instruction at a  
12 school site. School districts that desire such advanced funding  
13 shall make application to the State Department of Education no later  
14 than September 15 of each year and advanced funding shall be awarded  
15 to the approved districts no later than October 30. The advanced  
16 funding shall not exceed the per pupil amount of State Aid as  
17 calculated in subsection D of this section per anticipated Head  
18 Start eligible student. The total amount of advanced funding shall  
19 be proportionately reduced from the monthly payments of the  
20 district's State Aid payments during the last six (6) months of the  
21 same fiscal year.

22 I. 1. Beginning July 1, 1996, the Oklahoma Tax Commission,  
23 notwithstanding any provision of law to the contrary, shall report  
24

1 monthly to the Oklahoma State Department of Education the monthly  
2 apportionment of the following information:

- 3 a. the assessed valuation of property,
- 4 b. motor vehicle collections,
- 5 c. R.E.A. tax collected, and
- 6 d. gross productions tax collected.

7 2. Beginning July 1, 1997, the State Auditor and Inspector's  
8 Office, notwithstanding any provision of law to the contrary, shall  
9 report monthly to the Oklahoma State Department of Education the  
10 monthly apportionment of the proceeds of the county levy.

11 3. Beginning July 1, 1996, the Commissioners of the Land  
12 Office, notwithstanding any provision of law to the contrary, shall  
13 report monthly to the State Department of Education the monthly  
14 apportionment of state apportionment.

15 4. Beginning July 1, 1997, the county treasurers' offices,  
16 notwithstanding any provision of law to the contrary, shall report  
17 monthly to the Oklahoma State Department of Education the ad valorem  
18 tax protest amounts for each county.

19 5. The information reported by the Tax Commission, the State  
20 Auditor and Inspector's Office, the county treasurers' offices and  
21 the Commissioners of the Land Office, pursuant to this subsection  
22 shall be reported by school district on forms developed by the State  
23 Department of Education.

24

1 SECTION 13. AMENDATORY 70 O.S. 2001, Section 1210.506,  
2 is amended to read as follows:

3 Section 1210.506 As used in the Oklahoma School Testing Program  
4 Act, Section 1210.505 et seq. of this title:

5 1. "Board" means the State Board of Education until June 30,  
6 2010, and beginning July 1, 2010, means the Education Oversight  
7 Board;

8 2. "Department" means the State Department of Education until  
9 June 30, 2010, and beginning July 1, 2010, means the Educational  
10 Quality and Accountability Office;

11 3. "Norm-referenced test" means a test which measures skill  
12 objectives and enables the tester to compare performance to that of  
13 a specified norm group;

14 4. "Norm group" means a randomly selected group considered to  
15 be performing at an average level according to grade placement; and

16 5. "Criterion-referenced test" means a test which determines  
17 whether a student has learned a specific skill.

18 SECTION 14. AMENDATORY 70 O.S. 2001, Section 1210.507,  
19 as last amended by Section 3, Chapter 289, O.S.L. 2006 (70 O.S.  
20 Supp. 2008, Section 1210.507), is amended to read as follows:

21 Section 1210.507 A. ~~The State Board of Education~~ Oversight  
22 Board shall promulgate rules necessary for the implementation and  
23 administration of the provisions of the Oklahoma School Testing  
24 Program Act.

1 B. The ~~State Board of~~ Education Oversight Board shall require  
2 school district boards of education to annually provide information  
3 to the district's students, parents of students, and the public at  
4 large about the proper meaning and use of tests administered  
5 pursuant to the provisions of the Oklahoma School Testing Program  
6 Act. The ~~Department~~ Educational Quality and Accountability Office  
7 shall develop materials and make them available to school districts  
8 regarding the Oklahoma School Testing Program.

9 C. The ~~State Board of~~ Education Oversight Board shall seek to  
10 establish and post on the Internet a sample test item bank that will  
11 be made available to teachers and will allow them to create and  
12 deliver classroom assessments throughout the school year to check  
13 for student mastery of key concepts assessed by the criterion-  
14 referenced tests administered to students pursuant to the Oklahoma  
15 School Testing Program Act. Subject to the availability of funds,  
16 the Board shall annually release end-of-instruction test items and  
17 make them available to the public.

