

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 2134

By: Nelson of the House

and

6 Stanislowski of the Senate

7  
8  
9 COMMITTEE SUBSTITUTE

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

emergency ]

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

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 11-103.6, as  
21 last amended by Section 33, Chapter 54, O.S.L. 2015 (70 O.S. Supp.  
22 2015, Section 11-103.6), is amended to read as follows:

23 Section 11-103.6 A. 1. The State Board of Education shall  
24 adopt subject matter standards for instruction of students in the  
public schools of this state that are necessary to ensure there is  
attainment of desired levels of competencies in a variety of areas

1 to include language, mathematics, science, social studies and  
2 communication.

3 2. School districts shall develop and implement curriculum,  
4 courses and instruction in order to ensure that students meet the  
5 skills and competencies as set forth in this section and in the  
6 subject matter standards adopted by the State Board of Education.

7 3. All students shall gain literacy at the elementary and  
8 secondary levels. Students shall develop skills in reading,  
9 writing, speaking, computing and critical thinking. For purposes of  
10 this section, critical thinking means a manner of analytical  
11 thinking which is logical and uses linear factual analysis to reach  
12 a conclusion. They also shall learn about cultures and environments  
13 - their own and those of others with whom they share the earth.  
14 Students, therefore, shall study social studies, literature,  
15 languages, the arts, mathematics and science. Such curricula shall  
16 provide for the teaching of a hands-on career exploration program in  
17 cooperation with technology center schools.

18 4. The subject matter standards shall be designed to teach the  
19 competencies for which students shall be tested as provided in  
20 Section 1210.508 of this title, and shall be designed to prepare all  
21 students for active citizenship, employment and/or successful  
22 completion of postsecondary education without the need for remedial  
23 coursework at the postsecondary level.

24

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

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

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

12           B. Subject to the provisions of subsection C of this section,  
13 in order to graduate from a public high school accredited by the  
14 State Board of Education with a standard diploma, students shall  
15 complete the following college preparatory/work ready curriculum  
16 units or sets of competencies at the secondary level:

17           1. Four units or sets of competencies of English to include  
18 Grammar, Composition, Literature, or any English course approved for  
19 college admission requirements;

20           2. Three units or sets of competencies of mathematics, limited  
21 to Algebra I, Algebra II, Geometry, Trigonometry, Math Analysis,  
22 Calculus, Advanced Placement Statistics, or any mathematics course  
23 with content and/or rigor above Algebra I and approved for college  
24 admission requirements;

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

5       4. Three units or sets of competencies of history and  
6 citizenship skills, including one unit of American History, 1/2 unit  
7 of Oklahoma History, 1/2 unit of United States Government and one  
8 unit from the subjects of History, Government, Geography, Economics,  
9 Civics, or non-Western culture and approved for college admission  
10 requirements;

11       5. Two units or sets of competencies of the same foreign or  
12 non-English language or two units of computer technology approved  
13 for college admission requirements, whether taught at a high school  
14 or a technology center school, including computer programming,  
15 hardware, and business computer applications, such as word  
16 processing, databases, spreadsheets, and graphics, excluding  
17 keyboarding or typing courses;

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

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

23       C. In lieu of the requirements of subsection B of this section  
24 which requires a college preparatory/work ready curriculum, a

1 student may enroll in the core curriculum as provided in subsection  
2 D of this section upon written approval of the parent or legal  
3 guardian of the student. School districts may require a parent or  
4 legal guardian of the student to meet with a designee of the school  
5 prior to enrollment in the core curriculum. The State Department of  
6 Education shall develop and distribute to school districts a form  
7 suitable for this purpose, which shall include information on the  
8 benefits to students of completing the college preparatory/work  
9 ready curriculum as provided for in subsection B of this section.

10 D. For those students subject to the requirements of subsection  
11 C of this section, in order to graduate from a public high school  
12 accredited by the State Board of Education with a standard diploma,  
13 students shall complete the following core curriculum units or sets  
14 of competencies at the secondary level:

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

- 19 a. American Literature,
- 20 b. English Literature,
- 21 c. World Literature,
- 22 d. Advanced English Courses, or
- 23 e. other English courses with content and/or rigor equal  
24 to or above grammar and composition;

