

1 ENGROSSED HOUSE  
2 BILL NO. 1917

By: Coody and Cannaday of the  
House

3 and

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

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

20 SECTION 1. AMENDATORY Section 5, Chapter 432, O.S.L.  
21 2005, as last amended by Section 10, Chapter 456, O.S.L. 2009 (70  
22 O.S. Supp. 2010, Section 1210.522), is amended to read as follows:

23 Section 1210.522 A. Except as provided in subsection D of this  
24 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,

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

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

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

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

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

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

16 SECTION 2. AMENDATORY Section 6, Chapter 432, O.S.L.  
17 2005, as last amended by Section 11, Chapter 456, O.S.L. 2009 (70  
18 O.S. Supp. 2010, Section 1210.523), is amended to read as follows:

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

- 1 1. Algebra I;
- 2 2. English II; and
- 3 3. Two of the following five:
  - 4 a. Algebra II,
  - 5 b. Biology I,
  - 6 c. English III,
  - 7 d. Geometry, and
  - 8 e. United States History.

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

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

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

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

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

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

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

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

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

9 SECTION 3. AMENDATORY Section 3, Chapter 387, O.S.L.  
10 2008 (70 O.S. Supp. 2010, Section 1210.526), is amended to read as  
11 follows:

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

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

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

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

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

9 4. Claims for reimbursement for costs associated with  
10 administration of alternative assessments as required by Section  
11 1210.523 of Title 70 of the Oklahoma Statutes shall be filed with  
12 the State Department of Education at the end of each school semester  
13 or prior to the end of the fiscal year in which the alternative  
14 assessment is provided. Claims from summer alternative assessment  
15 administration provided in July or August shall be filed with the  
16 first semester claim of the subsequent school year. Claims shall be  
17 reimbursed in a timely manner.

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

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

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

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

11 SECTION 4. This act shall become effective July 1, 2011.

12 SECTION 5. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

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

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4 Presiding Officer of the House of  
Representatives

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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2011.

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9 Presiding Officer of the Senate