

1 **SENATE FLOOR VERSION**

2 February 17, 2014

3 SENATE BILL NO. 1768

By: Sykes of the Senate

4 and

5 McBride of the House

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7
8 An Act relating to schools; amending 70 O.S. 2011,
9 Section 1-109, as last amended by Section 1, Chapter
10 242, O.S.L. 2013 (70 O.S. Supp. 2013, Section 1-109),
11 which relates to the length of the school year;
12 clarifying a school district board of education's
13 authority to set certain school calendar dates;
14 requiring certain notification; amending 70 O.S.
15 2011, Section 1210.508, as last amended by Section 1,
16 Chapter 403, O.S.L. 2013 (70 O.S. Supp. 2013, Section
17 1210.508), which relates to criterion-referenced
18 tests; providing for subordination of certain
19 provisions to a board of education's decision
20 regarding the school calendar; and providing an
21 effective date.

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

23 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-109, as
24 last amended by Section 1, Chapter 242, O.S.L. 2013 (70 O.S. Supp.
2013, Section 1-109), is amended to read as follows:

Section 1-109. A. For all public schools in Oklahoma, school
shall actually be in session and classroom instruction offered:

1. For not less than one hundred eighty (180) days; or

1 2. For not less than one thousand eighty (1,080) hours each
2 school year, if a district board of education adopts a school-hours
3 policy and notifies the State Board of Education prior to September
4 15 of the applicable school year.

5 B. A school district may not count more than thirty (30) hours
6 each school year that are used for attendance of professional
7 meetings toward the one hundred eighty (180) days or one thousand
8 eighty (1,080) hours of classroom instruction time required in
9 subsection A of this section.

10 C. Teachers off contract with an employing district shall not
11 be required by the employing school district to attend professional
12 meetings unless the teacher is paid additional compensation for the
13 additional time. Teachers may be paid additional compensation for
14 attending professional meetings in excess of their contract term.
15 Subject to district board of education policy or collective
16 bargaining agreement, additional paid professional days may be
17 granted for individual teachers to attend or participate in
18 professional meetings, staff development training, or National Board
19 certification portfolio development as provided for in Section 6-
20 204.2 of this title.

21 D. A school district may authorize parent-teacher conferences
22 to be held during a regular school day. If authorized by the school
23 district, parent-teacher conferences shall be counted as classroom
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1 instruction time for no more than six (6) hours per semester, for a
2 total of twelve (12) hours per school year.

3 E. A school district may maintain school for less than a full
4 school year only when conditions beyond the control of school
5 authorities make the maintenance of the term impossible and the
6 State Board of Education has been apprised and has expressed
7 concurrence in writing.

8 F. The State Board of Education shall establish criteria for an
9 extended-day schedule for schools subject to paragraph 1 of
10 subsection A of this section. The criteria shall:

11 1. Prescribe a lengthened school day within limits determined
12 not to be detrimental to quality instruction;

13 2. Ensure that the schedule is equivalent in annual hours of
14 instruction to the one-hundred-eighty-day school year specified in
15 paragraph 1 of subsection A of this section; and

16 3. Be consistent with the provisions of this section and
17 Sections 1-111 and 1-112 of this title, but may result in fewer
18 annual days of instruction.

19 G. The State Board of Education may authorize school districts
20 to implement an extended-day schedule for instruction pursuant to
21 the criteria developed. The State Board of Education shall require
22 the participating school districts to prepare a report of the impact
23 of the extended-day schedule.

