

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2134

By: Nelson of the House

and

Stanislawski of the Senate

7 [schools - Oklahoma School Testing Program Act -
8 making implementation of an electronic delivery
9 system for certain tests optional - directing the
10 Board to continue administration of certain tests
11 by other means - directing the Board to administer
12 certain end-of-instruction criterion-referenced
13 tests - directing the Board to study certain
14 testing issues and make recommendations - ~~effective~~
15 ~~date~~ -

16 ~~emergency~~]

17
18
19 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

20
21 "[schools - Oklahoma School Testing Program Act -
22 making implementation of an electronic delivery
23 system for certain tests optional - directing the
24 Board to continue administration of certain tests by
other means - directing the Board to administer
certain end-of-instruction criterion-referenced tests
- directing the Board to study certain testing issues
and make recommendations - noncodification -

1 - their own and those of others with whom they share the earth.
2 Students, therefore, shall study social studies, literature,
3 languages, the arts, mathematics and science. Such curricula shall
4 provide for the teaching of a hands-on career exploration program in
5 cooperation with technology center schools.

6 4. The subject matter standards shall be designed to teach the
7 competencies for which students shall be tested as provided in
8 Section 1210.508 of this title, and shall be designed to prepare all
9 students for active citizenship, employment and/or successful
10 completion of postsecondary education without the need for remedial
11 coursework at the postsecondary level.

12 5. The subject matter standards shall be designed with rigor as
13 defined in paragraph 3 of subsection F of this section.

14 6. The subject matter standards for English Language Arts shall
15 give Classic Literature and nonfiction literature equal
16 consideration to other literature. In addition, emphasis shall be
17 given to the study of complete works of literature.

18 7. At a minimum, the subject matter standards for mathematics
19 shall require mastery of the standard algorithms in mathematics,
20 which is the most logical, efficient way of solving a problem that
21 consistently works, and for students to attain fluency in Euclidian
22 geometry.

23 B. Subject to the provisions of subsection C of this section,
24 in order to graduate from a public high school accredited by the

1 State Board of Education with a standard diploma, students shall
2 complete the following college preparatory/work ready curriculum
3 units or sets of competencies at the secondary level:

4 1. Four units or sets of competencies of English to include
5 Grammar, Composition, Literature, or any English course approved for
6 college admission requirements;

7 2. Three units or sets of competencies of mathematics, limited
8 to Algebra I, Algebra II, Geometry, Trigonometry, Math Analysis,
9 Calculus, Advanced Placement Statistics, or any mathematics course
10 with content and/or rigor above Algebra I and approved for college
11 admission requirements;

12 3. Three units or sets of competencies of laboratory science,
13 limited to Biology, Chemistry, Physics, or any laboratory science
14 course with content and/or rigor equal to or above Biology and
15 approved for college admission requirements;

16 4. Three units or sets of competencies of history and
17 citizenship skills, including one unit of American History, 1/2 unit
18 of Oklahoma History, 1/2 unit of United States Government and one
19 unit from the subjects of History, Government, Geography, Economics,
20 Civics, or non-Western culture and approved for college admission
21 requirements;

22 5. Two units or sets of competencies of the same foreign or
23 non-English language or two units of computer technology approved
24 for college admission requirements, whether taught at a high school

1 or a technology center school, including computer programming,
2 hardware, and business computer applications, such as word
3 processing, databases, spreadsheets, and graphics, excluding
4 keyboarding or typing courses;

5 6. One additional unit or set of competencies selected from
6 paragraphs 1 through 5 of this subsection or career and technology
7 education courses approved for college admission requirements; and

8 7. One unit or set of competencies of fine arts, such as music,
9 art, or drama, or one unit or set of competencies of speech.

10 C. In lieu of the requirements of subsection B of this section
11 which requires a college preparatory/work ready curriculum, a
12 student may enroll in the core curriculum as provided in subsection
13 D of this section upon written approval of the parent or legal
14 guardian of the student. School districts may require a parent or
15 legal guardian of the student to meet with a designee of the school
16 prior to enrollment in the core curriculum. The State Department of
17 Education shall develop and distribute to school districts a form
18 suitable for this purpose, which shall include information on the
19 benefits to students of completing the college preparatory/work
20 ready curriculum as provided for in subsection B of this section.

21 D. For those students subject to the requirements of subsection
22 C of this section, in order to graduate from a public high school
23 accredited by the State Board of Education with a standard diploma,
24

1 students shall complete the following core curriculum units or sets
2 of competencies at the secondary level:

3 1. Language Arts - 4 units or sets of competencies, to consist
4 of 1 unit or set of competencies of grammar and composition, and 3
5 units or sets of competencies which may include, but are not limited
6 to, the following courses:

- 7 a. American Literature,
- 8 b. English Literature,
- 9 c. World Literature,
- 10 d. Advanced English Courses, or
- 11 e. other English courses with content and/or rigor equal
12 to or above grammar and composition;

