

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

HOUSE BILL 2306

By: Coody

AS INTRODUCED

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

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

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

Section 3-104. The supervision of the public school system of 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.

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

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

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

- 8 a. reading,
- 9 b. mathematics,
- 10 c. science,
- 11 d. social studies, which shall consist of the history,
12 Constitution and government of the United States, and
13 geography, and
- 14 e. writing of English.

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

- 18 a. reading, and
- 19 b. mathematics.

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

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

- 24 a. reading,

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

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

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

12 B. 1. All criterion-referenced tests required by this section
13 shall measure academic competencies in correlation with the state
14 academic content standards adopted by the Board pursuant to Section
15 11-103.6 of this title and known as the Priority Academic Student
16 Skills Curriculum. The State Board of Education shall evaluate the
17 academic content standards to ensure the competencies reflect high
18 standards, are specific, well-defined, measurable, challenging, and
19 will prepare elementary students for next-grade-level course work
20 and secondary students for postsecondary studies at institutions of
21 higher education or technology center schools without the need for
22 remediation in core curriculum areas. All state academic content
23 standards shall reflect the benchmarks of the American Diploma
24 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.

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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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