

1 ENGROSSED HOUSE
2 BILL NO. 1622

By: Derby, Brumbaugh, Denney,
Condit, Newell, Nelson,
Cannaday, Caldwell,
McCullough, Thomsen and
Henke of the House

and

Stanislawski of the Senate

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9 [schools - directing the development of standards
10 for ACT assessment preparation instruction -
11 deleting end-of-instruction testing requirements -
12 requiring ACT assessment - ~~effective date~~ -
13 ~~emergency~~]
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16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508, as
18 last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
19 2014, Section 1210.508), is amended to read as follows:

20 Section 1210.508 A. 1. The State Board of Education shall
21 develop and administer a series of criterion-referenced ~~tests~~
22 assessments designed to indicate whether the subject matter
23 standards, as defined by the State Board of Education, which
24 Oklahoma public school students are expected to have attained have

1 been achieved. ~~The Board may develop and administer any criterion-~~
2 ~~referenced test in any subject not required by federal law,~~
3 ~~contingent upon the availability of funding.~~

4 2. The Board shall administer the criterion-referenced
5 assessment for grades three through eight as provided for in
6 subsection B of this section until the 2015-2016 school year.
7 Beginning with the 2016-2017 school year, the Board shall administer
8 the assessments in grades three through eight as provided for in
9 subsection E of this section.

10 3. The Board shall administer the end-of-instruction criterion-
11 referenced assessments for grades nine through twelve as provided
12 for in subsection C of this section until the 2015-2016 school year.
13 The Board shall continue to administer the end-of-instruction
14 criterion-referenced assessments to the cohort of students who start
15 the ninth grade during the 2015-2016 school year until those
16 students have graduated or are no longer enrolled in a public high
17 school. Beginning with the 2016-2017 school year, the Board shall
18 administer the assessments in grades nine through twelve as provided
19 for in subsection F of this section.

20 4. Students who do not perform at least at the proficient level
21 on ~~tests~~ assessments required pursuant to this section shall be
22 remediated, subject to the availability of funding.

23 ~~2.~~ B. 1. Contingent upon the availability of state and federal
24 funds, the Board, in accordance with federal law, shall administer

1 until the 2015-2016 school year criterion-referenced ~~tests~~
2 assessments for grades three and four in:

- 3 a. reading/English language arts, and
- 4 b. mathematics.

5 ~~3.~~ 2. Contingent upon the availability of funds, the Board
6 shall administer until the 2015-2016 school year criterion-
7 referenced ~~tests~~ assessments for grade five in:

- 8 a. reading/English language arts,
- 9 b. mathematics, and
- 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.~~ 3. Contingent upon the availability of state and federal
16 funds, the Board, in accordance with federal law, shall administer
17 until the 2015-2016 school year criterion-referenced ~~tests~~
18 assessments for grades six and seven in:

- 19 a. reading/English language arts, and
- 20 b. mathematics.

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

1 ~~5.~~ 4. Contingent upon the availability of funds, the Board
2 shall administer until the 2015-2016 school year criterion-
3 referenced ~~tests~~ assessments for grade eight in:

- 4 a. reading/English language arts,
- 5 b. mathematics, and
- 6 c. science,
- 7 d. ~~social studies, which shall consist of the history,~~
8 ~~Constitution, and government of the United States, and~~
- 9 e. ~~writing of English.~~

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.~~ C. 1. Except as otherwise provided for in Section 1210.523
15 of this title, each student who completes the instruction for
16 English II, English III, United States History, Biology I, Algebra
17 I, Geometry, and Algebra II at the secondary level shall complete an
18 end-of-instruction ~~test, when implemented,~~ criterion-referenced
19 assessment to measure for attainment in the appropriate subject
20 matter standards in order to graduate from a public high school with
21 a standard diploma. All students shall take the ~~tests~~ assessments
22 prior to graduation, unless otherwise exempt by law. The State
23 Board of Education shall develop and administer the end-of-
24 instruction criterion-referenced ~~tests~~ assessments until the date as

provided for in subsection A of this section. ~~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 immediately and complete results reported in less than two (2) weeks beginning in the 2008-09 school year.~~

~~The end-of-instruction tests shall serve the purpose of the criterion-referenced tests as provided in paragraph 1 of this subsection.~~ The English II and English III end-of-instruction tests shall include a writing component.

2. Students who do not score at least at the proficient level shall be afforded the opportunity to retake each ~~test~~ assessment up to three (3) times each calendar year until at least achieving at the proficient level.