13 2. Mathematics - 3 units or sets of competencies, to consist of
14 1 unit or set of competencies of Algebra I or Algebra I taught in a
15 contextual methodology, and 2 units or sets of competencies which
16 may include, but are not limited to, the following courses:

- 17 a. Algebra II,
- 18 b. Geometry or Geometry taught in a contextual
19 methodology,
- 20 c. Trigonometry,
- 21 d. Math Analysis or Precalculus,
- 22 e. Calculus,
- 23 f. Statistics and/or Probability,
- 24 g. Computer Science,

- 1 h. (1) contextual mathematics courses which enhance
2 technology preparation, or
3 (2) a science, technology, engineering and math
4 (STEM) block course meeting the requirements for
5 course competencies listed in paragraph 2 of
6 subsection B of this section, whether taught at
7 a:
8 (a) comprehensive high school, or
9 (b) technology center school when taken in the
10 tenth, eleventh or twelfth grade, taught by
11 a certified teacher, and approved by the
12 State Board of Education and the independent
13 district board of education,
14 i. mathematics courses taught at a technology center
15 school by a teacher certified in the secondary subject
16 area when taken in the tenth, eleventh or twelfth
17 grade upon approval of the State Board of Education
18 and the independent district board of education, or
19 j. equal to or above Algebra I;

20 3. Science - 3 units or sets of competencies, to consist of 1
21 unit or set of competencies of Biology I or Biology I taught in a
22 contextual methodology, and 2 units or sets of competencies in the
23 areas of life, physical, or earth science or technology which may
24 include, but are not limited to, the following courses:

- 1 a. Chemistry I,
2 b. Physics,
3 c. Biology II,
4 d. Chemistry II,
5 e. Physical Science,
6 f. Earth Science,
7 g. Botany,
8 h. Zoology,
9 i. Physiology,
10 j. Astronomy,
11 k. Applied Biology/Chemistry,
12 l. Applied Physics,
13 m. Principles of Technology,
14 n. qualified agricultural education courses,
15 o. (1) contextual science courses which enhance
16 technology preparation, or
17 (2) a science, technology, engineering and math
18 (STEM) block course meeting the requirements for
19 course competencies listed in paragraph 3 of
20 subsection B of this section, whether taught at
21 a:
22 (a) comprehensive high school, or
23 (b) technology center school when taken in the
24 tenth, eleventh or twelfth grade, taught by

1 a certified teacher, and approved by the
2 State Board of Education and the independent
3 district board of education,

4 p. science courses taught at a technology center school
5 by a teacher certified in the secondary subject area
6 when taken in the tenth, eleventh or twelfth grade
7 upon approval of the State Board of Education and the
8 independent district board of education, or

9 q. other science courses with content and/or rigor equal
10 to or above Biology I;

11 4. Social Studies - 3 units or sets of competencies, to consist
12 of 1 unit or set of competencies of United States History, 1/2 to 1
13 unit or set of competencies of United States Government, 1/2 unit or
14 set of competencies of Oklahoma History, and 1/2 to 1 unit or set of
15 competencies which may include, but are not limited to, the
16 following courses:

17 a. World History,

18 b. Geography,

19 c. Economics,

20 d. Anthropology, or

21 e. other social studies courses with content and/or rigor
22 equal to or above United States History, United States
23 Government, and Oklahoma History; and

24

1 5. Arts - 2 units or sets of competencies which may include,
2 but are not limited to, courses in Visual Arts and General Music.

3 E. 1. In addition to the curriculum requirements of either
4 subsection B or D of this section, in order to graduate from a
5 public high school accredited by the State Board of Education
6 students shall complete the requirements for a personal financial
7 literacy passport as set forth in the Passport to Financial Literacy
8 Act and any additional course requirements or recommended elective
9 courses as may be established by the State Board of Education and
10 the district school board. School districts shall strongly
11 encourage students to complete two units or sets of competencies of
12 foreign languages and two units or sets of competencies of physical
13 and health education.

14 2. No student shall receive credit for high school graduation
15 more than once for completion of the same unit or set of
16 competencies to satisfy the curriculum requirements of this section.

17 3. A school district shall not be required to offer every
18 course listed in subsections B and D of this section, but shall
19 offer sufficient courses to allow a student to meet the graduation
20 requirements during the secondary grade years of the student.

21 F. For purposes of this section:

22 1. "Contextual methodology" means academic content and skills
23 taught by utilizing real-world problems and projects in a way that
24 helps students understand the application of that knowledge;

1 2. "Qualified agricultural education courses" means courses
2 that have been determined by the State Board of Education to offer
3 the sets of competencies for one or more science content areas and
4 which correspond to academic science courses. Qualified
5 agricultural education courses shall include, but are not limited
6 to, Horticulture, Plant and Soil Science, Natural Resources and
7 Environmental Science, and Animal Science. The courses shall be
8 taught by teachers certified in agricultural education and comply
9 with all rules of the Oklahoma Department of Career and Technology
10 Education;

11 3. "Rigor" means a level of difficulty that is thorough,
12 exhaustive and accurate and is appropriate for the grade level;

13 4. "Sets of competencies" means instruction in those skills and
14 competencies that are specified in the subject matter standards
15 adopted by the State Board of Education and other skills and
16 competencies adopted by the Board, without regard to specified
17 instructional time; and

18 5. "Unit" means a Carnegie Unit as defined by the North Central
19 Association's Commission on Schools.