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

- 5            a. Algebra II,
- 6            b. Geometry or Geometry taught in a contextual  
7                methodology,
- 8            c. Trigonometry,
- 9            d. Math Analysis or Precalculus,
- 10           e. Calculus,
- 11           f. Statistics and/or Probability,
- 12           g. Computer Science,
- 13           h. (1) contextual mathematics courses which enhance  
14                technology preparation, or  
15                (2) a science, technology, engineering and math  
16                (STEM) block course meeting the requirements for  
17                course competencies listed in paragraph 2 of  
18                subsection B of this section, whether taught at  
19                a:
  - 20                    (a) comprehensive high school, or
  - 21                    (b) technology center school when taken in the  
22                        tenth, eleventh or twelfth grade, taught by  
23                        a certified teacher, and approved by the  
24

1 State Board of Education and the independent  
2 district board of education,

- 3 i. mathematics courses taught at a technology center  
4 school by a teacher certified in the secondary subject  
5 area when taken in the tenth, eleventh or twelfth  
6 grade upon approval of the State Board of Education  
7 and the independent district board of education, or  
8 j. equal to or above Algebra I;

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

- 14 a. Chemistry I,
- 15 b. Physics,
- 16 c. Biology II,
- 17 d. Chemistry II,
- 18 e. Physical Science,
- 19 f. Earth Science,
- 20 g. Botany,
- 21 h. Zoology,
- 22 i. Physiology,
- 23 j. Astronomy,
- 24 k. Applied Biology/Chemistry,

- 1           1.    Applied Physics,  
2           m.    Principles of Technology,  
3           n.    qualified agricultural education courses,  
4           o.    (1)   contextual science courses which enhance  
5                    technology preparation, or  
6                    (2)   a science, technology, engineering and math  
7                            (STEM) block course meeting the requirements for  
8                            course competencies listed in paragraph 3 of  
9                            subsection B of this section, whether taught at  
10                           a:  
11                           (a)   comprehensive high school, or  
12                           (b)   technology center school when taken in the  
13                                    tenth, eleventh or twelfth grade, taught by  
14                                    a certified teacher, and approved by the  
15                                    State Board of Education and the independent  
16                                    district board of education,  
17           p.    science courses taught at a technology center school  
18                    by a teacher certified in the secondary subject area  
19                    when taken in the tenth, eleventh or twelfth grade  
20                    upon approval of the State Board of Education and the  
21                    independent district board of education, or  
22           q.    other science courses with content and/or rigor equal  
23                    to or above Biology I;  
24

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

- 7 a. World History,
- 8 b. Geography,
- 9 c. Economics,
- 10 d. Anthropology, or
- 11 e. other social studies courses with content and/or rigor  
12 equal to or above United States History, United States  
13 Government, and Oklahoma History; and

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

16 E. 1. In addition to the curriculum requirements of either  
17 subsection B or D of this section, in order to graduate from a  
18 public high school accredited by the State Board of Education  
19 students shall complete the requirements for a personal financial  
20 literacy passport as set forth in the Passport to Financial Literacy  
21 Act and any additional course requirements or recommended elective  
22 courses as may be established by the State Board of Education and  
23 the district school board. School districts shall strongly  
24 encourage students to complete two units or sets of competencies of

1 foreign languages and two units or sets of competencies of physical  
2 and health education.

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

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

10 F. For purposes of this section:

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

14 2. "Qualified agricultural education courses" means courses  
15 that have been determined by the State Board of Education to offer  
16 the sets of competencies for one or more science content areas and  
17 which correspond to academic science courses. Qualified  
18 agricultural education courses shall include, but are not limited  
19 to, Horticulture, Plant and Soil Science, Natural Resources and  
20 Environmental Science, and Animal Science. The courses shall be  
21 taught by teachers certified in agricultural education and comply  
22 with all rules of the Oklahoma Department of Career and Technology  
23 Education;

24

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

3       4. "Sets of competencies" means instruction in those skills and  
4 competencies that are specified in the subject matter standards  
5 adopted by the State Board of Education and other skills and  
6 competencies adopted by the Board, without regard to specified  
7 instructional time; and

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

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

15       2. The State Board of Education shall allow as much flexibility  
16 at the district level as is possible without diminishing the rigor  
17 or undermining the intent of providing these courses. To accomplish  
18 this purpose, the State Department of Education shall work with  
19 school districts in reviewing and approving courses taught by  
20 districts that are not specifically listed in subsections B and D of  
21 this section. Options may include, but shall not be limited to,  
22 courses taken by concurrent enrollment, advanced placement, or  
23 correspondence, or courses bearing different titles. Any courses  
24 approved by the State Board of Education to meet the unit or

1 competency requirements in subsections B and D of this section shall  
2 meet the sets of competencies requirements as defined in paragraph 4  
3 of subsection F of this section.

