

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2306

By: Coody

6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,  
8 Section 3-104, which relates to the powers and duties  
9 of the State Board of Education; deleting authority  
10 and requirement to review school construction and  
11 alteration plans; amending 70 O.S. 2011, Section 3-  
12 104.2, which relates to the Comprehensive Local  
13 Education Plan; removing certain content from the  
14 plan; deleting training requirement for regional  
15 accreditation officers; amending 70 O.S. 2011,  
16 Section 5-117.4, which relates to the school  
17 improvement plan; adding certain content to the plan;  
18 amending 70 O.S. 2011, Section 1210.508, which  
19 relates to the development and administration of  
20 criterion-referenced tests for third through eighth  
21 grade; changing manner of recording certain test  
22 results on a high school transcript; providing an  
23 effective date; and declaring an emergency.

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

25 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3-104, is  
26 amended to read as follows:

27 Section 3-104. The supervision of the public school system of  
28 Oklahoma shall be vested in the State Board of Education and,

1 subject to limitations otherwise provided by law, the State Board of  
2 Education shall:

3       1. Adopt policies and make rules for the operation of the  
4 public school system of the state;  
5       2. Appoint, prescribe the duties and fix the compensation of a  
6 secretary, an attorney and all other personnel necessary for the  
7 proper performance of the functions of the State Board of Education.

8 The secretary shall not be a member of the Board;

9       3. Submit to the Governor a departmental budget based upon  
10 major functions of the Department as prepared by the State  
11 Superintendent of Public Instruction and supported by detailed data  
12 on needs and proposed operations as partially determined by the  
13 budgetary needs of local school districts filed with the State Board  
14 of Education for the ensuing fiscal year. Appropriations therefor  
15 shall be made in lump-sum form for each major item in the budget as  
16 follows:

- 17       a. State Aid to schools,
- 18       b. the supervision of all other functions of general and  
19                    special education including general control, free  
20                    textbooks, school lunch, Indian education and all  
21                    other functions of the Board and an amount sufficient  
22                    to adequately staff and administer these services, and
- 23       c. the Board shall determine the details by which the  
24                    budget and the appropriations are administered.

1                   Annually, the Board shall make preparations to  
2                   consolidate all of the functions of the Department in  
3                   such a way that the budget can be based on two items,  
4                   administration and aid to schools. A maximum amount  
5                   for administration shall be designated as a part of  
6                   the total appropriation;

7                  4. On the first day of December preceding each regular session  
8                   of the Legislature, prepare and deliver to the Governor and the  
9                   Legislature a report for the year ending June 30 immediately  
10                  preceding the regular session of the Legislature. The report shall  
11                  contain:

- 12                 a. detailed statistics and other information concerning  
13                   enrollment, attendance, expenditures including State  
14                   Aid, and other pertinent data for all public schools  
15                   in this state,
- 16                 b. reports from each and every division within the State  
17                   Department of Education as submitted by the State  
18                   Superintendent of Public Instruction and any other  
19                   division, department, institution or other agency  
20                   under the supervision of the Board,
- 21                 c. recommendations for the improvement of the public  
22                   school system of the state,
- 23                 d. a statement of the receipts and expenditures of the  
24                   State Board of Education for the past year, and

1                   e. a statement of plans and recommendations for the  
2                   management and improvement of public schools and such  
3                   other information relating to the educational  
4                   interests of the state as may be deemed necessary and  
5                   desirable;

6               5. Provide for the formulation and adoption of curricula,  
7               courses of study and other instructional aids necessary for the  
8               adequate instruction of pupils in the public schools;

9               6. Have authority in matters pertaining to the licensure and  
10              certification of persons for instructional, supervisory and  
11              administrative positions and services in the public schools of the  
12              state subject to the provisions of Section 6-184 of this title, and  
13              shall formulate rules governing the issuance and revocation of  
14              certificates for superintendents of schools, principals,  
15              supervisors, librarians, clerical employees, school nurses, school  
16              bus drivers, visiting teachers, classroom teachers and for other  
17              personnel performing instructional, administrative and supervisory  
18              services, but not including members of boards of education and other  
19              employees who do not work directly with pupils, and may charge and  
20              collect reasonable fees for the issuance of such certificates:

21               a. the State Department of Education shall not issue a  
22               certificate to and shall revoke the certificate of any  
23               person who has been convicted, whether upon a verdict  
24               or plea of guilty or upon a plea of nolo contendere,

1 or received a suspended sentence or any probationary  
2 term for a crime or an attempt to commit a crime  
3 provided for in Section 843.5 of Title 21 of the  
4 Oklahoma Statutes if the offense involved sexual abuse  
5 or sexual exploitation as those terms are defined in  
6 Section 1-1-105 of Title 10A of the Oklahoma Statutes,  
7 Sections 741, 843.1, if the offense included sexual  
8 abuse or sexual exploitation, 865 et seq., 885, 888,  
9 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,  
10 1111.1, 1114 or 1123 of Title 21 of the Oklahoma  
11 Statutes or who enters this state and who has been  
12 convicted, received a suspended sentence or received a  
13 deferred judgment for a crime or attempted crime  
14 which, if committed or attempted in this state, would  
15 be a crime or an attempt to commit a crime provided  
16 for in any of said laws,

17 b. all funds collected by the State Department of  
18 Education for the issuance of certificates to  
19 instructional, supervisory and administrative  
20 personnel in the public schools of the state shall be  
21 deposited in the "Teachers' Certificate Fund" in the  
22 State Treasury and may be expended by the State Board  
23 of Education to finance the activities of the State  
24 Department of Education necessary to administer the

1 program, for consultative services, publication costs,  
2 actual and necessary travel expenses as provided in  
3 the State Travel Reimbursement Act incurred by persons  
4 performing research work, and other expenses found  
5 necessary by the State Board of Education for the  
6 improvement of the preparation and certification of  
7 teachers in Oklahoma. Provided, any unobligated  
8 balance in the Teachers' Certificate Fund in excess of  
9 Ten Thousand Dollars (\$10,000.00) on June 30 of any  
10 fiscal year shall be transferred to the General  
11 Revenue Fund of the State of Oklahoma. Until July 1,  
12 1997, the State Board of Education shall have  
13 authority for approval of teacher education programs.  
14 The State Board of Education shall also have authority  
15 for the administration of teacher residency and  
16 professional development, subject to the provisions of  
17 the Oklahoma Teacher Preparation Act;

18 7. Promulgate rules governing the classification, inspection,  
19 supervision and accrediting of all public nursery, kindergarten,  
20 elementary and secondary schools and on-site educational services  
21 provided by public school districts or state-accredited private  
22 schools in partial hospitalization programs, day treatment programs,  
23 and day hospital programs as defined in this act for persons between  
24 the ages of three (3) and twenty-one (21) years of age in the state.

1      However, no school shall be denied accreditation solely on the basis  
2      of average daily attendance.

3           Any school district which maintains an elementary school and  
4      faces the necessity of relocating its school facilities because of  
5      construction of a lake, either by state or federal authority, which  
6      will inundate the school facilities, shall be entitled to receive  
7      probationary accreditation from the State Board of Education for a  
8      period of five (5) years after the effective date of this act and  
9      any school district, otherwise qualified, shall be entitled to  
10     receive probationary accreditation from the State Board of Education  
11     for a period of two (2) consecutive years to attain the minimum  
12     average daily attendance. The Head Start and public nurseries or  
13     kindergartens operated from Community Action Program funds shall not  
14     be subjected to the accrediting rules of the State Board of  
15     Education. Neither will the State Board of Education make rules  
16     affecting the operation of the public nurseries and kindergartens  
17     operated from federal funds secured through Community Action  
18     Programs even though they may be operating in the public schools of  
19     the state. However, any of the Head Start or public nurseries or  
20     kindergartens operated under federal regulations may make  
21     application for accrediting from the State Board of Education but  
22     will be accredited only if application for the approval of the  
23     programs is made. The status of no school district shall be changed  
24     which will reduce it to a lower classification until due notice has

1      been given to the proper authorities thereof and an opportunity  
2      given to correct the conditions which otherwise would be the cause  
3      of such reduction.