20 G. 1. The State Board of Education shall adopt a plan to
21 ensure that rigor is maintained in the content, teaching
22 methodology, level of expectations for student achievement, and
23 application of learning in all the courses taught to meet the
24 graduation requirements as specified in this section.

1 2. The State Board of Education shall allow as much flexibility
2 at the district level as is possible without diminishing the rigor
3 or undermining the intent of providing these courses. To accomplish
4 this purpose, the State Department of Education shall work with
5 school districts in reviewing and approving courses taught by
6 districts that are not specifically listed in subsections B and D of
7 this section. Options may include, but shall not be limited to,
8 courses taken by concurrent enrollment, advanced placement, or
9 correspondence, or courses bearing different titles. Any courses
10 approved by the State Board of Education to meet the unit or
11 competency requirements in subsections B and D of this section shall
12 meet the sets of competencies requirements as defined in paragraph 4
13 of subsection F of this section.

14 3. The State Board of Education shall approve an advanced
15 placement computer science course to meet the requirements of course
16 competencies listed in paragraph 2 of subsection B of this section
17 if the course is taken in a student's senior year and the student is
18 concurrently enrolled in or has successfully completed Algebra II.

19 4. Technology center school districts may offer programs
20 designed in cooperation with institutions of higher education which
21 have an emphasis on a focused field of career study upon approval of
22 the State Board of Education and the independent district board of
23 education. Students in the tenth grade may be allowed to attend
24 these programs for up to one-half (1/2) of a school day and credit

1 for the units or sets of competencies required in paragraphs 2 and 3
2 of subsection B or D of this section shall be given if the courses
3 are taught by a teacher certified in the secondary subject area;
4 provided, credit for units or sets of competencies pursuant to
5 subsection B of this section shall be approved for college admission
6 requirements.

7 5. If a student enrolls in a concurrent course, the school
8 district shall not be responsible for any costs incurred for that
9 course, unless the school district does not offer enough course
10 selection during the student's secondary grade years to allow the
11 student to receive the courses needed to meet the graduation
12 requirements of this section. If the school district does not offer
13 the necessary course selection during the student's secondary grade
14 years, it shall be responsible for the cost of resident tuition at
15 an institution in The Oklahoma State System of Higher Education,
16 fees, and books for the concurrent enrollment course, and providing
17 for transportation to and from the institution to the school site.

18 It is the intent of the Legislature that for students enrolled
19 in a concurrent enrollment course which is paid for by the school
20 district pursuant to this paragraph, the institution charge only the
21 supplementary and special service fees that are directly related to
22 the concurrent enrollment course and enrollment procedures for that
23 student. It is further the intent of the Legislature that fees for
24 student activities and student service facilities, including the

1 student health care and cultural and recreational service fees, not
2 be charged to such students.

3 6. Credit for the units or sets of competencies required in
4 subsection B or D of this section shall be given when such units or
5 sets of competencies are taken prior to ninth grade if the teachers
6 are certified or authorized to teach the subjects for high school
7 credit and the required rigor is maintained.

8 7. The three units or sets of competencies in mathematics
9 required in subsection B or D of this section shall be completed in
10 the ninth through twelfth grades. If a student completes any
11 required courses or sets of competencies in mathematics prior to
12 ninth grade, the student may take any other mathematics courses or
13 sets of competencies to fulfill the requirement to complete three
14 units or sets of competencies in grades nine through twelve after
15 the student has satisfied the requirements of subsection B or D of
16 this section.

17 8. All units or sets of competencies required for graduation
18 may be taken in any sequence recommended by the school district.

19 H. As a condition of receiving accreditation from the State
20 Board of Education, all students in grades nine through twelve shall
21 enroll in a minimum of six periods, or the equivalent in block
22 scheduling or other scheduling structure that allows for instruction
23 in sets of competencies, of rigorous academic and/or rigorous
24

1 vocational courses each day, which may include arts, vocal and
2 instrumental music, speech classes, and physical education classes.

3 I. 1. Academic and vocational-technical courses designed to
4 offer sets of competencies integrated or embedded within the course
5 that provide for the teaching and learning of the appropriate skills
6 and knowledge in the subject matter standards, as adopted by the
7 State Board of Education, may upon approval of the Board, in
8 consultation with the Oklahoma Department of Career and Technology
9 Education if the courses are offered at a technology center school
10 district, be counted for academic credit and toward meeting the
11 graduation requirements of this section.

12 2. Internet-based courses offered by a technology center school
13 that are taught by a certified teacher and provide for the teaching
14 and learning of the appropriate skills and knowledge in the subject
15 matter standards may, upon approval of the State Board of Education
16 and the independent district board of education, be counted for
17 academic credit and toward meeting the graduation requirements of
18 this section.