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

9 4. Technology center school districts may offer programs  
10 designed in cooperation with institutions of higher education which  
11 have an emphasis on a focused field of career study upon approval of  
12 the State Board of Education and the independent district board of  
13 education. Students in the tenth grade may be allowed to attend  
14 these programs for up to one-half (1/2) of a school day and credit  
15 for the units or sets of competencies required in paragraphs 2 and 3  
16 of subsection B or D of this section shall be given if the courses  
17 are taught by a teacher certified in the secondary subject area;  
18 provided, credit for units or sets of competencies pursuant to  
19 subsection B of this section shall be approved for college admission  
20 requirements.

21 5. If a student enrolls in a concurrent course, the school  
22 district shall not be responsible for any costs incurred for that  
23 course, unless the school district does not offer enough course  
24 selection during the student's secondary grade years to allow the

1 student to receive the courses needed to meet the graduation  
2 requirements of this section. If the school district does not offer  
3 the necessary course selection during the student's secondary grade  
4 years, it shall be responsible for the cost of resident tuition at  
5 an institution in The Oklahoma State System of Higher Education,  
6 fees, and books for the concurrent enrollment course, and providing  
7 for transportation to and from the institution to the school site.

8 It is the intent of the Legislature that for students enrolled  
9 in a concurrent enrollment course which is paid for by the school  
10 district pursuant to this paragraph, the institution charge only the  
11 supplementary and special service fees that are directly related to  
12 the concurrent enrollment course and enrollment procedures for that  
13 student. It is further the intent of the Legislature that fees for  
14 student activities and student service facilities, including the  
15 student health care and cultural and recreational service fees, not  
16 be charged to such students.

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

22 7. The three units or sets of competencies in mathematics  
23 required in subsection B or D of this section shall be completed in  
24 the ninth through twelfth grades. If a student completes any

1 required courses or sets of competencies in mathematics prior to  
2 ninth grade, the student may take any other mathematics courses or  
3 sets of competencies to fulfill the requirement to complete three  
4 units or sets of competencies in grades nine through twelve after  
5 the student has satisfied the requirements of subsection B or D of  
6 this section.

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

9 H. As a condition of receiving accreditation from the State  
10 Board of Education, all students in grades nine through twelve shall  
11 enroll in a minimum of six periods, or the equivalent in block  
12 scheduling or other scheduling structure that allows for instruction  
13 in sets of competencies, of rigorous academic and/or rigorous  
14 vocational courses each day, which may include arts, vocal and  
15 instrumental music, speech classes, and physical education classes.

16 I. 1. Academic and vocational-technical courses designed to  
17 offer sets of competencies integrated or embedded within the course  
18 that provide for the teaching and learning of the appropriate skills  
19 and knowledge in the subject matter standards, as adopted by the  
20 State Board of Education, may upon approval of the Board, in  
21 consultation with the Oklahoma Department of Career and Technology  
22 Education if the courses are offered at a technology center school  
23 district, be counted for academic credit and toward meeting the  
24 graduation requirements of this section.

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

8           3. Internet-based courses or vocational-technical courses  
9 utilizing integrated or embedded skills for which no subject matter  
10 standards have been adopted by the State Board of Education may be  
11 approved by the Board, in consultation with the Oklahoma Department  
12 of Career and Technology Education if the courses are offered at a  
13 technology center school district, if such courses incorporate  
14 standards of nationally recognized professional organizations and  
15 are taught by certified teachers.

16           4. Courses offered by a supplemental education organization  
17 that is accredited by a national accrediting body and that are  
18 taught by a certified teacher and provide for the teaching and  
19 learning of the appropriate skills and knowledge in the subject  
20 matter standards may, upon approval of the State Board of Education  
21 and the school district board of education, be counted for academic  
22 credit and toward meeting the graduation requirements of this  
23 section.

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

6 K. The State Board of Education shall prescribe, adopt and  
7 approve a promotion system based on the attainment by students of  
8 specified levels of competencies in each area of the core  
9 curriculum.

10 L. Children who have individualized education programs pursuant  
11 to the Individuals with Disabilities Education Act (IDEA), and who  
12 satisfy the graduation requirements through the individualized  
13 education program for that student shall be awarded a standard  
14 diploma.