18 D. The ~~State Board of~~ Education Oversight Board shall post on  
19 the Internet criterion-referenced sample tests for each grade level  
20 and subject matter test administered to students pursuant to the  
21 Oklahoma School Testing Program Act for the purpose of communicating  
22 expectation concerning test difficulty level and format to teacher,  
23 parents and students. The Board shall maintain the sample tests on  
24 the Internet throughout the year and, as changes are made in the

1 state academic content standards, known as the Priority Academic  
2 Student Skills Curriculum, the Board shall update the sample tests.  
3 The Board shall seek to expand the number of sample test items each  
4 year and to revise test items as needed. The sample tests shall  
5 reflect the actual test administered to students and may contain  
6 questions used on actual tests given in previous years.

7 E. The ~~State Board of Education~~ Oversight Board shall seek to  
8 implement an electronic delivery system for all tests administered  
9 pursuant to the Oklahoma School Testing Program Act that will allow  
10 students to participate in computer-based assessments in order to  
11 expedite the delivery and use of the test results.

12 SECTION 15. AMENDATORY 70 O.S. 2001, Section 1210.508,  
13 as last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S.  
14 Supp. 2008, Section 1210.508), is amended to read as follows:

15 Section 1210.508 A. 1. ~~The~~ Until June 30, 2010, the State  
16 Board of Education, and beginning July 1, 2010, the Education  
17 Oversight Board shall develop and administer a series of criterion-  
18 referenced tests designed to indicate whether the state academic  
19 content standards, as defined by the State Board of Education in the  
20 Priority Academic Student Skills Curriculum, which Oklahoma public  
21 school students are expected to have attained have been achieved.  
22 The Board may develop and administer any criterion-referenced test  
23 in any subject not required by federal law, contingent upon the  
24 availability of funding. Students who do not perform ~~satisfactorily~~

1 at least at the proficient level on tests shall be remediated,  
2 subject to the availability of funding.

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

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

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

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

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

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

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

24

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

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

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

13           6. Each student who completes the instruction for English II,  
14 English III, United States History, Biology I, Algebra I, Geometry,  
15 and Algebra II at the secondary level shall complete an end-of-  
16 instruction test, when implemented, to measure for attainment in the  
17 appropriate state academic content standards in order to graduate  
18 from a public high school with a standard diploma. All students  
19 shall take the tests prior to graduation, unless otherwise exempt by  
20 law. The ~~State Board of Education~~ shall administer the criterion-  
21 referenced tests. The Board shall develop and field test the end-  
22 of-instruction tests in English III, Geometry, and Algebra II during  
23 the 2006-07 school year, implement the tests during the 2007-08  
24 school year, and administer them each year thereafter. The Board

1 shall administer the multiple choice portion of the end-of-  
2 instruction tests online with raw score test results reported  
3 immediately and complete results reported in less than two (2) weeks  
4 beginning in the 2008-09 school year.

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

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

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

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

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

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

24

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

14        5. Subject to the availability of funds, the Board shall  
15 include a minimum of two constructed-response test items on each of  
16 the assessments in reading and mathematics in grades three through  
17 eight and on each of the end-of-instruction tests administered  
18 pursuant to subsection A of this section. The Board shall ensure  
19 the constructed-response test items will be independently graded by  
20 out-of-state educators.

21        C. 1. The ~~State Board of Education~~ shall set the testing  
22 window dates for each criterion-referenced test required in  
23 paragraphs 1 through 5 of subsection A of this section for grades  
24 three through eight so that, with the exception of the writing

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

20 2. State, district, and site level results of all tests  
21 required in this section shall be disaggregated by gender, race  
22 ethnicity, disability status, migrant status, English proficiency,  
23 and status as economically disadvantaged, except that such  
24 disaggregation shall not be required in a case in which the number

1 of students in a category is insufficient to yield statistically  
2 reliable information or the results would reveal personally  
3 identifiable information about an individual student. Each school  
4 site shall notify the student's parents of the school's performance  
5 levels in the Oklahoma School Testing Program as reported in the  
6 Oklahoma Educational Indicators Program at the end of each school  
7 year.