4              Private and parochial schools may be accredited and classified  
5      in like manner as public schools or, if an accrediting association  
6      is approved by the State Board of Education, by procedures  
7      established by the State Board of Education to accept accreditation  
8      by such accrediting association, if application is made to the State  
9      Board of Education for such accrediting;

10              8. Be the legal agent of the State of Oklahoma to accept, in  
11      its discretion, the provisions of any Act of Congress appropriating  
12      or apportioning funds which are now, or may hereafter be, provided  
13      for use in connection with any phase of the system of public  
14      education in Oklahoma. It shall prescribe such rules as it finds  
15      necessary to provide for the proper distribution of such funds in  
16      accordance with the state and federal laws;

17              9. Be and is specifically hereby designated as the agency of  
18      this state to cooperate and deal with any officer, board or  
19      authority of the United States Government under any law of the  
20      United States which may require or recommend cooperation with any  
21      state board having charge of the administration of public schools  
22      unless otherwise provided by law;

23              10. Be and is hereby designated as the "State Educational  
24      Agency" referred to in Public Law 396 of the 79th Congress of the

1      United States, which law states that said act may be cited as the  
2      "National School Lunch Act", and said State Board of Education is  
3      hereby authorized and directed to accept the terms and provisions of  
4      said act and to enter into such agreements, not in conflict with the  
5      Constitution of Oklahoma or the Constitution and Statutes of the  
6      United States, as may be necessary or appropriate to secure for the  
7      State of Oklahoma the benefits of the school lunch program  
8      established and referred to in said act;

9              11. Have authority to secure and administer the benefits of the  
10         National School Lunch Act, Public Law 396 of the 79th Congress of  
11         the United States, in the State of Oklahoma and is hereby authorized  
12         to employ or appoint and fix the compensation of such additional  
13         officers or employees and to incur such expenses as may be necessary  
14         for the accomplishment of the above purpose, administer the  
15         distribution of any state funds appropriated by the Legislature  
16         required as federal matching to reimburse on children's meals;

17              12. Accept and provide for the administration of any land,  
18         money, buildings, gifts, donation or other things of value which may  
19         be offered or bequeathed to the schools under the supervision or  
20         control of said Board;

21              13. Have authority to require persons having administrative  
22         control of all school districts in Oklahoma to make such regular and  
23         special reports regarding the activities of the schools in said  
24         districts as the Board may deem needful for the proper exercise of

1 | its duties and functions. Such authority shall include the right of  
2 | the State Board of Education to withhold all state funds under its  
3 | control, to withhold official recognition, including accrediting,  
4 | until such required reports have been filed and accepted in the  
5 | office of said Board and to revoke the certificates of persons  
6 | failing or refusing to make such reports;

7 |       14. Have general supervision of the school lunch program. The  
8 | State Board of Education may sponsor workshops for personnel and  
9 | participants in the school lunch program and may develop, print and  
10 | distribute free of charge or sell any materials, books and bulletins  
11 | to be used in such school lunch programs. There is hereby created  
12 | in the State Treasury a revolving fund for the Board, to be  
13 | designated the School Lunch Workshop Revolving Fund. The fund shall  
14 | consist of all fees derived from or on behalf of any participant in  
15 | any such workshop sponsored by the State Board of Education, or from  
16 | the sale of any materials, books and bulletins, and such funds shall  
17 | be disbursed for expenses of such workshops and for developing,  
18 | printing and distributing of such materials, books and bulletins  
19 | relating to the school lunch program. The fund shall be  
20 | administered in accordance with ~~the Revolving Fund Procedures Act~~  
21 | Section 155 of Title 62 of the Oklahoma Statutes;