15 M. Students who enter the ninth grade in or prior to the 2007-  
16 08 school year who are enrolled in an alternative education program  
17 and meet the requirements of their plans leading to high school  
18 graduation developed pursuant to Section 1210.568 of this title  
19 shall be awarded a standard diploma.

20 N. Any student who completes the curriculum requirements of the  
21 International Baccalaureate Diploma Program shall be awarded a  
22 standard diploma.

23 O. Any student who successfully completes an advanced  
24 mathematics or science course offered pursuant to Section 1210.404

1 of this title shall be granted academic credit toward meeting the  
2 graduation requirements pursuant to paragraph 2 or 3, as  
3 appropriate, of subsection B or D of this section.

4 P. For purposes of this section, the courses approved for  
5 college admission requirements shall be courses which are approved  
6 by the Oklahoma State Regents for Higher Education for admission to  
7 an institution within The Oklahoma State System of Higher Education.

8 Q. The State Department of Education shall collect and report  
9 data by school site and district on the number of students who  
10 enroll in the core curriculum as provided in subsection D of this  
11 section.

12 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.507, as  
13 last amended by Section 7, Chapter 430, O.S.L. 2014 (70 O.S. Supp.  
14 2015, Section 1210.507), is amended to read as follows:

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

18 B. The State Board of Education shall require school district  
19 boards of education to annually provide information to the  
20 district's students, parents of students, and the public at large  
21 about the proper meaning and use of tests administered pursuant to  
22 the provisions of the Oklahoma School Testing Program Act. The  
23 Department shall develop materials and make them available to school  
24 districts regarding the Oklahoma School Testing Program.

1 C. 1. Students enrolled in an online course or program that is  
2 offered by a school district or charter school that is not the  
3 district of residence or is not located in the district of residence  
4 of the student shall be provided the opportunity to take any test  
5 required pursuant to the Oklahoma School Testing Program Act or any  
6 other test generally required of students by the school district in  
7 which the student is enrolled at an alternative testing location  
8 approved by the State Board of Education. The alternative testing  
9 locations may be at sites that are not in the school district that  
10 is offering the online course or program or the district of  
11 residence. Alternative testing locations may include technology  
12 center school sites or any other testing location selected by the  
13 school district or charter school offering the online course or  
14 program. All alternative testing locations shall be subject to  
15 testing location rules promulgated by the State Board of Education.  
16 The school district or charter school offering the online course or  
17 program shall be responsible for any cost incurred in providing an  
18 alternative testing location and any additional cost of  
19 administering a test at an alternative testing location. In order  
20 to provide alternative testing locations at geographically dispersed  
21 sites, the school district or charter school offering the online  
22 course or program shall, at a minimum, provide not less than six  
23 alternative testing locations, with at least one location in each  
24 quadrant of the state and in each of the two metropolitan areas in

1 the state. Additional alternative testing locations may be provided  
2 by the school district or charter school offering the online course  
3 or program.

4 2. The performance of students on any test required pursuant to  
5 the Oklahoma School Testing Program Act or any other test generally  
6 required of students by the school district who are enrolled full-  
7 time in an online program that is offered by a school district or  
8 charter school that is not the district of residence or is not  
9 located in the district of residence of the student shall be  
10 reported separately by the school district or charter school and  
11 shall not be included when determining the performance levels of the  
12 school district or charter school in the Oklahoma School Testing  
13 Program as reported in the Oklahoma Educational Indicators Program.

14 D. The State Board of Education shall seek to establish and  
15 post on the Internet a sample test item bank that will be made  
16 available to teachers and will allow them to create and deliver  
17 classroom assessments throughout the school year to check for  
18 student mastery of key concepts assessed by the criterion-referenced  
19 tests administered to students pursuant to the Oklahoma School  
20 Testing Program Act. Subject to the availability of funds, the  
21 Board shall annually release end-of-instruction test items and make  
22 them available to the public.

23 E. The State Board of Education shall post on the Internet  
24 criterion-referenced sample tests for each grade level and subject

1 matter test administered to students pursuant to the Oklahoma School  
2 Testing Program Act for the purpose of communicating expectation  
3 concerning test difficulty level and format to teacher, parents and  
4 students. The Board shall maintain the sample tests on the Internet  
5 throughout the year and, as changes are made in the state academic  
6 content standards, shall update the sample tests. The Board shall  
7 seek to expand the number of sample test items each year and to  
8 revise test items as needed. The sample tests shall reflect the  
9 actual test administered to students and may contain questions used  
10 on actual tests given in previous years.