19 3. Internet-based courses or vocational-technical courses
20 utilizing integrated or embedded skills for which no subject matter
21 standards have been adopted by the State Board of Education may be
22 approved by the Board, in consultation with the Oklahoma Department
23 of Career and Technology Education if the courses are offered at a
24 technology center school district, if such courses incorporate

1 standards of nationally recognized professional organizations and
2 are taught by certified teachers.

3 4. Courses offered by a supplemental education organization
4 that is accredited by a national accrediting body and that are
5 taught by a certified teacher and provide for the teaching and
6 learning of the appropriate skills and knowledge in the subject
7 matter standards may, upon approval of the State Board of Education
8 and the school district board of education, be counted for academic
9 credit and toward meeting the graduation requirements of this
10 section.

11 J. The State Board of Education shall provide an option for
12 high school graduation based upon attainment of the desired levels
13 of competencies as required in tests pursuant to the provisions of
14 Section 1210.508 of this title. Such option shall be in lieu of the
15 amount of course credits earned.

16 K. The State Board of Education shall prescribe, adopt and
17 approve a promotion system based on the attainment by students of
18 specified levels of competencies in each area of the core
19 curriculum.

20 L. Children who have individualized education programs pursuant
21 to the Individuals with Disabilities Education Act (IDEA), and who
22 satisfy the graduation requirements through the individualized
23 education program for that student shall be awarded a standard
24 diploma.

1 M. Students who enter the ninth grade in or prior to the 2007-
2 08 school year who are enrolled in an alternative education program
3 and meet the requirements of their plans leading to high school
4 graduation developed pursuant to Section 1210.568 of this title
5 shall be awarded a standard diploma.

6 N. Any student who completes the curriculum requirements of the
7 International Baccalaureate Diploma Program shall be awarded a
8 standard diploma.

9 O. Any student who successfully completes an advanced
10 mathematics or science course offered pursuant to Section 1210.404
11 of this title shall be granted academic credit toward meeting the
12 graduation requirements pursuant to paragraph 2 or 3, as
13 appropriate, of subsection B or D of this section.

14 P. For purposes of this section, the courses approved for
15 college admission requirements shall be courses which are approved
16 by the Oklahoma State Regents for Higher Education for admission to
17 an institution within The Oklahoma State System of Higher Education.

18 Q. The State Department of Education shall collect and report
19 data by school site and district on the number of students who
20 enroll in the core curriculum as provided in subsection D of this
21 section.

22 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.507, as
23 last amended by Section 7, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
24 2015, Section 1210.507), is amended to read as follows:

1 Section 1210.507 A. The State Board of Education shall
2 promulgate rules necessary for the implementation and administration
3 of the provisions of the Oklahoma School Testing Program Act.

4 B. The State Board of Education shall require school district
5 boards of education to annually provide information to the
6 district's students, parents of students, and the public at large
7 about the proper meaning and use of tests administered pursuant to
8 the provisions of the Oklahoma School Testing Program Act. The
9 Department shall develop materials and make them available to school
10 districts regarding the Oklahoma School Testing Program.

11 C. 1. Students enrolled in an online course or program that is
12 offered by a school district or charter school that is not the
13 district of residence or is not located in the district of residence
14 of the student shall be provided the opportunity to take any test
15 required pursuant to the Oklahoma School Testing Program Act or any
16 other test generally required of students by the school district in
17 which the student is enrolled at an alternative testing location
18 approved by the State Board of Education. The alternative testing
19 locations may be at sites that are not in the school district that
20 is offering the online course or program or the district of
21 residence. Alternative testing locations may include technology
22 center school sites or any other testing location selected by the
23 school district or charter school offering the online course or
24 program. All alternative testing locations shall be subject to

1 testing location rules promulgated by the State Board of Education.
2 The school district or charter school offering the online course or
3 program shall be responsible for any cost incurred in providing an
4 alternative testing location and any additional cost of
5 administering a test at an alternative testing location. In order
6 to provide alternative testing locations at geographically dispersed
7 sites, the school district or charter school offering the online
8 course or program shall, at a minimum, provide not less than six
9 alternative testing locations, with at least one location in each
10 quadrant of the state and in each of the two metropolitan areas in
11 the state. Additional alternative testing locations may be provided
12 by the school district or charter school offering the online course
13 or program.

14 2. The performance of students on any test required pursuant to
15 the Oklahoma School Testing Program Act or any other test generally
16 required of students by the school district who are enrolled full-
17 time in an online program that is offered by a school district or
18 charter school that is not the district of residence or is not
19 located in the district of residence of the student shall be
20 reported separately by the school district or charter school and
21 shall not be included when determining the performance levels of the
22 school district or charter school in the Oklahoma School Testing
23 Program as reported in the Oklahoma Educational Indicators Program.

