

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1917

By: Coody

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8 COMMITTEE SUBSTITUTE

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.

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

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

24 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

1 the end of the student's seventh-grade year, beginning in the 2006-
2 07 school year. To demonstrate mastery of reading and mathematics,
3 a student shall attain at least a proficient score on the seventh-
4 grade criterion-referenced tests in reading and mathematics
5 administered pursuant to Section 1210.508 of this title. Each
6 student who does not score at least at the proficient level shall be
7 provided remediation or intervention for the purpose of assisting
8 the student in performing at least at the proficient level on the
9 eighth-grade criterion-referenced tests in reading and mathematics.

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

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

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1 remediation and interventions implemented and report the findings to
2 the State Department of Education.

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

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

20 SECTION 2. AMENDATORY Section 6, Chapter 432, O.S.L.
21 2005, as last amended by Section 11, Chapter 456, O.S.L. 2009 (70
22 O.S. Supp. 2010, Section 1210.523), is amended to read as follows:
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1 Section 1210.523 A. Except as provided in subsections D and E
2 of this section, beginning with students entering the ninth grade in
3 the 2008-2009 school year, every student shall demonstrate mastery
4 of the state academic content standards in the following subject
5 areas in order to graduate from a public high school with a standard
6 diploma:

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

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

18 C. Notwithstanding any other provision of law, students who do
19 not attain at least a proficient score on any end-of-instruction
20 test shall be provided remediation or intervention and the
21 opportunity to retake the test until at least a proficient score is
22 attained on the tests of Algebra I, English II and two of the tests
23 required in paragraph 3 of subsection A of this section or an

1 approved alternative test. Technology center schools shall be
2 authorized to provide intervention and remediation in Algebra I,
3 Algebra II, Geometry, English II, English III, United States
4 History, and Biology I to students enrolled in technology center
5 schools, with the approval of the independent school district board.

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

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

19 E. 1. Students who have individualized education programs
20 pursuant to the Individuals with Disabilities Education Act (IDEA)
21 shall have an appropriate statement on the student's individualized
22 education program requiring administration of the assessment with or
23 without accommodations or an alternate assessment. Any

1 accommodations normally employed for the assessment shall be
2 approved by the State Board of Education and be provided for in the
3 individualized education program. All documentation for each
4 student shall be on file in the school prior to administration of
5 the assessment.

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

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

17 SECTION 3. AMENDATORY Section 3, Chapter 387, O.S.L.
18 2008 (70 O.S. Supp. 2010, Section 1210.526), is amended to read as
19 follows:

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

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

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

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

18 4. Claims for reimbursement for costs associated with
19 administration of alternative assessments as required by Section
20 1210.523 of Title 70 of the Oklahoma Statutes shall be filed with
21 the State Department of Education at the end of each school semester
22 or prior to the end of the fiscal year in which the alternative
23 assessment is provided. Claims from summer alternative assessment

1 administration provided in July or August shall be filed with the
2 first semester claim of the subsequent school year. Claims shall be
3 reimbursed in a timely manner.

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

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

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

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

22 SECTION 5. It being immediately necessary for the preservation
23 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.

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4 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03-02-2011
5 - DO PASS, As Amended.

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