11 F. The State Board of Education ~~shall seek to~~ may implement an  
12 electronic delivery system for all tests administered pursuant to  
13 the Oklahoma School Testing Program Act that will allow students to  
14 participate in computer-based assessments in order to expedite the  
15 delivery and use of the test results. ~~Notwithstanding the~~  
16 ~~requirement to implement online or computer-based assessments as~~  
17 ~~otherwise provided by law, in~~ If the Board implements an electronic  
18 delivery system for tests, the Board shall continue to administer  
19 all tests by another means, including but not limited to printed  
20 tests if funds are available. If options are available, school  
21 districts shall have the authority to select the means of  
22 administration of all tests administered in that district. In  
23 circumstances where the administration or delivery of an online or  
24 computer-based assessment has been or will be disrupted, delayed or

1 cause problems with student participation, the Board may stop or  
2 cancel the online or computer-based assessment and administer the  
3 assessment by another means.

4 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.508, as  
5 last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.  
6 2015, Section 1210.508), is amended to read as follows:

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

- 1           b.    mathematics,
- 2           c.    science,
- 3           d.    social studies, which shall consist of the history,
- 4                 Constitution and government of the United States, and
- 5                 geography, and
- 6           e.    writing of English; provided, that the Board may elect
- 7                 to not administer the writing of English test until
- 8                 the 2017-2018 school year or until the Board has
- 9                 developed the statewide student assessments for
- 10                English Language Arts and Mathematics as provided for
- 11                in paragraph 1 of subsection C of Section 11-103.6a of
- 12                this title, whichever occurs first.

13           4.   Contingent upon the availability of state and federal funds,

14 the Board, in accordance with federal law, shall administer

15 criterion-referenced tests for grades six and seven in:

- 16           a.    reading, and
- 17           b.    mathematics.

18           In addition, the Board shall administer a criterion-referenced

19 test in geography in grade seven.

20           5.   Contingent upon the availability of funds, the Board shall

21 administer criterion-referenced tests for grade eight in:

- 22           a.    reading,
- 23           b.    mathematics,
- 24           c.    science,

- 1           d.    social studies, which shall consist of the history,  
2                    Constitution, and government of the United States, and  
3           e.    writing of English; provided, that the Board may elect  
4                    to not administer the writing of English test until  
5                    the 2017-2018 school year or until the Board has  
6                    developed the statewide student assessments for  
7                    English Language Arts and Mathematics as provided for  
8                    in paragraph 1 of subsection C of Section 11-103.6a of  
9                    this title, whichever occurs first.

10           ~~The Board shall administer the tests for grade eight in reading~~  
11 ~~and mathematics online with raw score test results reported~~  
12 ~~immediately and complete results reported in less than two (2) weeks~~  
13 ~~beginning in the 2007-08 school year.~~

14           6. ~~Except as otherwise provided for in Section 1210.523 of this~~  
15 ~~title, each student who completes the instruction for The Board~~  
16 ~~shall administer end-of-instruction criterion-referenced tests in:~~

- 17           a.   English II,  
18           b.   English III,  
19           c.   United States History,  
20           d.   Biology I,  
21           e.   Algebra I,  
22           f.   Geometry, and  
23           g.   Algebra II

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

5 All students shall ~~take the tests,~~ prior to graduation, take the  
6 end-of-instruction criterion-referenced tests as required in Section  
7 1210.523 of this title, unless otherwise exempt by law. ~~The State~~  
8 ~~Board of Education shall administer the criterion-referenced tests.~~  
9 ~~The Board shall develop and field test the end-of-instruction tests~~  
10 ~~in English III, Geometry, and Algebra II during the 2006-07 school~~  
11 ~~year, implement the tests during the 2007-08 school year, and~~  
12 ~~administer them each year thereafter. The Board shall administer~~  
13 ~~the multiple choice portion of the end-of-instruction tests online~~  
14 ~~with raw score test results reported immediately and complete~~  
15 ~~results reported in less than two (2) weeks beginning in the 2008-09~~  
16 ~~school year.~~

17 The end-of-instruction tests shall serve the purpose of the  
18 criterion-referenced tests as provided in paragraph 1 of this  
19 subsection. The English II and English III end-of-instruction tests  
20 shall include a writing component. Students who do not score at  
21 least at the proficient level on any end-of-instruction test taken  
22 by the student shall be afforded the opportunity to retake each test  
23 up to three (3) times each calendar year until at least achieving at  
24 the proficient level. In order to provide an indication of the