24

1 D. The State Board of Education shall seek to establish and
2 post on the Internet a sample test item bank that will be made
3 available to teachers and will allow them to create and deliver
4 classroom assessments throughout the school year to check for
5 student mastery of key concepts assessed by the criterion-referenced
6 tests administered to students pursuant to the Oklahoma School
7 Testing Program Act. Subject to the availability of funds, the
8 Board shall annually release end-of-instruction test items and make
9 them available to the public.

10 E. The State Board of Education shall post on the Internet
11 criterion-referenced sample tests for each grade level and subject
12 matter test administered to students pursuant to the Oklahoma School
13 Testing Program Act for the purpose of communicating expectation
14 concerning test difficulty level and format to teacher, parents and
15 students. The Board shall maintain the sample tests on the Internet
16 throughout the year and, as changes are made in the state academic
17 content standards, shall update the sample tests. The Board shall
18 seek to expand the number of sample test items each year and to
19 revise test items as needed. The sample tests shall reflect the
20 actual test administered to students and may contain questions used
21 on actual tests given in previous years.

22 F. The State Board of Education ~~shall seek to~~ may implement an
23 electronic delivery system for all tests administered pursuant to
24 the Oklahoma School Testing Program Act that will allow students to

1 participate in computer-based assessments in order to expedite the
2 delivery and use of the test results. ~~Notwithstanding the~~
3 ~~requirement to implement online or computer-based assessments as~~
4 ~~otherwise provided by law, in~~ If the Board implements an electronic
5 delivery system for tests, the Board shall continue to administer
6 all tests by another means, including but not limited to printed
7 tests if funds are available. If options are available, school
8 districts shall have the authority to select the means of
9 administration of all tests administered in that district. In
10 circumstances where the administration or delivery of an online or
11 computer-based assessment has been or will be disrupted, delayed or
12 cause problems with student participation, the Board may stop or
13 cancel the online or computer-based assessment and administer the
14 assessment by another means.

15 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.508, as
16 last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
17 2015, Section 1210.508), is amended to read as follows:

18 Section 1210.508 A. 1. The State Board of Education shall
19 develop and administer a series of criterion-referenced tests
20 designed to indicate whether the subject matter standards, as
21 defined by the State Board of Education, which Oklahoma public
22 school students are expected to have attained have been achieved.
23 The Board may develop and administer any criterion-referenced test
24 in any subject not required by federal law, contingent upon the

1 availability of funding. Students who do not perform at least at
2 the proficient level on tests shall be remediated, subject to the
3 availability of funding.

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

- 7 a. reading, and
- 8 b. mathematics.

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

- 11 a. reading,
- 12 b. mathematics,
- 13 c. science,
- 14 d. social studies, which shall consist of the history,
15 Constitution and government of the United States, and
16 geography, and
- 17 e. writing of English; provided, that the Board may elect
18 to not administer the writing of English test until
19 the 2017-2018 school year or until the Board has
20 developed the statewide student assessments for
21 English Language Arts and Mathematics as provided for
22 in paragraph 1 of subsection C of Section 11-103.6a of
23 this title, whichever occurs first.

24

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

- 4 a. reading, and
- 5 b. mathematics.

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

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

- 10 a. reading,
- 11 b. mathematics,
- 12 c. science,
- 13 d. social studies, which shall consist of the history,
14 Constitution, and government of the United States, and
- 15 e. writing of English; provided, that the Board may elect
16 to not administer the writing of English test until
17 the 2017-2018 school year or until the Board has
18 developed the statewide student assessments for
19 English Language Arts and Mathematics as provided for
20 in paragraph 1 of subsection C of Section 11-103.6a of
21 this title, whichever occurs first.

22 ~~The Board shall administer the tests for grade eight in reading~~
23 ~~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 The Board~~
5 ~~shall administer end-of-instruction criterion-referenced tests in:~~

- 6 a. English II,
- 7 b. English III,
- 8 c. United States History,
- 9 d. Biology I,
- 10 e. Algebra I,
- 11 f. Geometry, and
- 12 g. Algebra II

13 ~~at the secondary level shall complete an end-of-instruction test,~~
14 ~~when implemented, to measure for attainment in the appropriate~~
15 ~~subject matter standards in order to graduate from a public high~~
16 ~~school with a standard diploma.~~

17 All students shall ~~take the tests,~~ prior to graduation, take the
18 end-of-instruction criterion-referenced tests as required in Section
19 1210.523 of this title, unless otherwise exempt by law. ~~The State~~
20 ~~Board of Education shall administer the criterion-referenced tests.~~
21 ~~The Board shall develop and field test the end-of-instruction tests~~
22 ~~in English III, Geometry, and Algebra II during the 2006-07 school~~
23 ~~year, implement the tests during the 2007-08 school year, and~~
24 ~~administer them each year thereafter. The Board shall administer~~

1 ~~the multiple choice portion of the end-of-instruction tests online~~
2 ~~with raw score test results reported immediately and complete~~
3 ~~results reported in less than two (2) weeks beginning in the 2008-09~~
4 ~~school year.~~