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1 H. Notwithstanding the provisions of subsections F and G of
2 this section, a school district board of education subject to
3 paragraph 1 of subsection A of this section may adopt and implement
4 an extended-day schedule for grades nine through twelve subject to
5 the following requirements:

6 1. The annual number of hours of instruction shall equal or
7 exceed one thousand eighty (1,080) hours, which is the equivalent of
8 one hundred eighty (180) days of instruction as specified in
9 subsection A of this section for six (6) hours each day as specified
10 in Section 1-111 of this title;

11 2. The annual number of days of instruction shall equal or
12 exceed one hundred eighty (180) days as specified in subsection A of
13 this section;

14 3. The schedule adopted shall be consistent with the provisions
15 of Sections 1-111 and 1-112 of this title, except that for not more
16 than one (1) day per week, a school day shall consist of not less
17 than five (5) hours devoted to academic instruction in a regular
18 classroom setting;

19 4. The district shall hold a public hearing prior to the
20 adoption of an extended-day schedule authorized pursuant to this
21 subsection; and

22 5. The district shall document the impact on student
23 achievement as determined by the academic performance data score and
24 any other relevant factors that are a result of implementation of an

1 extended-day schedule authorized pursuant to this subsection and
2 provide an annual report to the State Board of Education of the
3 results. If improvement in student achievement cannot be documented
4 in the report, the district board of education shall revoke
5 authorization as provided by this subsection. If the district does
6 not revoke authorization after student achievement is not documented
7 in the report, the State Board of Education may deny accreditation
8 of any school in violation of this subsection.

9 I. If subject to paragraph 2 of subsection A of this section, a
10 district board of education or designee may elect to close a school
11 during the school day for inclement weather purposes. In such an
12 event, the number of hours incurred in classroom instruction time
13 prior to school closure shall be counted toward the one thousand
14 eighty (1,080) hours per year requirement.

15 J. Nothing in this section shall be construed as affecting the
16 right of an employing school district to require teachers as defined
17 in Section 6-101.3 of this title to work in excess of the one
18 thousand eighty (1,080) hours required for student instruction. In
19 addition, nothing in this section shall be construed to affect the
20 Fair Labor Standards Act status of any school district employee.

21 K. Nothing in this title shall prohibit a school district board
22 of education, by majority vote, from adopting a school year calendar
23 that begins August 1 and ends April 30. The school district board of

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1 education shall notify the State Board of Education upon adoption of
2 such a calendar.

3 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.508, as
4 last amended by Section 1, Chapter 403, O.S.L. 2013 (70 O.S. Supp.
5 2013, Section 1210.508), is amended to read as follows:

6 Section 1210.508. A. 1. The State Board of Education shall
7 develop and administer a series of criterion-referenced tests
8 designed to indicate whether the state academic content standards,
9 as defined by the State Board of Education in the Priority Academic
10 Student Skills Curriculum, which Oklahoma public school students are
11 expected to have attained have been achieved. The Board may develop
12 and administer any criterion-referenced test in any subject not
13 required by federal law, contingent upon the availability of
14 funding. Students who do not perform at least at the proficient
15 level on tests shall be remediated, subject to the availability of
16 funding.

17 2. Contingent upon the availability of state and federal funds,
18 the Board, in accordance with federal law, shall administer
19 criterion-referenced tests for grades three and four in:

- 20 a. reading, and
21 b. mathematics.

22 3. Contingent upon the availability of funds, the Board shall
23 administer criterion-referenced tests for grade five in:

- 24 a. reading,

- b. mathematics,
- c. science,
- d. social studies, which shall consist of the history, Constitution and government of the United States, and geography, and
- e. writing of English.

4. Contingent upon the availability of state and federal funds, the Board, in accordance with federal law, shall administer criterion-referenced tests for grades six and seven in:

- a. reading, and
- b. mathematics.

In addition, the Board shall administer a criterion-referenced test in geography in grade seven.

5. Contingent upon the availability of funds, the Board shall administer criterion-referenced tests for grade eight in:

- a. reading,
- b. mathematics,
- c. science,
- d. social studies, which shall consist of the history, Constitution, and government of the United States, and
- e. writing of English.

The Board shall administer the tests for grade eight in reading and mathematics online with raw score test results reported

1 immediately and complete results reported in less than two (2) weeks
2 beginning in the 2007-08 school year.