1 levels of competency attained by the student in a permanent record  
2 for potential future employers and institutions of higher education,  
3 ~~for students who enter the ninth grade in or prior to the 2007-08~~  
4 ~~school year, school districts shall report the highest-achieved~~  
5 ~~state test performance level on the end-of-instruction tests on the~~  
6 ~~student's high school transcript. Beginning with students who enter~~  
7 ~~the ninth grade in the 2008-09 school year,~~ school districts shall  
8 report the highest-achieved state test performance level on the end-  
9 of-instruction tests and any business and industry-recognized  
10 endorsements attained on the student's high school transcript. Any  
11 student at the middle school level who completes the instruction in  
12 a secondary course specified in this paragraph shall be administered  
13 the appropriate end-of-instruction test.

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

19 b. Each school district shall prepare an annual report  
20 for approval by the State Board of Education outlining  
21 the fine arts assessment strategies used by the  
22 district, when the assessments were administered, how  
23 many students were assessed during the previous year,  
24 and the results of the assessments.

1        B. 1. All criterion-referenced tests required by this section  
2 shall measure academic competencies in correlation with the subject  
3 matter standards adopted by the Board pursuant to Sections 11-103.6  
4 and 11-103.6a of this title. The State Board of Education shall  
5 evaluate the subject matter standards to ensure the competencies  
6 reflect high standards, are specific, well-defined, measurable,  
7 challenging, and will prepare elementary students for next-grade-  
8 level course work and secondary students for postsecondary studies  
9 at institutions of higher education or technology center schools  
10 without the need for remediation. All subject matter standards  
11 shall reflect the goals as set forth in Section 11-103.6 of this  
12 title and of improving the state average ACT score.

13        2. The State Department of Education shall annually evaluate  
14 the results of the criterion-referenced tests. The State Board of  
15 Education shall ensure that test results are reported to districts  
16 in a manner that yields detailed, diagnostic information for the  
17 purpose of guiding instruction and student remediation. As  
18 improvements are made to the criterion-referenced tests required by  
19 this section, the Board shall seek to increase the depth of  
20 knowledge assessed for each subject. The State Board of Education  
21 shall seek to ensure that data yielded from the tests required in  
22 this section are utilized at the school district level to prescribe  
23 reinforcement and/or remediation by requiring school districts to

24

1 develop and implement a specific program of improvement based on the  
2 test results.

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

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

24

1 administered pursuant to this section. Validity studies shall  
2 include studies of decision validity and concurrent validity.

3 C. 1. The State Board of Education shall set the testing  
4 window dates for each criterion-referenced test required in  
5 paragraphs 1 through 5 of subsection A of this section for grades  
6 three through eight so that, with the exception of the writing  
7 assessments, the tests are administered to students no earlier than  
8 April 10 each year and so that the test results are reported back to  
9 school districts in a timely manner. Each criterion-referenced test  
10 required in paragraph 6 of subsection A of this section may be  
11 administered to students at a time set by the State Board of  
12 Education ~~as near as possible to the end of the course; provided,~~  
13 if. If a school district has elected to administer the criterion-  
14 referenced tests required in paragraph 6 of subsection A of this  
15 section online and 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 students of the ~~school's~~  
19 performance levels of the school in the Oklahoma School Testing  
20 Program as reported in the Oklahoma Educational Indicators Program  
21 at the end of each school 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 may participate in a multistate or  
2 multigovernmental cooperative pursuant to the requirements of The  
3 Oklahoma Central Purchasing Act, but shall not bind the state,  
4 contractually or otherwise, to the authority of any other state,  
5 organization or entity which may supersede the authority of the  
6 Board, for the purpose of adapting criterion-referenced tests, to  
7 the extent that such tests are appropriate for use in the testing  
8 program to be administered to Oklahoma students.

9 E. The State Board of Education shall develop, administer, and  
10 incorporate as a part of the Oklahoma School Testing Program, other  
11 testing programs or procedures, including appropriate accommodations  
12 for the testing of students with disabilities as required by the  
13 Individuals with Disabilities Education Act (IDEA), 20 USC, Section  
14 1400 et seq.

