

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1917

By: Coody and Cannaday of the
House

4 and

5 Stanislawski of the Senate

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9 An Act relating to schools; amending Sections 5 and
10 6, Chapter 432, O.S.L. 2005, as last amended by
11 Sections 10 and 11, Chapter 456, O.S.L. 2009 and
12 Section 3, Chapter 387, O.S.L. 2008 (70 O.S. Supp.
13 2010, Sections 1210.522, 1210.523 and 1210.526),
14 which relate to the Achieving Classroom Excellence
15 Act of 2005; adding intervention as a service that
16 schools can provide to certain students; expanding
17 means of providing remediation and intervention;
18 providing an effective date; and declaring an
19 emergency.

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

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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.

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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 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

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

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

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

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

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

4 SECTION 2. AMENDATORY Section 6, Chapter 432, O.S.L.
5 2005, as last amended by Section 11, Chapter 456, O.S.L. 2009 (70
6 O.S. Supp. 2010, Section 1210.523), is amended to read as follows:

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

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

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

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1 C. Notwithstanding any other provision of law, students who do
2 not attain at least a proficient score on any end-of-instruction
3 test shall be provided remediation or intervention and the
4 opportunity to retake the test until at least a 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,
9 Algebra II, Geometry, English II, English III, United States
10 History, and Biology I to students enrolled in technology center
11 schools, with the approval of the independent school district board.

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

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

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 and be provided for in the
8 individualized education program. All documentation for each
9 student shall be on file in the school prior to administration of
10 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 shall be authorized to contract
19 with an entity to develop and advise on the implementation of a
20 communications campaign to build public understanding of and support
21 for the testing requirements of this section.

22 SECTION 3. AMENDATORY Section 3, Chapter 387, O.S.L.
23 2008 (70 O.S. Supp. 2010, Section 1210.526), is amended to read as
24 follows:

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

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

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

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

22 4. Claims for reimbursement for costs associated with
23 administration of alternative assessments as required by Section
24 1210.523 of Title 70 of the Oklahoma Statutes shall be filed with

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

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

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

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

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

6 SECTION 4. AMENDATORY Section 1, Chapter 432, O.S.L.
7 2005 (70 O.S. Supp. 2010, Section 1210.521), is amended to read as
8 follows:

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

11 B. For purposes of the Achieving Classroom Excellence Act of
12 2005:

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

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

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

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

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

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

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Presiding Officer of the Senate

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7 Passed the House of Representatives the ____ day of _____,
8 2011.

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Presiding Officer of the House
of Representatives

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