3. In order to provide an indication of the levels of competency attained by the student in a permanent record for potential future employers and institutions of higher education, ~~for students who enter the ninth grade in or prior to the 2007-08 school year, school districts shall report the highest achieved state test performance level on the end-of-instruction tests on the student's high school transcript. Beginning with students who enter the ninth grade in the 2008-09 school year,~~ school districts shall report the

1 highest-achieved ~~state test~~ performance level on the end-of-
2 instruction ~~tests~~ criterion-referenced assessments and any business-
3 and industry-recognized endorsements attained on the student's high
4 school transcript.

5 4. Any student at the middle school level who completes the
6 instruction in a secondary course specified in this paragraph shall
7 be administered the appropriate end-of-instruction test.

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

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

19 ~~B. D.~~ 1. The State Board of Education in consultation with the
20 Oklahoma State Regents for Higher Education, the Commission for
21 Educational Quality and Accountability, the State Board of Career
22 and Technology Education and the Oklahoma Department of Commerce
23 shall develop recommendations for the assessment requirements
24 students shall meet in order to graduate from a public high school

1 with a standard diploma. In developing the high school graduation
2 assessment requirements, the State Board of Education in
3 consultation with the Oklahoma State Regents for Higher Education,
4 the Commission for Educational Quality and Accountability, the State
5 Board of Career and Technology Education and the Oklahoma Department
6 of Commerce shall:

- 7 a. hold public meetings and solicit public input,
- 8 b. adopt an assessment that is augmented with items
9 developed to align with the Oklahoma subject matter
10 standards as adopted by the State Board of Education
11 and which yields both norm-referenced scores and
12 criterion-referenced scores,
- 13 c. consider other criteria to be used in conjunction with
14 the adopted assessment,
- 15 d. consider the alternative assessments as authorized in
16 Section 1210.523 of this title and other alternative
17 assessments that may be used in place of the adopted
18 assessment, and
- 19 e. ensure that the adopted assessment meets the
20 requirements of the Elementary and Secondary Education
21 Act of 2011, P.L. No. 107-110, also known as the No
22 Child Left Behind Act of 2011, as amended or
23 reauthorized.

1 2. The Board shall make a report of the recommendations by
2 March 1, 2016.

3 3. By April 1, 2016, the Board shall promulgate rules setting
4 out the assessment requirements, including when a student is
5 eligible to take the assessment, that students shall meet in order
6 to graduate from a public high school with a standard diploma as
7 recommended pursuant to this subsection.

8 E. 1. The State Board of Education shall adopt and develop
9 assessments for grades three through eight that are augmented with
10 items developed to align with the Oklahoma subject matter standards
11 as adopted by the Board and which yield both norm-referenced scores
12 and criterion-referenced scores. The Board shall administer the
13 assessments beginning with the 2016-2017 school year.

14 2. Contingent upon the availability of state and federal funds,
15 the Board, in accordance with federal law, shall administer the
16 assessments for grades three and four in:

17 a. reading/English language arts, and

18 b. mathematics.

19 3. Contingent upon the availability of funds, the Board shall
20 administer assessments for grade five in:

21 a. reading/English language arts,

22 b. mathematics, and

23 c. science.

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

- 4 a. reading/English language arts, and
- 5 b. mathematics.

6 5. Contingent upon the availability of funds, the Board shall
7 administer assessments for grade eight in:

- 8 a. reading/English language arts,
- 9 b. mathematics, and
- 10 c. science.

11 F. 1. The State Board of Education shall adopt and develop an
12 assessment for grades nine through twelve that is augmented with
13 items developed to align with the Oklahoma subject matter standards
14 as adopted by the Board and which yields both norm-referenced scores
15 and criterion-referenced scores. The Board shall administer the
16 assessment beginning with the 2016-2017 school year.

17 2. Beginning with students entering the ninth grade in the
18 2016-2017 school year, each student by the end of the eleventh grade
19 shall take the assessment to measure for attainment in the
20 appropriate subject matter standards and shall meet any other
21 assessment requirements adopted by the Board pursuant to subsection
22 D of this section in order to graduate from a public high school
23 with a standard diploma. All students shall take the assessment
24 prior to graduation, unless otherwise exempt by law.

1 3. In order to provide an indication of the levels of
2 competency attained by the student in a permanent record for
3 potential future employers and institutions of higher education
4 school districts shall report the highest-achieved composite score
5 on the assessment and any business- and industry-recognized
6 endorsements attained on the student's high school transcript.

