ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1917

By: Coody and Cannaday of the House

and

Stanislawski of the Senate

An Act relating to schools; amending Sections 5 and 6, Chapter 432, O.S.L. 2005, as last amended by Sections 10 and 11, Chapter 456, O.S.L. 2009 and Section 3, Chapter 387, O.S.L. 2008 (70 O.S. Supp. 2010, Sections 1210.522, 1210.523 and 1210.526), which relate to the Achieving Classroom Excellence Act of 2005; adding intervention as a service that schools can provide to certain students; expanding means of providing remediation and intervention; providing an effective date; and declaring an emergency.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

An Act relating to schools; amending Section 1, Chapter 432, O.S.L. 2005, Sections 5 and 6, Chapter 432, O.S.L. 2005, as last amended by Sections 10 and 11, Chapter 456, O.S.L. 2009 and Section 3, Chapter 387, O.S.L. 2008 (70 O.S. Supp. 2010, Sections 1210.521, 1210.522, 1210.523 and 1210.526), which relate to the Achieving Classroom Excellence Act of 2005; adding intervention as a service that schools can provide to certain students; expanding means of providing remediation and intervention; providing certain definition; providing certain uses for certain funds; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 5, Chapter 432, O.S.L. 2005, as last amended by Section 10, Chapter 456, O.S.L. 2009 (70 O.S. Supp. 2010, Section 1210.522), is amended to read as follows:

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

B. Except as provided in subsection D of this section, beginning in the 2007-08 school year, each student who does not score at least at the proficient level on the eighth-grade criterion-referenced tests in reading and mathematics shall be provided remediation <u>or intervention</u> for the purpose of assisting

the student in performing at least at the proficient level on the end-of-instruction tests administered in high school.

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

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

2. Students identified as English language learners shall be assessed in a valid and reliable manner with the state academic assessments with acceptable accommodations as necessary or, to the extent practicable, with alternate assessments aligned to the state

assessment provided by the school district in the language and form most likely to yield accurate data of the student's knowledge of the content areas.

SECTION 2. AMENDATORY Section 6, Chapter 432, O.S.L. 2005, as last amended by Section 11, Chapter 456, O.S.L. 2009 (70 O.S. Supp. 2010, Section 1210.523), is amended to read as follows:

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

1. Algebra I;

2. English II; and

3. Two of the following five:

a. Algebra II,

b. Biology I,

c. English III,

d. Geometry, and

e. United States History.

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

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

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

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

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

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

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

SECTION 3. AMENDATORY Section 3, Chapter 387, O.S.L. 2008 (70 O.S. Supp. 2010, Section 1210.526), is amended to read as follows:

Section 1210.526 A. Contingent on the provision of appropriated funds designated for the Achieving Classroom Excellence Act of 2005, school districts shall be eligible for funding as follows:

1. A maximum of Two Hundred Forty Dollars ($240.00) for remediation or intervention for each subject-specific test by a student that resulted in a score at the unsatisfactory level and for which the student has been found to be in need of remediation or intervention pursuant to Sections 1210.522 and 1210.523 of Title 70 of the Oklahoma Statutes;

2. A maximum of One Hundred Eighty Dollars ($180.00) for remediation or intervention for each subject-specific test by a student that resulted in a score at the limited knowledge level and for which the student has been found to be in need of remediation or intervention pursuant to Sections 1210.522 and 1210.523 of Title 70 of the Oklahoma Statutes;

3. Funds for remediation or intervention as provided for in paragraphs 1 and 2 of this subsection shall be disbursed by the State Department of Education by September 1 of each year and shall be based on the most recent test results available from the previous school year or summer test administration; and

4. Claims for reimbursement for costs associated with administration of alternative assessments as required by Section 1210.523 of Title 70 of the Oklahoma Statutes shall be filed with

the State Department of Education at the end of each school semester or prior to the end of the fiscal year in which the alternative assessment is provided. Claims from summer alternative assessment administration provided in July or August shall be filed with the first semester claim of the subsequent school year. Claims shall be reimbursed in a timely manner.

B. Funds for remediation or intervention as provided for in subsection A of this section may be used to provide remediation or intervention to any student in grade 6 through grade 12 who has been determined to be in need of remediation or intervention, including but not limited to those students who have scored at the unsatisfactory or limited knowledge level.

C. Remediation and intervention provided pursuant to this section by school districts shall be for the purpose of assisting students in performing at least at the satisfactory level on the applicable criterion-referenced tests in reading and mathematics at the eighth-grade level, or the applicable end-of-instruction tests as required in Section 1210.523 of Title 70 of the Oklahoma Statutes, or an alternative assessment if eligible. Remediation and intervention may be provided by means which may include, but are not limited to, tutoring, additional help during the school day, extended-day programs, Saturday programs, summer programs, online coursework, or other supplementary services which are provided on an individual basis or in a classroom setting.

~~C.~~ D. School districts shall report on their use of funds for remediation and intervention as provided for in this section to the State Board of Education in a manner prescribed by the Board.

~~D.~~ E. The State Board of Education shall promulgate rules to implement the provisions of this section.