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

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

21 SECTION 16. AMENDATORY 70 O.S. 2001, Section 1210.508B,  
22 as last amended by Section 1, Chapter 146, O.S.L. 2006 (70 O.S.  
23 Supp. 2008, Section 1210.508B), is amended to read as follows:

24

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

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

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

20           D. The reading goal for Oklahoma public schools is as follows:  
21 By July 1, 2008, and each year thereafter, all third-grade students  
22 will read at or above grade level by the end of their third-grade  
23 year, excluding up to fifteen percent (15%) of those students who  
24 have an individualized education program (IEP), pursuant to the

1 Individuals with Disabilities Education Act (IDEA), and excluding  
2 those students who are English language learners who have been  
3 determined not to be proficient in English as defined by a state-  
4 designated English proficiency assessment. To achieve the reading  
5 goal, each public elementary school shall:

6 1. Determine its baseline no later than September 1, 2005,  
7 which shall be the percentage of students reading at or above third-  
8 grade level as determined by the percentage of students scoring  
9 ~~satisfactory~~ proficient or above on the third-grade criterion-  
10 referenced test in reading, administered pursuant to Section  
11 1210.508 of this title; and

12 2. Set and achieve annual improvement goals necessary to  
13 progress from the baseline established in 2005 to the reading goal  
14 by July 1, 2008. The annual improvement goals shall be included in  
15 the district's reading sufficiency plan required in Section  
16 1210.508C of this title.

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

24

1 SECTION 17. AMENDATORY 70 O.S. 2001, Section 1210.509,  
2 is amended to read as follows:

3 Section 1210.509 A. The ~~Department~~ Educational Quality and  
4 Accountability Office shall provide in-service training for ~~local~~  
5 school personnel who administer tests required by the Oklahoma  
6 School Testing Program Act, Section 1210.505 et seq. of this title.

7 B. The Education Oversight Board shall require the company or  
8 companies providing tests required by the Oklahoma School Testing  
9 Program Act, Section 1210.505 et seq. of this title, to submit  
10 summary reports of the results by school district to the ~~Department~~  
11 Office and ~~the respective local~~ to each school district.

12 Individualized results of the test shall be made available by the  
13 ~~local~~ school district to the classroom teachers who instruct the  
14 students in the academic areas tested. In every year, prior to the  
15 convening of the Legislature, the Board shall give a summary report  
16 on the testing results to the Governor, the Speaker of the House of  
17 Representatives and the President Pro Tempore of the Senate.

18 SECTION 18. AMENDATORY 70 O.S. 2001, Section 1210.513,  
19 is amended to read as follows:

20 Section 1210.513 A. In order to assist in the nation's  
21 evaluation of the condition and progress of education, and in order  
22 to provide comparative interstate information on student  
23 performance, ~~beginning July 1, 1997,~~ the ~~State Board of Education~~  
24 Oversight Board shall ensure the participation of the Oklahoma

1 public school system in the National Assessment of Educational  
2 Progress. The results of this assessment shall be included as a  
3 separate result in annual reports on the Oklahoma State School  
4 Testing Program.

5 B. The State Department of Education shall utilize the services  
6 of at least one qualified independent entity to conduct an  
7 evaluation of the state core curriculum standards at every grade  
8 level or, in high school for every subject, in which a criterion-  
9 referenced test is administered, and shall report the results to the  
10 Legislature by February 1, 2000.

11 C. Contingent on the availability of funds, the State  
12 Department of Education shall retain the services of an independent  
13 entity that is nationally recognized for its technical expertise in  
14 evaluating state academic standards to perform a comprehensive  
15 crosswalk of the state curriculum standards, including the content  
16 and process standards, to:

- 17 1. Curricular standards of other states;
- 18 2. Benchmarks of the American Diploma Project; and
- 19 3. Frameworks of the National Assessment of Educational  
20 Progress.

21 The Department shall report the results of the crosswalk study  
22 to the Legislature by February 1, 2010.

23  
24

1 SECTION 19. AMENDATORY 70 O.S. 2001, Section 1210.515,  
2 as amended by Section 3, Chapter 197, O.S.L. 2004 (70 O.S. Supp.  
3 2008, Section 1210.515), is amended to read as follows:

4 Section 1210.515 A. Pursuant to the provisions of paragraph 2  
5 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma  
6 Statutes, any person under the age of eighteen (18) years wishing to  
7 apply for a driver license or permit shall successfully demonstrate  
8 a ~~satisfactory~~ proficient reading ability at the eighth-grade  
9 reading level by meeting the following criteria:

- 10 1. A student enrolled in a public school shall successfully  
11 complete the reading portion of the state criterion-referenced test  
12 offered in the eighth grade. Following the administration of this  
13 test in the eighth grade, any student not successfully completing  
14 the reading portion shall be assigned a plan of remedial reading.  
15 Any student not successful in completing the reading portion of the  
16 state criterion-referenced test may take a comparable alternative  
17 reading proficiency test in order to satisfy the criteria for a  
18 driver license or permit. Alternative reading proficiency tests  
19 shall be approved by the State Department of Education. Subsequent  
20 successful completion of an alternative reading proficiency test  
21 shall serve to satisfy any test retaking requirement which may be  
22 required for the reading portion of the state criterion-referenced  
23 test in the eighth grade in the Oklahoma School Testing Program.  
24 School districts shall notify, in writing, each student who takes

1 the reading portion of the state criterion-referenced test for the  
2 eighth grade or who takes an alternative reading proficiency test  
3 and the student's parent or legal guardian of the test results. If  
4 the student fails to perform satisfactorily on the test, the notice  
5 shall inform the student of the reading proficiency driver license  
6 requirement and the school's remediation plan for the student. Upon  
7 the student's successful completion of the test, the school shall  
8 furnish the student with the documentation needed for the driver  
9 license application in Oklahoma;

10 2. Unless alternatively documented according to the provisions  
11 of subsection C of this section, students under the age of eighteen  
12 (18) years shall successfully complete a reading proficiency test  
13 approved by the State Department of Education; and

14 3. Any student who wishes to apply for a restricted license to  
15 operate a motorcycle may take an alternative reading proficiency  
16 test, subject to the provisions of this section.

17 B. Alternative reading proficiency tests shall be offered by  
18 testing sites, which shall include the public schools at least four  
19 (4) times per calendar year, and may include any of the following  
20 which chose to participate, the technology center school districts,  
21 Regional Education Service Centers, colleges, accredited private  
22 schools, and other sites approved by the State Department of  
23 Education. A student may take the test as often as wished, subject  
24 to the provisions of this section. Testing sites shall provide the

1 first alternative reading proficiency test for each student at no  
2 cost to the student. Students may be assessed a fee not to exceed  
3 Twenty-five Dollars (\$25.00) by the testing site for each subsequent  
4 alternative reading proficiency test taken.

5 C. A school district shall provide for alternative  
6 documentation of reading proficiency for the purposes of paragraph 2  
7 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma  
8 Statutes for any student with an individualized education program  
9 that, at a minimum, is in an area related to reading. The  
10 alternative documentation shall be furnished to such student who is  
11 performing satisfactorily in reading pursuant to the student's  
12 individualized education program. Parents of disabled students  
13 educated pursuant to the provisions of Section 4 of Article XIII of  
14 the Oklahoma Constitution may satisfy the requirement of paragraph 2  
15 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma  
16 Statutes by signing an affidavit that, based upon their best  
17 information and belief, their child would qualify for an  
18 individualized education program that, at a minimum, is in an area  
19 related to reading if enrolled in public school, and that in their  
20 judgment their child is performing satisfactorily in reading and is  
21 therefore academically qualified to satisfy the requirement of  
22 paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the  
23 Oklahoma Statutes.

24

1 SECTION 20. AMENDATORY Section 5, Chapter 432, O.S.L.  
2 2005, as amended by Section 5, Chapter 289, O.S.L. 2006 (70 O.S.  
3 Supp. 2008, Section 1210.522), is amended to read as follows:

4 Section 1210.522 A. Except as provided in subsection D of this  
5 section, every public school student shall demonstrate mastery of  
6 the state academic content standards in reading and mathematics by  
7 the end of the student's seventh-grade year, beginning in the 2006-  
8 07 school year. To demonstrate mastery of reading and mathematics,  
9 a student shall attain at least a ~~satisfactory~~ proficient score on  
10 the seventh-grade criterion-referenced tests in reading and  
11 mathematics administered pursuant to Section 1210.508 of this title.  
12 Each student who does not score at least at the ~~satisfactory~~  
13 proficient level shall be provided remediation for the purpose of  
14 assisting the student in performing at least at the ~~satisfactory~~  
15 proficient level on the eighth-grade criterion-referenced tests in  
16 reading and mathematics.