7 G. All ~~critterion-referenced tests~~ assessments required by this
8 section shall measure academic competencies in correlation with the
9 subject matter standards adopted by the Board pursuant to Sections
10 11-103.6 and 11-103.6a of this title. The State Board of Education
11 shall evaluate the subject matter standards to ensure the
12 competencies reflect high standards, are specific, well-defined,
13 measurable, challenging, and will prepare elementary students for
14 next-grade-level course work and secondary students for
15 postsecondary studies at institutions of higher education or
16 technology center schools without the need for remediation. All
17 subject matter standards shall reflect the goals as set forth in
18 Section 11-103.6 of this title, prepare secondary students for
19 taking and achieving high scores on any assessment used by
20 institutions of higher education to determine college readiness and
21 ~~of improving~~ improve the state average ACT score.

22 ~~2.~~ H. The State Department of Education shall annually evaluate
23 the results of the ~~critterion-referenced tests~~ assessments required
24 by this section. The State Board of Education shall ensure that

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

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

1 the assessments required in this section with those of other states.
2 Upon receipt of the review, the Commission may adjust the cut scores
3 as necessary.

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

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

~~A of this section may be administered to students at a time set by the State Board of Education as near as possible to the end of the course; provided, if a school district is unable to administer the tests online to all students taking the test for the first time and all students retaking the test during the testing window time set by the Board, the school district may elect to administer any of the tests to students retaking the test at any time not more than two (2) weeks prior to the start of the testing window time set by the Board.~~ All results and reports of the ~~critierion-refereneed test series~~ assessments required in ~~paragraphs 1 through 5 of subsection~~ assessments required in paragraphs 1 through 5 of subsection A of this section for grades three through eight shall be returned to each school district prior to the beginning of the next school year. The vendor shall provide a final electronic data file of all school site, school district, and state results to the State Department of Education and the Office of Educational Quality and Accountability prior to September 1 of each year. The Department shall forward the final data files for each school district and each school site in that district to the school district. The Board shall ensure the contract with the ~~testing~~ vendor includes a provision that the vendor report ~~test~~ assessment results directly to the Office of Educational Quality and Accountability at the same time it is reported to the Board.

2. State, district, and site-level results of all ~~tests~~ assessments required in this section shall be disaggregated by

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

11 ~~D.~~ L. The State Board of Education shall be solely responsible
12 for, shall control and have discretion over the development, ~~field-~~
13 ~~testing, and validation~~ adoption, revision and administration of the
14 ~~critterion-referenced test series~~ assessments required in ~~subsection~~
15 ~~A of~~ this section. In the interest of economy the Board may
16 participate in a multistate or multigovernmental cooperative
17 pursuant to the requirements of The Oklahoma Central Purchasing Act,
18 but shall not bind the state, contractually or otherwise, to the
19 authority of any other state, organization or entity which may
20 supersede the authority of the Board, for the purpose of adapting
21 ~~critterion-referenced tests~~ or augmenting assessments, to the extent
22 that such ~~tests~~ assessments are appropriate for use in the testing
23 program to be administered to Oklahoma students.
24

1 ~~E.~~ M. The State Board of Education shall develop, administer,
2 and incorporate as a part of the Oklahoma School Testing Program,
3 other ~~testing~~ assessment programs or procedures, including
4 appropriate accommodations for the ~~testing~~ assessment of students
5 with disabilities as required by the Individuals with Disabilities
6 Education Act (IDEA), 20 USC, Section 1400 et seq.

7 ~~F.~~ N. For purposes of developing and administering alternate
8 assessments for students with the most significant cognitive
9 disabilities, the State Board of Education shall not be subject to
10 subsections D and E of Section 11-103.6a of this title.

11 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.521, is
12 amended to read as follows:

13 Section 1210.521 A. This act shall be known and may be cited
14 as the "Achieving Classroom Excellence Act of 2005".

15 B. For purposes of the Achieving Classroom Excellence Act of
16 2005:

17 1. "Remediation" means supplemental instruction or assistance
18 provided to those students who scored unsatisfactory or limited
19 knowledge on the seventh-grade ~~criterion-referenced tests~~
20 assessments in reading and mathematics, eighth-grade ~~criterion-~~
21 ~~referenced tests~~ assessments in reading and mathematics, or any ~~end~~
22 ~~of instruction test~~ assessments required of students in grade nine
23 through twelve pursuant to Section 1210.508 of this title; and
24

1 2. "Intervention" means supplemental instruction or assistance
2 provided to those students in grades ~~6~~ six through ~~12~~ twelve prior
3 to administration of ~~a criterion-referenced test or end of~~
4 ~~instruction test~~ any assessment required pursuant to Section
5 1210.508 of this title who are at risk of scoring unsatisfactory or
6 limited knowledge.