3 6. Except as otherwise provided for in Section 1210.523 of this
4 title, each student who completes the instruction for English II,
5 English III, United States History, Biology I, Algebra I, Geometry,
6 and Algebra II at the secondary level shall complete an end-of-
7 instruction test, when implemented, to measure for attainment in the
8 appropriate state academic content standards in order to graduate
9 from a public high school with a standard diploma. All students
10 shall take the tests prior to graduation, unless otherwise exempt by
11 law. The State Board of Education shall administer the criterion-
12 referenced tests. The Board shall develop and field test the end-
13 of-instruction tests in English III, Geometry, and Algebra II during
14 the 2006-07 school year, implement the tests during the 2007-08
15 school year, and administer them each year thereafter. The Board
16 shall administer the multiple choice portion of the end-of-
17 instruction tests online with raw score test results reported
18 immediately and complete results reported in less than two (2) weeks
19 beginning in the 2008-09 school year.

20 The end-of-instruction tests shall serve the purpose of the
21 criterion-referenced tests as provided in paragraph 1 of this
22 subsection. The English II and English III end-of-instruction tests
23 shall include a writing component. Students who do not score at
24 least at the proficient level shall be afforded the opportunity to

1 retake each test up to three (3) times each calendar year until at
2 least achieving at the proficient level. In order to provide an
3 indication of the levels of competency attained by the student in a
4 permanent record for potential future employers and institutions of
5 higher education, for students who enter the ninth grade in or prior
6 to the 2007-08 school year, school districts shall report the
7 highest-achieved state test performance level on the end-of-
8 instruction tests on the student's high school transcript.

9 Beginning with students who enter the ninth grade in the 2008-09
10 school year, school districts shall report the highest-achieved
11 state test performance level on the end-of-instruction tests and any
12 business and industry-recognized endorsements attained on the
13 student's high school transcript. Any student at the middle school
14 level who completes the instruction in a secondary course specified
15 in this paragraph shall be administered the appropriate end-of-
16 instruction test.

17 7. a. Each school district shall administer to each student
18 in the school district in grades three through eight
19 an assessment designed to assess the student in the
20 fine arts area in which the student has received
21 instruction.

22 b. Each school district shall prepare an annual report
23 for approval by the State Board of Education outlining
24 the fine arts assessment strategies used by the

1 district, when the assessments were administered, how
2 many students were assessed during the previous year,
3 and the results of the assessments.

4 B. 1. All criterion-referenced tests required by this section
5 shall measure academic competencies in correlation with the state
6 academic content standards adopted by the Board pursuant to Section
7 11-103.6 of this title and known as the Priority Academic Student
8 Skills Curriculum. The State Board of Education shall evaluate the
9 academic content standards to ensure the competencies reflect high
10 standards, are specific, well-defined, measurable, challenging, and
11 will prepare elementary students for next-grade-level course work
12 and secondary students for postsecondary studies at institutions of
13 higher education or technology center schools without the need for
14 remediation in core curriculum areas. All state academic content
15 standards shall reflect the benchmarks of the American Diploma
16 Project and the goal of improving the state average ACT score.

17 2. The State Department of Education shall annually evaluate
18 the results of the criterion-referenced tests. The State Board of
19 Education shall ensure that test results are reported to districts
20 in a manner that yields detailed, diagnostic information for the
21 purpose of guiding instruction and student remediation. As
22 improvements are made to the criterion-referenced tests required by
23 this section, the Board shall seek to increase the depth of
24 knowledge assessed for each subject. The State Board of Education

1 shall seek to ensure that data yielded from the tests required in
2 this section are utilized at the school district level to prescribe
3 reinforcement and/or remediation by requiring school districts to
4 develop and implement a specific program of improvement based on the
5 test results.