22 |       15. Prescribe all forms for school district and county officers  
23 | to report to the State Board of Education where required. The State  
24 | Board of Education shall also prescribe a list of appropriation

1 accounts by which the funds of school districts shall be budgeted,  
2 accounted for and expended; and it shall be the duty of the State  
3 Auditor and Inspector in prescribing all budgeting, accounting and  
4 reporting forms for school funds to conform to such lists;

5       16. Provide for the establishment of a uniform system of pupil  
6 and personnel accounting, records and reports;

7       17. Have authority to provide for the health and safety of  
8 school children and school personnel while under the jurisdiction of  
9 school authorities;

10       18. Provide for the supervision of the transportation of  
11 pupils;

12       19. Have authority, upon request of the local school board, to  
13 act in behalf of the public schools of the state in the purchase of  
14 transportation equipment;

15       20. Have authority and is hereby required to perform all duties  
16 necessary to the administration of the public school system in  
17 Oklahoma as specified in the Oklahoma School Code; and, in addition  
18 thereto, those duties not specifically mentioned herein if not  
19 delegated by law to any other agency or official;

20       21. Administer the State Public Common School Building  
21 Equalization Fund established by Section 32 of Article X of the  
22 Oklahoma Constitution. Any royalties, bonuses, rentals or other  
23 monies derived from oil and gas and all other mineral leases on  
24 lands that have been or may be granted by the United States to the

1 state for the use and benefit of the common schools, or lands that  
2 are or may be held by the Commissioners of the Land Office for the  
3 use and benefit of the common schools, the proceeds of the sale of  
4 easements, improvements and sand and gravel on any such lands, any  
5 monies as may be appropriated or designated by the Legislature,  
6 other than ad valorem taxes, any other funds identified by the State  
7 Department of Education, which may include, but not be limited to,  
8 grants-in-aid from the federal government for building purposes, the  
9 proceeds of all property that shall fall to the state by escheat,  
10 penalties for unlawful holding of real estate by corporations, and  
11 capital gains on assets of the permanent school funds, shall be  
12 deposited in the State Public Common School Building Equalization  
13 Fund. The fund shall be used to aid school districts in acquiring  
14 buildings, subject to the limitations fixed by Section 32 of Article  
15 X of the Oklahoma Constitution. It is hereby declared that the term  
16 "acquiring buildings" as used in Section 32 of Article X of the  
17 Oklahoma Constitution shall mean acquiring or improving school  
18 sites, constructing, repairing, remodeling or equipping buildings,  
19 or acquiring school furniture, fixtures, or equipment. If  
20 sufficient monies are available in the fund, the Board shall solicit  
21 proposals for grants from school districts and shall determine the  
22 process for consideration of proposals. Grants shall be awarded  
23 only to school districts which have a total assessed property  
24 valuation per average daily membership that is less than the state

1 average total assessed property valuation per average daily  
2 membership and, at the time of application, the district has voted  
3 the five-mill building fund levy authorized in Section 10 of Article  
4 X of the Oklahoma Constitution, and has voted indebtedness through  
5 the issuance of new bonds for at least eighty-five percent (85%)  
6 within the last three (3) years of the maximum allowable pursuant to  
7 the provisions of Section 26 of Article X of the Oklahoma  
8 Constitution as shown on the school district budget filed with the  
9 State Board of Equalization for the current school year and  
10 certifications by the Attorney General prior to April 1 of the  
11 school year. The amount of each grant awarded by the Board each  
12 year shall not exceed One Million Dollars (\$1,000,000.00). The  
13 Board shall give priority consideration to school districts which  
14 have a total assessed property valuation per average daily  
15 membership that is equal to or less than twenty-five percent (25%)  
16 of the state average total assessed property valuation per average  
17 daily membership. The Board is authorized to prorate grants awarded  
18 if monies are not sufficient in the fund to award grants to  
19 qualified districts. The State Board of Education shall prescribe  
20 rules for making grants of aid from, and for otherwise  
21 administering, the fund pursuant to the provisions of this  
22 paragraph, and may employ and fix the duties and compensation of  
23 technicians, aides, clerks, stenographers, attorneys and other  
24 personnel deemed necessary to carry out the provisions of this