SECTION 4. AMENDATORY Section 1, Chapter 432, O.S.L. 2005 (70 O.S. Supp. 2010, Section 1210.521), is amended to read as follows:

Section 1210.521. A. This act shall be known and may be cited as the "Achieving Classroom Excellence Act of 2005".

B. For purposes of the Achieving Classroom Excellence Act of 2005:

1. "Remediation" means supplemental instruction or assistance provided to those students who scored unsatisfactory or limited knowledge on the seventh-grade criterion-referenced tests in reading and mathematics, eighth-grade criterion-referenced tests in reading and mathematics, or any end of instruction test; and

2. "Intervention" means supplemental instruction or assistance provided to those students in grades 6 through 12 prior to administration of a criterion-referenced test or end of instruction test who are at risk of scoring unsatisfactory or limited knowledge.

SECTION 5. This act shall become effective July 1, 2011.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

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

Passed the Senate the 7th day of April, 2011.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2011.

_____
Presiding Officer of the House
of Representatives

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SECTION 7. AMENDATORY Section 5, Chapter 432, O.S.L. 2005, as last amended by Section 10, Chapter 456, O.S.L. 2009 (70 O.S. Supp. 2010, Section 1210.522), is amended to read as follows:

Section 1210.522 A. Except as provided in subsection D of this section, every public school student shall demonstrate mastery of the state academic content standards in reading and mathematics by the end of the student's seventh-grade year, beginning in the 2006-07 school year. To demonstrate mastery of reading and mathematics,

a student shall attain at least a proficient score on the seventh-grade criterion-referenced tests in reading and mathematics administered pursuant to Section 1210.508 of this title. Each student who does not score at least at the proficient level shall be provided remediation or intervention for the purpose of assisting the student in performing at least at the proficient level on the eighth-grade criterion-referenced tests in reading and mathematics.

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

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

D. 1. Students who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA)

shall have an appropriate statement on the student's individualized education program requiring administration of the assessment with or without accommodations or an alternate assessment. Any accommodations normally employed for the assessment shall be approved by the State Board of Education and be provided for in the individualized education program. All documentation for each student shall be on file in the school prior to administration of the assessment.

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

SECTION 8. AMENDATORY Section 6, Chapter 432, O.S.L. 2005, as last amended by Section 11, Chapter 456, O.S.L. 2009 (70 O.S. Supp. 2010, Section 1210.523), is amended to read as follows:

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

1. Algebra I;

2. English II; and

3. Two of the following five:

a. Algebra II,

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e. United States History.

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

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

D. 1. Students who do not meet the requirements of subsection A of this section may graduate from a public high school with a

standard diploma by demonstrating mastery of state academic content standards by alternative methods as approved by the State Board of Education.

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

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

2. Students identified as English language learners shall be assessed in a valid and reliable manner with the state academic assessments with acceptable accommodations as necessary or, to the

extent practicable, with alternate assessments aligned to the state assessment provided by the school district in the language and form most likely to yield accurate data of the student's knowledge of the content areas.

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

SECTION 9. AMENDATORY Section 3, Chapter 387, O.S.L. 2008 (70 O.S. Supp. 2010, Section 1210.526), is amended to read as follows:

Section 1210.526 A. Contingent on the provision of appropriated funds designated for the Achieving Classroom Excellence Act of 2005, school districts shall be eligible for funding as follows:

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2. A maximum of One Hundred Eighty Dollars ($180.00) for remediation <u>or intervention</u> for each subject-specific test by a student that resulted in a score at the limited knowledge level and

for which the student has been found to be in need of remediation or intervention pursuant to Sections 1210.522 and 1210.523 of Title 70 of the Oklahoma Statutes;

3. Funds for remediation or intervention as provided for in paragraphs 1 and 2 of this subsection shall be disbursed by the State Department of Education by September 1 of each year and shall be based on the most recent test results available from the previous school year or summer test administration; and

4. Claims for reimbursement for costs associated with administration of alternative assessments as required by Section 1210.523 of Title 70 of the Oklahoma Statutes shall be filed with the State Department of Education at the end of each school semester or prior to the end of the fiscal year in which the alternative assessment is provided. Claims from summer alternative assessment administration provided in July or August shall be filed with the first semester claim of the subsequent school year. Claims shall be reimbursed in a timely manner.

B. Remediation and intervention provided pursuant to this section by school districts shall be for the purpose of assisting students in performing at least at the satisfactory level on the applicable criterion-referenced tests in reading and mathematics at the eighth-grade level, or the applicable end-of-instruction tests as required in Section 1210.523 of Title 70 of the Oklahoma Statutes, or an alternative assessment if eligible. Remediation and

intervention may be provided by means which may include, but are not limited to, tutoring, additional help during the school day, extended-day programs, Saturday programs, summer programs, online coursework, or other supplementary services which are provided on an individual basis or in a classroom setting.

C. School districts shall report on their use of funds for remediation and intervention as provided for in this section to the State Board of Education in a manner prescribed by the Board.

D. The State Board of Education shall promulgate rules to implement the provisions of this section.

SECTION 10. This act shall become effective July 1, 2011.

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

Passed the House of Representatives the 15th day of March, 2011.

_____
Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2011.

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Presiding Officer of the Senate