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

24

1 C. Remediation may be provided by means which may include, but  
2 are not limited to, extended time during the school day, a summer  
3 academy, tutoring, online coursework, or other supplementary  
4 services. The State Department of Education shall provide  
5 information about best practices for remediation and interventions.  
6 School districts will monitor results of the remediation and  
7 interventions implemented and report the findings to the State  
8 Department of Education.

9 D. 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 SECTION 21. AMENDATORY Section 6, Chapter 432, O.S.L.  
4 2005, as amended by Section 6, Chapter 289, O.S.L. 2006 (70 O.S.  
5 Supp. 2008, Section 1210.523), is amended to read as follows:

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

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

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

24

1 C. Notwithstanding any other provision of law, students who do  
2 not attain at least a ~~satisfactory~~ proficient score on any end-of-  
3 instruction test shall be provided remediation and the opportunity  
4 to retake the test until at least a ~~satisfactory~~ proficient score is  
5 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  
7 approved alternative test. Technology center schools shall be  
8 authorized to provide intervention and remediation in Algebra I and  
9 Biology I to students enrolled in technology center schools, with  
10 the approval of the independent school district board.

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

16 2. The ~~State Board of~~ Education Oversight Board shall adopt  
17 rules providing for necessary student exceptions and exemptions to  
18 the requirements of this section. The Board shall collect data by  
19 school site and district on the number of students provided and  
20 categories of exceptions and exemptions granted. Beginning October  
21 1, 2012, the Board shall provide an annual report of this data to  
22 the Governor, President Pro Tempore of the State Senate and Speaker  
23 of the House of Representatives.

24

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

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

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

23  
24

1 SECTION 22. AMENDATORY 70 O.S. 2001, Section 1210.541,  
2 as amended by Section 3, Chapter 428, O.S.L. 2003 (70 O.S. Supp.  
3 2008, Section 1210.541), is amended to read as follows:

4 Section 1210.541 A. The ~~State Board of~~ Education Oversight  
5 Board shall determine and adopt a series of student performance  
6 levels for the criterion-referenced tests administered pursuant to  
7 the Oklahoma School Testing Program Act, ~~Section 1210.505 et seq. of~~  
8 ~~this title.~~ The performance levels shall be set by a method that  
9 indicates students are ready for the next grade, course, or level of  
10 education, as applicable. The Board shall establish panels to  
11 review and revise the performance levels level descriptors for each  
12 subject and grade level, which shall be set by a method and panel  
13 composition similar to that used for the ~~achievement levels on the~~  
14 National Assessment of Educational Progress performance setting  
15 process. The ~~State Board of~~ Education Oversight Board shall ensure  
16 that the criterion-referenced tests developed and administered  
17 pursuant to the Oklahoma School Testing Program Act in grades three  
18 through eight and the end-of-instruction tests administered at the  
19 secondary level are vertically aligned by content across grade  
20 levels to ensure consistency, continuity, alignment and clarity.  
21 Student performance levels shall be labeled and defined as follows:  
22 ~~advanced, satisfactory, limited knowledge, and unsatisfactory~~  
23 1. Advanced, which shall indicate that students demonstrate  
24 superior performance on challenging subject matter;

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

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

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

10        B. The ~~State Board of~~ Education Oversight Board shall develop  
11 and implement in accordance with the Elementary and Secondary  
12 Education Act of 2001 (ESEA), P.L. No. 107-110, also known as the No  
13 Child Left Behind Act of 2001, an accountability system as provided  
14 for in 20 U.S.C., 6311 and any related federal regulations. The  
15 accountability system shall be implemented beginning with the 2002-  
16 2003 school year and shall be based on the Academic Performance  
17 Index data as established pursuant to Section 3-150 of this title  
18 and as modified to meet the mandates of the ESEA. For the 2002-2003  
19 school year and every year thereafter the ~~State Board of~~ Education  
20 Oversight Board shall publish and ensure that each local education  
21 agency is provided with Academic Performance Index data annually by  
22 site and by district so that the local education agency can make  
23 Adequate Yearly Progress determinations to identify schools for  
24 rewards and sanctions. The ~~State Board of~~ Education Oversight Board

1 shall establish a system of recognition, rewards, sanctions and  
2 technical assistance.

3 SECTION 23. This act shall become effective July 1, 2010.

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