1 paragraph. The cost of administering the fund shall be paid from  
2 monies appropriated to the State Board of Education for the  
3 operation of the State Department of Education;

4       22. Recognize that the Director of the Oklahoma Department of  
5 Corrections shall be the administrative authority for the schools  
6 which are maintained in the state reformatories and shall appoint  
7 the principals and teachers in such schools. Provided, that rules  
8 of the State Board of Education for the classification, inspection  
9 and accreditation of public schools shall be applicable to such  
10 schools; and such schools shall comply with standards set by the  
11 State Board of Education; and

12       23. Have authority to administer a revolving fund which is  
13 hereby created in the State Treasury, to be designated the  
14 Statistical Services Revolving Fund. The fund shall consist of all  
15 monies received from the various school districts of the state, the  
16 United States Government, and other sources for the purpose of  
17 furnishing or financing statistical services and for any other  
18 purpose as designated by the Legislature. The State Board of  
19 Education is hereby authorized to enter into agreements with school  
20 districts, municipalities, the United States Government, foundations  
21 and other agencies or individuals for services, programs or research  
22 projects. The Statistical Services Revolving Fund shall be  
23 administered in accordance with ~~the Revolving Fund Procedures Act,~~  
24 Section 155 ~~et seq.~~ of Title 62 of the Oklahoma Statutes; ~~and~~

1       24. Have authority to review preliminary plans for new  
2 construction and major alteration of public school buildings where  
3 structural changes are proposed. No bids shall be let for the  
4 construction or major alteration of any public school building until  
5 preliminary plans and specifications for such construction or  
6 alteration have been submitted to and reviewed by the State  
7 Department of Education. The period of time during which such  
8 review is conducted by the State Department of Education shall not  
9 exceed thirty (30) days. The State Department of Education shall  
10 advise each local school district regarding said review of  
11 preliminary plans and specifications. Provided, nothing in this  
12 subsection shall be construed as repealing any ordinance or building  
13 code of any city, town or county.

14       SECTION 2.       AMENDATORY       70 O.S. 2011, Section 3-104.2, is  
15 amended to read as follows:

16       Section 3-104.2 A. As part of the requirements for receiving  
17 accreditation by the State Board of Education, each school district  
18 board of education shall adopt a Comprehensive Local Education Plan  
19 once every six (6) years. The plan at a minimum shall contain the  
20 following:

21       1. A school improvement plan as provided for in Section 5-117.4  
22 of this title; and  
23       2. ~~A capital improvement plan as provided for in Section 18-153~~  
24 of this title;

1       3. An alternative education plan, as provided for in subsection  
2 ~~B of Section 1210.566 of this title; and~~

3       4. A reading sufficiency plan as provided for in Section  
4 1210.508C of this title.

5       B. The State Board of Education shall promulgate rules for  
6 monitoring compliance with the provisions of this section by school  
7 districts. ~~The State Department of Education shall provide training~~  
8 ~~for regional accreditation officers in alternative education program~~  
9 ~~compliance.~~

10      SECTION 3.       AMENDATORY       70 O.S. 2011, Section 5-117.4, is  
11 amended to read as follows:

12      Section 5-117.4 A. Each local board of education shall, after  
13 convening an advisory council that includes teachers and parents,  
14 and after holding at least one public hearing, adopt a six-year  
15 school improvement plan for the district. Each school improvement  
16 plan shall include stated goals that clearly delineate educational  
17 expectations, and shall be annually monitored and updated as  
18 necessary. The plan shall include an alternative education plan as  
19 provided for in subsection B of Section 1210.566 of this title. The  
20 plan shall also include a specific program of improvement through  
21 academic skill reinforcement and/or remediation pursuant to the  
22 provisions of the Oklahoma School Testing Program Act. Such The  
23 plan shall include an evaluation of the instructional program in the  
24 basic skills areas as specified in paragraphs 1 and 2 of subsection