7 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.522, is
8 amended to read as follows:

9 Section 1210.522 A. Except as provided in subsection D of this
10 section, every public school student shall demonstrate mastery of
11 the state academic content standards in reading and mathematics by
12 the end of the student's seventh-grade year, beginning in the 2006-
13 07 school year. To demonstrate mastery of reading and mathematics,
14 a student shall attain at least a proficient score on the seventh-
15 grade ~~criterion-referenced tests~~ assessments in reading and
16 mathematics administered pursuant to Section 1210.508 of this title.
17 Each student who does not score at least at the proficient level
18 shall be provided remediation or intervention for the purpose of
19 assisting the student in performing at least at the proficient level
20 on the eighth-grade ~~criterion-referenced tests~~ assessments in
21 reading and mathematics administered pursuant to Section 1210.508 of
22 this title.

23 B. Except as provided in subsection D of this section,
24 beginning in the 2007-08 school year, each student who does not

1 score at least at the proficient level on the eighth-grade
2 ~~criterion-referenced tests~~ assessments in reading and mathematics
3 administered pursuant to Section 1210.508 of this title shall be
4 provided remediation or intervention for the purpose of assisting
5 the student in performing at least at the proficient level on the
6 ~~end-of-instruction tests~~ assessments administered ~~in high school~~ to
7 students in grades nine through twelve pursuant to Section 1210.508
8 of this title.

9 C. Remediation and intervention may be provided by means which
10 may include, but are not limited to, extended time during the school
11 day, a summer academy, tutoring, online coursework, or other
12 supplementary services. The State Department of Education shall
13 provide information about best practices for remediation and
14 interventions. School districts will monitor results of the
15 remediation and interventions implemented and report the findings to
16 the State Department of Education.

17 D. 1. Students who have individualized education programs
18 pursuant to the Individuals with Disabilities Education Act (IDEA)
19 shall have an appropriate statement on the student's individualized
20 education program requiring administration of the assessment as
21 required pursuant to Section 1210.508 of this title with or without
22 accommodations or an alternate assessment. Any accommodations
23 normally employed for the assessment shall be approved by the State
24 Board of Education and be provided for in the individualized

1 education program. All documentation for each student shall be on
2 file in the school prior to administration of the assessment.

3 2. Students identified as English language learners shall be
4 assessed in a valid and reliable manner with the ~~state academic~~
5 assessments as required pursuant to Section 1210.508 of this title
6 with acceptable accommodations as necessary or, to the extent
7 practicable, with alternate assessments aligned to the ~~state~~
8 assessment provided by the school district in the language and form
9 most likely to yield accurate data of the student's knowledge of the
10 content areas.

11 SECTION 4. AMENDATORY 70 O.S. 2011, Section 1210.523, as
12 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
13 2014, Section 1210.523), is amended to read as follows:

14 Section 1210.523 A. 1. Except as provided in subsections ~~D~~ C
15 and E of this section, ~~beginning with~~ for students entering the
16 ninth grade ~~in~~ prior to the ~~2008-2009~~ 2016-2017 school year, every
17 student shall demonstrate mastery of the state academic content
18 standards in the following subject areas in order to graduate from a
19 public high school with a standard diploma:

20 ~~1. a.~~ a. Algebra I~~+~~1

21 ~~2. b.~~ b. English II~~+~~1 and

22 ~~3. c.~~ c. Two of the following five:

23 ~~a.~~ (1) Algebra II,

24 ~~b.~~ (2) Biology I,

- ~~e.~~ (3) English III,
~~d.~~ (4) Geometry, and
~~e.~~ (5) United States History.

~~B.~~ 2. To demonstrate mastery, the student shall attain at least a proficient score on the end-of-instruction criterion-referenced ~~tests~~ assessments administered pursuant to Section 1210.508 of this title. The Board shall continue to administer the end-of-instruction criterion-referenced assessments to the cohort of students who started the ninth grade prior to the 2016-2017 school year until that cohort of students has graduated or is no longer enrolled in a public high school.

~~C.~~ 3. Notwithstanding any other provision of law, students who do not attain at least a proficient score on any end-of-instruction ~~test~~ assessment shall be provided remediation or intervention and the opportunity to retake the test until at least a proficient score is attained on the tests of Algebra I, English II and two of the tests required in subparagraph c of paragraph 3 1 of this subsection ~~A of this section~~ or an approved alternative ~~test~~ assessment.
Technology center schools shall be authorized to provide intervention and remediation in Algebra I, Algebra II, Geometry, English II, English III, United States History, and Biology I to students enrolled in technology center schools, with the approval of the independent school district board.