5 The end-of-instruction tests shall serve the purpose of the
6 criterion-referenced tests as provided in paragraph 1 of this
7 subsection. The English II and English III end-of-instruction tests
8 shall include a writing component. Students who do not score at
9 least at the proficient level on any end-of-instruction test taken
10 by the student shall be afforded the opportunity to retake each test
11 up to three (3) times each calendar year until at least achieving at
12 the proficient level. In order to provide an indication of the
13 levels of competency attained by the student in a permanent record
14 for potential future employers and institutions of higher education,
15 ~~for students who enter the ninth grade in or prior to the 2007-08~~
16 ~~school year, school districts shall report the highest-achieved~~
17 ~~state test performance level on the end-of-instruction tests on the~~
18 ~~student's high school transcript. Beginning with students who enter~~
19 ~~the ninth grade in the 2008-09 school year,~~ school districts shall
20 report the highest-achieved state test performance level on the end-
21 of-instruction tests and any business and industry-recognized
22 endorsements attained on the student's high school transcript. Any
23 student at the middle school level who completes the instruction in
24

1 a secondary course specified in this paragraph shall be administered
2 the appropriate end-of-instruction test.

3 7. a. Each school district shall administer to each student
4 in the school district in grades three through eight
5 an assessment designed to assess the student in the
6 fine arts area in which the student has received
7 instruction.

8 b. Each school district shall prepare an annual report
9 for approval by the State Board of Education outlining
10 the fine arts assessment strategies used by the
11 district, when the assessments were administered, how
12 many students were assessed during the previous year,
13 and the results of the assessments.

14 B. 1. All criterion-referenced tests required by this section
15 shall measure academic competencies in correlation with the subject
16 matter standards adopted by the Board pursuant to Sections 11-103.6
17 and 11-103.6a of this title. The State Board of Education shall
18 evaluate the subject matter standards to ensure the competencies
19 reflect high standards, are specific, well-defined, measurable,
20 challenging, and will prepare elementary students for next-grade-
21 level course work and secondary students for postsecondary studies
22 at institutions of higher education or technology center schools
23 without the need for remediation. All subject matter standards
24

1 shall reflect the goals as set forth in Section 11-103.6 of this
2 title and of improving the state average ACT score.

3 2. The State Department of Education shall annually evaluate
4 the results of the criterion-referenced tests. The State Board of
5 Education shall ensure that test results are reported to districts
6 in a manner that yields detailed, diagnostic information for the
7 purpose of guiding instruction and student remediation. As
8 improvements are made to the criterion-referenced tests required by
9 this section, the Board shall seek to increase the depth of
10 knowledge assessed for each subject. The State Board of Education
11 shall seek to ensure that data yielded from the tests required in
12 this section are utilized at the school district level to prescribe
13 reinforcement and/or remediation by requiring school districts to
14 develop and implement a specific program of improvement based on the
15 test results.

16 3. The State Board of Education in coordination with the Office
17 of Educational Quality and Accountability shall review, realign, and
18 recalibrate, as necessary, the tests in reading and mathematics in
19 third through eighth grade and the end-of-instruction tests. The
20 Commission for Educational Quality and Accountability shall
21 determine the cut scores for the performance levels on the end-of-
22 instruction tests developed pursuant to paragraph 6 of subsection A
23 of this section. The Commission shall conduct an ongoing review to
24 compare the end-of-instruction test content and performance

1 descriptors with those of other states. Upon receipt of the review,
2 the Commission may adjust the cut scores as necessary.

3 4. The State Board of Education, for the purposes of conducting
4 reliability and validity studies, monitoring contractor adherence to
5 professionally accepted testing standards, and providing
6 recommendations for testing program improvement, shall retain the
7 services of an established, independent agency or organization that
8 is nationally recognized for its technical expertise in educational
9 testing but is not engaged in the development of aptitude or
10 achievement tests for elementary or secondary level grades. These
11 national assessment experts shall annually conduct studies of the
12 reliability and validity of the end-of-instruction tests
13 administered pursuant to this section. Validity studies shall
14 include studies of decision validity and concurrent validity.

15 C. 1. The State Board of Education shall set the testing
16 window dates for each criterion-referenced test required in
17 paragraphs 1 through 5 of subsection A of this section for grades
18 three through eight so that, with the exception of the writing
19 assessments, the tests are administered to students no earlier than
20 April 10 each year and so that the test results are reported back to
21 school districts in a timely manner. Each criterion-referenced test
22 required in paragraph 6 of subsection A of this section may be
23 administered to students at a time set by the State Board of
24 Education ~~as near as possible to the end of the course; provided,~~

1 if. If a school district has elected to administer the criterion-
2 referenced tests required in paragraph 6 of subsection A of this
3 section online and is unable to administer the tests online to all
4 students taking the test for the first time and all students
5 retaking the test during the testing window time set by the Board,
6 the school district may elect to administer any of the tests to
7 students retaking the test at any time not more than two (2) weeks
8 prior to the start of the testing window time set by the Board. All
9 results and reports of the criterion-referenced test series required
10 in paragraphs 1 through 5 of subsection A of this section for grades
11 three through eight shall be returned to each school district prior
12 to the beginning of the next school year. The vendor shall provide
13 a final electronic data file of all school site, school district,
14 and state results to the State Department of Education and the
15 Office of Educational Quality and Accountability prior to September
16 1 of each year. The Department shall forward the final data files
17 for each school district and each school site in that district to
18 the school district. The Board shall ensure the contract with the
19 testing vendor includes a provision that the vendor report test
20 results directly to the Office of Educational Quality and
21 Accountability at the same time it is reported to the Board.