1 A of Section 11-103 of this title and specific plans whereby schools  
2 within the district will initiate the planning process of meeting or  
3 exceeding the accreditation requirements in Section 3-104.4 of this  
4 title. The six-year school improvement plan shall include a  
5 consideration of the feasibility of participation in any programs  
6 which consist of state exemption from educational-related statutes  
7 or rules.

8 B. The school improvement plan shall be submitted to the State  
9 Board of Education as provided in Section 3-104.2 of this title.

10 SECTION 4. AMENDATORY 70 O.S. 2011, Section 1210.508, is  
11 amended to read as follows:

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

23  
24

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

- a. reading, and
- b. mathematics.

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

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

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

- a. reading, and
- b. mathematics.

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

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

a. reading,

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

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

6. Each student who completes the instruction for English II, English III, United States History, Biology I, Algebra I, Geometry, and Algebra II at the secondary level shall complete an end-of-instruction test, when implemented, to measure for attainment in the appropriate state academic content standards in order to graduate from a public high school with a standard diploma. All students shall take the tests prior to graduation, unless otherwise exempt by law. The State Board of Education shall administer the criterion-referenced tests. The Board shall develop and field test the end-of-instruction tests in English III, Geometry, and Algebra II during the 2006-07 school year, implement the tests during the 2007-08 school year, and administer them each year thereafter. The Board shall administer the multiple choice portion of the end-of-instruction tests online with raw score test results reported

1 immediately and complete results reported in less than two (2) weeks  
2 beginning in the 2008-09 school year.

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

16 Beginning with students who enter the ninth grade in the 2008-09  
17 school year, school districts shall report the ~~student's performance~~  
18 levels highest achieved state test performance level on the end-of-  
19 instruction tests and any business and industry-recognized  
20 endorsements attained on the student's high school transcript. Any  
21 student at the middle school level who completes the instruction in  
22 a secondary course specified in this paragraph shall be administered  
23 the appropriate end-of-instruction test.

24

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

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

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

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

14       3. The State Board of Education in coordination with the  
15 Educational Quality and Accountability Board shall review, realign,  
16 and recalibrate, as necessary, the tests in reading and mathematics  
17 in third through eighth grade and the end-of-instruction tests. The  
18 State Board of Education shall determine the cut scores for the  
19 performance levels on the end-of-instruction tests developed  
20 pursuant to paragraph 6 of subsection A of this section, which shall  
21 be phased in over a multi-year period. The State Board of Education  
22 shall conduct an ongoing review to compare the end-of-instruction  
23 test content and performance descriptors with those of other states.

24

1      Upon receipt of the review, the State Board of Education may adjust  
2      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, concurrent validity and the  
15     validity of performance level cut scores.

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

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

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

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

9       D. The State Board of Education shall be responsible for the  
10 development, field-testing, and validation of the criterion-  
11 referenced test series required in subsection A of this section. In  
12 the interest of economy the Board shall adapt criterion-referenced  
13 tests that have been developed by or in collaboration with other  
14 states or are otherwise commercially available, or portions of such  
15 tests, to the extent that such tests are appropriate for use in the  
16 testing program to be administered to Oklahoma students.

17       E. The State Board of Education shall develop, administer, and  
18 incorporate as a part of the Oklahoma School Testing Program, other  
19 testing programs or procedures, including appropriate accommodations  
20 for the testing of students with disabilities as required by the  
21 Individuals with Disabilities Education Act (IDEA), 20 USC, Section  
22 1400 et seq.

23       SECTION 5. This act shall become effective July 1, 2012.

24

1 SECTION 6. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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