

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1917

By: Coody

4  
5 AS INTRODUCED

6 An Act relating to schools; amending Sections 5 and  
7 6, Chapter 432, O.S.L. 2005, as last amended by  
8 Sections 10 and 11, Chapter 456, O.S.L. 2009 and  
9 Section 3, Chapter 387, O.S.L. 2008 (70 O.S. Supp.  
10 2010, Sections 1210.522, 1210.523 and 1210.526),  
11 which relate to the Achieving Classroom Excellence  
12 Act of 2005; adding intervention as a service that  
13 schools can provide to certain students; providing an  
14 effective date; and declaring an emergency.

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

16 SECTION 1. AMENDATORY Section 5, Chapter 432, O.S.L.  
17 2005, as last amended by Section 10, Chapter 456, O.S.L. 2009 (70  
18 O.S. Supp. 2010, Section 1210.522), is amended to read as follows:

19 Section 1210.522 A. Except as provided in subsection D of this  
20 section, every public school student shall demonstrate mastery of  
21 the state academic content standards in reading and mathematics by  
22 the end of the student's seventh-grade year, beginning in the 2006-  
23 07 school year. To demonstrate mastery of reading and mathematics,  
24 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

1 student who does not score at least at the proficient level shall be  
2 provided remediation or intervention for the purpose of assisting  
3 the student in performing at least at the proficient level on the  
4 eighth-grade criterion-referenced tests in reading and mathematics.

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

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

20 D. 1. Students who have individualized education programs  
21 pursuant to the Individuals with Disabilities Education Act (IDEA)  
22 shall have an appropriate statement on the student's individualized  
23 education program requiring administration of the assessment with or  
24 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 SECTION 2. AMENDATORY Section 6, Chapter 432, O.S.L.  
14 2005, as last amended by Section 11, Chapter 456, O.S.L. 2009 (70  
15 O.S. Supp. 2010, Section 1210.523), is amended to read as follows:

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

- 22 1. Algebra I;
- 23 2. English II; and
- 24 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.

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

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

7 SECTION 3. AMENDATORY Section 3, Chapter 387, O.S.L.  
8 2008 (70 O.S. Supp. 2010, Section 1210.526), is amended to read as  
9 follows:

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

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

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

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

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

17 B. Remediation and intervention provided pursuant to this  
18 section by school districts shall be for the purpose of assisting  
19 students in performing at least at the satisfactory level on the  
20 applicable criterion-referenced tests in reading and mathematics at  
21 the eighth-grade level, or the applicable end-of-instruction tests  
22 as required in Section 1210.523 of Title 70 of the Oklahoma  
23 Statutes, or an alternative assessment if eligible. Remediation and  
24 intervention may be provided by means which may include, but are not

1 limited to, tutoring, additional help during the school day,  
2 extended-day programs, Saturday programs, summer programs, online  
3 coursework, or other supplementary services.

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

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

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

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

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