22 2. State, district, and site level results of all tests
23 required in this section shall be disaggregated by gender, race,
24 ethnicity, disability status, migrant status, English proficiency,

1 and status as economically disadvantaged, except that such
2 disaggregation shall not be required in a case in which the number
3 of students in a category is insufficient to yield statistically
4 reliable information or the results would reveal personally
5 identifiable information about an individual student. Each school
6 site shall notify the ~~student's~~ parents of students of the ~~school's~~
7 performance levels of the school in the Oklahoma School Testing
8 Program as reported in the Oklahoma Educational Indicators Program
9 at the end of each school year.

10 D. The State Board of Education shall be responsible for the
11 development, field-testing, and validation of the criterion-
12 referenced test series required in subsection A of this section. In
13 the interest of economy the Board may participate in a multistate or
14 multigovernmental cooperative pursuant to the requirements of The
15 Oklahoma Central Purchasing Act, but shall not bind the state,
16 contractually or otherwise, to the authority of any other state,
17 organization or entity which may supersede the authority of the
18 Board, for the purpose of adapting criterion-referenced tests, to
19 the extent that such tests are appropriate for use in the testing
20 program to be administered to Oklahoma students.

21 E. The State Board of Education shall develop, administer, and
22 incorporate as a part of the Oklahoma School Testing Program, other
23 testing programs or procedures, including appropriate accommodations
24 for the testing of students with disabilities as required by the

1 Individuals with Disabilities Education Act (IDEA), 20 USC, Section
2 1400 et seq.

3 F. For purposes of developing and administering alternate
4 assessments for students with the most significant cognitive
5 disabilities, the State Board of Education shall not be subject to
6 subsections D and E of Section 11-103.6a of this title.

7 SECTION 4. AMENDATORY 70 O.S. 2011, Section 1210.523, as
8 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
9 2015, Section 1210.523), is amended to read as follows:

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

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

24

1 B. 1. To demonstrate mastery, the student shall take the end-
2 of-instruction criterion-referenced tests administered pursuant to
3 Section 1210.508 of this title in the subject areas of Algebra I,
4 English II, Biology I and United States History and shall attain at
5 least a four proficient ~~score~~ scores on ~~the~~ end-of-instruction
6 criterion-referenced tests administered pursuant to Section 1210.508
7 of this title or on alternative tests as provided for in subsection
8 D of this section as follows:

9 a. attain at least a proficient score on the end-of-
10 instruction criterion-referenced tests in the subject
11 areas of Algebra I and English II, and

12 b. attain at least a proficient score on the end-of-
13 instruction criterion-referenced tests in the subject
14 areas of Biology I and United States History. If the
15 student does not attain a proficient score on one or
16 both Biology I and United States History tests, the
17 student may either:

18 (1) take and attain a proficient score on one or two
19 of the end-of-instruction criterion-referenced
20 tests in the subject areas of Algebra II, English
21 III or Geometry, or

22 (2) take and attain a proficient score as determined
23 by the Board on one or two of the alternative
24

1 tests provided for in subsection D of this
2 section.

3 2. A student shall not be required to take the end-of-
4 instruction criterion-referenced tests in the subject areas of
5 Algebra II, English II and Geometry if the student attains
6 proficient scores on any two of the following tests: Biology I end-
7 of-instruction criterion-referenced test, the United States History
8 end-of-instruction criterion-referenced test or alternative tests
9 provided for in subsection D of this section.

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

22 D. 1. Students who do not ~~meet the requirements of subsection~~
23 ~~A of~~ demonstrate mastery of the state academic content standards as
24 required in this section may graduate from a public high school with

1 a standard diploma by demonstrating mastery of state academic
2 content standards by alternative methods as approved by the State
3 Board of 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 Senate and Speaker of the House of
11 Representatives.

12 3. Students who score ten percent (10%) above the cut scores
13 approved by the State Board of Education for the American College
14 Testing Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan
15 or Preliminary Scholastic Aptitude Test/National Merit Scholarship
16 Qualifying Test (PSAT/NMSQT) alternate tests shall be deemed to have
17 satisfactorily demonstrated mastery of state academic content
18 standards in the subject areas for which alternative tests have been
19 approved ~~and shall be exempt from taking the end of instruction~~
20 ~~criterion-referenced tests in the subject areas of Algebra II,~~
21 ~~English III, Geometry or United States History as listed in~~
22 ~~paragraph 3 of subsection A of this section.~~

23 4. Students who have a score that is equal to or above the cut
24 scores approved by the State Board of Education for the Advanced