6 3. The State Board of Education in coordination with the Office
7 of Educational Quality and Accountability shall review, realign, and
8 recalibrate, as necessary, the tests in reading and mathematics in
9 third through eighth grade and the end-of-instruction tests. The
10 Commission for Educational Quality and Accountability shall
11 determine the cut scores for the performance levels on the end-of-
12 instruction tests developed pursuant to paragraph 6 of subsection A
13 of this section. The Commission shall conduct an ongoing review to
14 compare the end-of-instruction test content and performance
15 descriptors with those of other states. Upon receipt of the review,
16 the Commission may adjust the cut scores as necessary.

17 4. The State Board of Education, for the purposes of conducting
18 reliability and validity studies, monitoring contractor adherence to
19 professionally accepted testing standards, and providing
20 recommendations for testing program improvement, shall retain the
21 services of an established, independent agency or organization that
22 is nationally recognized for its technical expertise in educational
23 testing but is not engaged in the development of aptitude or
24 achievement tests for elementary or secondary level grades. These

1 national assessment experts shall annually conduct studies of the
2 reliability and validity of the end-of-instruction tests
3 administered pursuant to this section. Validity studies shall
4 include studies of decision validity and concurrent validity.

5 C. 1. The State Board of Education shall set the testing
6 window dates for each criterion-referenced test required in
7 paragraphs 1 through 5 of subsection A of this section for grades
8 three through eight so that, with the exception of the writing
9 assessments, the tests are administered to students no earlier than
10 April 10 each year and so that the test results are reported back to
11 school districts in a timely manner. Each criterion-referenced test
12 required in paragraph 6 of subsection A of this section may be
13 administered to students at a time set by the State Board of
14 Education as near as possible to the end of the course; provided, if
15 a school district is unable to administer the tests online to all
16 students taking the test for the first time and all students
17 retaking the test during the testing window time set by the Board,
18 the school district may elect to administer any of the tests to
19 students retaking the test at any time not more than two (2) weeks
20 prior to the start of the testing window time set by the Board. All
21 results and reports of the criterion-referenced test series required
22 in paragraphs 1 through 5 of subsection A of this section for grades
23 three through eight shall be returned to each school district prior
24 to the beginning of the next school year. The vendor shall provide

1 a final electronic data file of all school site, school district,
2 and state results to the State Department of Education and the
3 Office of Educational Quality and Accountability prior to September
4 1 of each year. The Department shall forward the final data files
5 for each school district and each school site in that district to
6 the school district. The Board shall ensure the contract with the
7 testing vendor includes a provision that the vendor report test
8 results directly to the Office of Educational Quality and
9 Accountability at the same time it is reported to the Board.

10 2. State, district, and site level results of all tests
11 required in this section shall be disaggregated by gender, race,
12 ethnicity, disability status, migrant status, English proficiency,
13 and status as economically disadvantaged, except that such
14 disaggregation shall not be required in a case in which the number
15 of students in a category is insufficient to yield statistically
16 reliable information or the results would reveal personally
17 identifiable information about an individual student. Each school
18 site shall notify the student's parents of the school's performance
19 levels in the Oklahoma School Testing Program as reported in the
20 Oklahoma Educational Indicators Program at the end of each school
21 year.

22 D. The State Board of Education shall be responsible for the
23 development, field-testing, and validation of the criterion-
24 referenced test series required in subsection A of this section. In

1 the interest of economy the Board shall adapt criterion-referenced
2 tests that have been developed by or in collaboration with other
3 states or are otherwise commercially available, or portions of such
4 tests, to the extent that such tests are appropriate for use in the
5 testing program to be administered to Oklahoma students.

6 E. The State Board of Education shall develop, administer, and
7 incorporate as a part of the Oklahoma School Testing Program, other
8 testing programs or procedures, including appropriate accommodations
9 for the testing of students with disabilities as required by the
10 Individuals with Disabilities Education Act (IDEA), 20 USC, Section
11 1400 et seq.

12 F. The provisions of this section shall be subordinate to a
13 school district board of education's decision regarding the adoption
14 of a school calendar.

15 SECTION 3. This act shall become effective November 1, 2014.

16 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
17 February 17, 2014 - DO PASS

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