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

19 SECTION 4. AMENDATORY 70 O.S. 2011, Section 1210.523, as  
20 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.  
21 2015, Section 1210.523), is amended to read as follows:

22 Section 1210.523 A. Except as otherwise provided for in  
23 ~~subsections D and E of this section, beginning with students~~  
24 ~~entering the ninth grade in the 2008-2009 school year,~~ every student

1 shall demonstrate mastery of the state academic content standards ~~in~~  
2 ~~the following subject areas~~ in order to graduate from a public high  
3 school with a standard diploma:

4 ~~1. Algebra I;~~

5 ~~2. English II; and~~

6 ~~3. Two of the following five:~~

7 a. ~~Algebra II,~~

8 b. ~~Biology I,~~

9 c. ~~English III,~~

10 d. ~~Geometry, and~~

11 e. ~~United States History.~~

12 B. 1. To demonstrate mastery, the student shall take the end-  
13 of-instruction criterion-referenced tests administered pursuant to  
14 Section 1210.508 of this title in the subject areas of Algebra I,  
15 English II, Biology I and United States History and shall attain at  
16 least a four proficient score scores on the end-of-instruction  
17 criterion-referenced tests administered pursuant to Section 1210.508  
18 of this title or on alternative tests as provided for in subsection  
19 D of this section as follows:

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

23 b. attain at least a proficient score on the end-of-  
24 instruction criterion-referenced tests in the subject

1 areas of Biology I and United States History. If the  
2 student does not attain a proficient score on one or  
3 both Biology I and United States History tests, the  
4 student may either:

5 (1) take and attain a proficient score on one or two  
6 of the end-of-instruction criterion-referenced  
7 tests in the subject areas of Algebra II, English  
8 III or Geometry, or

9 (2) take and attain a proficient score as determined  
10 by the Board on one or two of the alternative  
11 tests provided for in subsection D of this  
12 section.

13 2. A student shall not be required to take the end-of-  
14 instruction criterion-referenced tests in the subject areas of  
15 Algebra II, English II and Geometry if the student attains  
16 proficient scores on any two of the following tests: Biology I end-  
17 of-instruction criterion-referenced test, the United States History  
18 end-of-instruction criterion-referenced test or alternative tests  
19 provided for in subsection D of this section.

20 C. Notwithstanding any other provision of law, students who do  
21 not attain at least a proficient score on any end-of-instruction  
22 ~~test~~ criterion-referenced test taken by the student shall be  
23 provided remediation or intervention and the opportunity to retake  
24 the test until at least a proficient score is attained on the tests

1 of Algebra I, English II and two of the tests as required in  
2 ~~paragraph 3 of~~ subsection A B of this section ~~or an approved~~  
3 ~~alternative test~~. Technology center schools shall be authorized to  
4 provide intervention and remediation in Algebra I, Algebra II,  
5 Geometry, English II, English III, United States History, and  
6 Biology I to students enrolled in technology center schools, with  
7 the approval of the independent school district board.

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

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

22 3. Students who score ten percent (10%) above the cut scores  
23 approved by the State Board of Education for the American College  
24 Testing Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan

1 or Preliminary Scholastic Aptitude Test/National Merit Scholarship  
2 Qualifying Test (PSAT/NMSQT) alternate tests shall be deemed to have  
3 satisfactorily demonstrated mastery of state academic content  
4 standards in the subject areas for which alternative tests have been  
5 approved ~~and shall be exempt from taking the end-of-instruction~~  
6 ~~critterion-referenced tests in the subject areas of Algebra II,~~  
7 ~~English III, Geometry or United States History as listed in~~  
8 ~~paragraph 3 of subsection A of this section.~~

9 4. Students who have a score that is equal to or above the cut  
10 scores approved by the State Board of Education for the Advanced  
11 Placement course exams, ACT Workkeys job skills assessment, College-  
12 Level Examination Program (CLEP) or International Baccalaureate (IB)  
13 alternate tests shall be deemed to have satisfactorily demonstrated  
14 mastery of state academic content standards in the subject areas for  
15 which alternate tests have been approved ~~and shall be exempt from~~  
16 ~~taking the end-of-instruction critterion-referenced tests in the~~  
17 ~~subject areas of Algebra II, English III, Geometry or United States~~  
18 ~~History as listed in paragraph 3 of subsection A of this section.~~

19 5. The State Board of Education shall adopt rules providing for  
20 implementation of paragraphs 3 and 4 of this subsection. The rules  
21 shall provide for the designation of students as proficient or  
22 advanced based on the scores obtained pursuant to paragraphs 3 and 4  
23 of this subsection for the purposes of demonstrating mastery of  
24 state academic content standards, calculating the grade of a school

1 as part of the accountability system developed pursuant to Section  
2 1210.545 of this title, evaluating teachers and administrators as  
3 part of the Teacher and Leader Effectiveness Evaluation System  
4 developed pursuant to Section 6-101.16 of this title and for any  
5 other purpose provided for by law.