1 Placement course exams, ACT Workkeys job skills assessment, College-
2 Level Examination Program (CLEP) or International Baccalaureate (IB)
3 alternate tests shall be deemed to have satisfactorily demonstrated
4 mastery of state academic content standards in the subject areas for
5 which alternate tests have been approved ~~and shall be exempt from~~
6 ~~taking the end-of-instruction criterion-referenced tests in the~~
7 ~~subject areas of Algebra II, English III, Geometry or United States~~
8 ~~History as listed in paragraph 3 of subsection A of this section.~~

9 5. The State Board of Education shall adopt rules providing for
10 implementation of paragraphs 3 and 4 of this subsection. The rules
11 shall provide for the designation of students as proficient or
12 advanced based on the scores obtained pursuant to paragraphs 3 and 4
13 of this subsection for the purposes of demonstrating mastery of
14 state academic content standards, calculating the grade of a school
15 as part of the accountability system developed pursuant to Section
16 1210.545 of this title, evaluating teachers and administrators as
17 part of the Teacher and Leader Effectiveness Evaluation System
18 developed pursuant to Section 6-101.16 of this title and for any
19 other purpose provided for by law.

20 E. 1. The State Board of Education shall adopt rules
21 establishing an appeal process for students who have been denied a
22 standard diploma by the school district in which the student is or
23 was enrolled for failing to meet the requirements of this section.
24 A student who has been denied a standard diploma by the school

1 district in which the student is enrolled shall have thirty (30)
2 days after denial of the standard diploma in which to file a
3 petition for an appeal to the State Board of Education. The State
4 Board of Education shall take action on a petition for an appeal no
5 later than forty-five (45) days after receiving the petition.

6 2. The State Board of Education shall collect data by school
7 site and school district on the number of students petitioning for
8 an appeal and the number of appeals approved by the State Board of
9 Education pursuant to this subsection. Beginning October 1, 2012,
10 the State Board of Education shall provide an annual report of this
11 data to the Governor, President Pro Tempore of the Senate and
12 Speaker of the House of Representatives.

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

23 2. Students with disabilities whose individualized education
24 program (IEP) pursuant to the Individuals with Disabilities

1 Education Act (IDEA) indicates that the student is to be assessed
2 with alternate achievement standards through the Oklahoma Alternate
3 Assessment Program (OAAP) may be eligible to graduate from a public
4 high school with a standard diploma after failing to meet the
5 requirements of ~~subsection A~~ of this section upon the determination
6 of the school district that the student meets the following
7 criteria:

- 8 a. obtains a written recommendation from the student's
9 teacher of record in consultation with the teacher in
10 each subject in which the student failed to meet the
11 requirements of ~~subsection A~~ of this section. The
12 recommendation shall be supported by the principal and
13 by documentation demonstrating the acquired knowledge
14 of the student by alternate measures as required by
15 the individualized education program (IEP),
- 16 b. completes remediation opportunities to the extent
17 required by the individualized education program
18 (IEP),
- 19 c. retakes the exam in each subject in which the student
20 failed to meet the requirements of ~~subsection A~~ of
21 this section if the individualized education program
22 (IEP) requires retake opportunities,

- 1 d. maintains at least a C average or the equivalent in
2 each subject in which the student failed to meet the
3 requirements of ~~subsection A~~ of this section, and
4 e. meets all other graduation requirements of the school
5 district in which the student is enrolled.

6 3. The Oklahoma School for the Blind and the Oklahoma School
7 for the Deaf shall be considered local education agencies solely for
8 the purposes of purchasing, administering and obtaining test results
9 under this section for the students attending their schools.

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

17 G. Students who have been denied a standard diploma by the
18 school district in which the student is or was enrolled for failing
19 to meet the requirements of this section may re-enroll in the school
20 district that denied the student a standard diploma following the
21 denial of a standard diploma. The student shall be provided
22 remediation or intervention and the opportunity to retake the test
23 until at least a proficient score is attained on the test or tests
24 necessary to obtain a standard diploma. Students who re-enroll in

1 the school district to meet the graduation requirements of this
2 section shall be exempt from the hourly instructional requirements
3 of Section 1-111 of this title and the six-period enrollment
4 requirements of Section 11-103.6 of this title.

5 H. 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 5. NEW LAW A new section of law not to be
10 codified in the Oklahoma Statutes reads as follows:

11 A. The State Board of Education, in consultation with the
12 Oklahoma State Regents for Higher Education, the Commission for
13 Educational Quality and Accountability, the State Board of Career
14 and Technology Education and the Oklahoma Department of Commerce,
15 shall study and make recommendations on the following:

16 1. Implementing a multi-measures approach to high school
17 graduation. For purposes of the study, multi-measures may include
18 but are not limited to designated statewide assessments, alternative
19 assessments, local performance assessments, grades and course
20 records; and

21 2. Ways to make the current school testing program for grades
22 three through eight as set forth in the Oklahoma School Testing
23 Program Act more efficient and effective while still achieving the
24 objective of having assessments designed to indicate whether