6 E. 1. The State Board of Education shall adopt rules  
7 establishing an appeal process for students who have been denied a  
8 standard diploma by the school district in which the student is or  
9 was enrolled for failing to meet the requirements of this section.  
10 A student who has been denied a standard diploma by the school  
11 district in which the student is enrolled shall have thirty (30)  
12 days after denial of the standard diploma in which to file a  
13 petition for an appeal to the State Board of Education. The State  
14 Board of Education shall take action on a petition for an appeal no  
15 later than forty-five (45) days after receiving the petition.

16 2. The State Board of Education shall collect data by school  
17 site and school district on the number of students petitioning for  
18 an appeal and the number of appeals approved by the State Board of  
19 Education pursuant to this subsection. Beginning October 1, 2012,  
20 the State Board of Education shall provide an annual report of this  
21 data to the Governor, President Pro Tempore of the Senate and  
22 Speaker of the House of Representatives.

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

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

9 2. Students with disabilities whose individualized education  
10 program (IEP) pursuant to the Individuals with Disabilities  
11 Education Act (IDEA) indicates that the student is to be assessed  
12 with alternate achievement standards through the Oklahoma Alternate  
13 Assessment Program (OAAP) may be eligible to graduate from a public  
14 high school with a standard diploma after failing to meet the  
15 requirements of ~~subsection A~~ of this section upon the determination  
16 of the school district that the student meets the following  
17 criteria:

18 a. obtains a written recommendation from the student's  
19 teacher of record in consultation with the teacher in  
20 each subject in which the student failed to meet the  
21 requirements of ~~subsection A~~ of this section. The  
22 recommendation shall be supported by the principal and  
23 by documentation demonstrating the acquired knowledge  
24

1 of the student by alternate measures as required by  
2 the individualized education program (IEP),

3 b. completes remediation opportunities to the extent  
4 required by the individualized education program  
5 (IEP),

6 c. retakes the exam in each subject in which the student  
7 failed to meet the requirements ~~of subsection A~~ of  
8 this section if the individualized education program  
9 (IEP) requires retake opportunities,

10 d. maintains at least a C average or the equivalent in  
11 each subject in which the student failed to meet the  
12 requirements of ~~subsection A~~ of this section, and

13 e. meets all other graduation requirements of the school  
14 district in which the student is enrolled.

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

19 4. 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 G. Students who have been denied a standard diploma by the  
4 school district in which the student is or was enrolled for failing  
5 to meet the requirements of this section may re-enroll in the school  
6 district that denied the student a standard diploma following the  
7 denial of a standard diploma. The student shall be provided  
8 remediation or intervention and the opportunity to retake the test  
9 until at least a proficient score is attained on the test or tests  
10 necessary to obtain a standard diploma. Students who re-enroll in  
11 the school district to meet the graduation requirements of this  
12 section shall be exempt from the hourly instructional requirements  
13 of Section 1-111 of this title and the six-period enrollment  
14 requirements of Section 11-103.6 of this title.

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

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

21 A. The State Board of Education, in consultation with the  
22 Oklahoma State Regents for Higher Education, the Commission for  
23 Educational Quality and Accountability, the State Board of Career  
24

1 and Technology Education and the Oklahoma Department of Commerce,  
2 shall study and make recommendations on the following:

3 1. Implementing a multi-measures approach to high school  
4 graduation. For purposes of the study, multi-measures may include  
5 but are not limited to designated statewide assessments, alternative  
6 assessments, local performance assessments, grades and course  
7 records; and

8 2. Ways to make the current school testing program for grades  
9 three through eight as set forth in the Oklahoma School Testing  
10 Program Act more efficient and effective while still achieving the  
11 objective of having assessments designed to indicate whether  
12 students have attained an understanding of the state subject matter  
13 standards. The study may consider combining different subject area  
14 assessments into one assessment or combining different grade-level  
15 assessments into one assessment, or both.

16 B. The State Board of Education shall issue a report of the  
17 recommendations to the Governor and to all members of the  
18 Legislature by December 1, 2016.

19 ~~SECTION 6. This act shall become effective July 1, 2016.~~

20 ~~SECTION 7. It being immediately necessary for the preservation~~  
21 ~~of the public peace, health and safety, an emergency is hereby~~

22

23

24

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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