1 ~~D.~~ B. 1. Except as otherwise provided for in subsections C and
2 E of this section, beginning with students entering the ninth grade
3 in the 2016-2017 school year every student shall demonstrate mastery
4 of the state academic content standards in the following subject
5 areas in order to graduate from a public high school with a standard
6 diploma:

7 a. Mathematics, which at the least demonstrates mastery
8 of Algebra I,

9 b. English, which at the least demonstrates mastery of
10 English II,

11 c. Science, which at the least demonstrates mastery of
12 Biology I, and

13 d. United States History.

14 2. A student who has attained at least a proficient composite
15 score on the assessment that is augmented with items developed to
16 align with the Oklahoma subject matter standards as adopted and
17 administered by the State Board of Education pursuant to Section
18 1210.508 of this title shall be deemed to have demonstrated mastery
19 of the state academic content standards in the subject areas listed
20 in paragraph 1 of this subsection.

21 3. If a student has not attained at least a proficient
22 composite score on the assessment, the student shall still be deemed
23 to have demonstrated mastery in an individual subject area by
24

1 attaining a proficient score on that subject area part of the
2 assessment.

3 4. If a student has not attained at least a proficient
4 composite score on the assessment or a proficient score on an
5 individual subject area part of the assessment, the student shall be
6 provided remediation or intervention and the opportunity to take and
7 obtain a proficient score on an alternative subject area assessment
8 specific to the subject area. The alternative subject area
9 assessments shall be adopted or developed by the Board for each
10 specific subject area with the following options:

- 11 a. Mathematics: Algebra I, Algebra II, Geometry,
12 Precalculus, or any other mathematics course which the
13 Board determines is at least equivalent to mastery of
14 Algebra I,
- 15 b. English: any English course which the Board determines
16 is at least equivalent to mastery of English II,
- 17 c. Science: Biology I, Chemistry, Physics or any other
18 science course which the Board determines is at least
19 equivalent to mastery of Biology I, and
- 20 d. United States History.

21 5. Technology center schools shall be authorized to provide
22 intervention and remediation in any of the subject areas listed in
23 paragraph 1 of this subsection to students enrolled in technology
24

1 center schools, with the approval of the independent school district
2 board.

3 C. 1. Students who do not meet the requirements of subsection
4 A or B of this section may graduate from a public high school with a
5 standard diploma by demonstrating mastery of state academic content
6 standards by alternative methods as approved by the State Board of
7 Education.

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

16 3. ~~Students~~ For students entering the ninth grade prior to the
17 2016-2017 school year and who score ten percent (10%) above the cut
18 scores approved by the State Board of Education for the American
19 College Testing Program (ACT), the Scholastic Aptitude Test (SAT),
20 ACT Plan or Preliminary Scholastic Aptitude Test/National Merit
21 Scholarship Qualifying Test (PSAT/NMSQT) ~~alternate tests~~ assessments
22 shall be deemed to have satisfactorily demonstrated mastery of state
23 academic content standards in the subject areas for which
24 alternative ~~tests~~ assessments have been approved and shall be exempt

1 from taking the end-of-instruction criterion-referenced ~~tests~~
2 assessments in the subject areas of Algebra II, English III,
3 Geometry or United States History as listed in subparagraph c of
4 paragraph 3 1 of subsection A of this section. Beginning with
5 students entering the ninth grade in the 2016-2017 school year,
6 students who score ten percent (10%) above the cut scores approved
7 by the State Board of Education for the American College Testing
8 Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan or
9 Preliminary Scholastic Aptitude Test/National Merit Scholarship
10 Qualifying Test (PSAT/NMSQT) alternate tests shall be deemed to have
11 satisfactorily demonstrated mastery of state academic content
12 standards in the subject areas for which alternative tests have been
13 approved and shall be exempt from taking the alternative subject
14 area assessment specific to the subject area as provided for in
15 paragraph 4 of subsection B of this section.

16 4. ~~Students~~ For students entering the ninth grade prior to the
17 2016-2017 school year and who have a score that is equal to or above
18 the cut scores approved by the State Board of Education for the
19 Advanced Placement course exams, ACT Workkeys job skills assessment,
20 College-Level Examination Program (CLEP) or International
21 Baccalaureate (IB) alternate ~~tests~~ assessments shall be deemed to
22 have satisfactorily demonstrated mastery of state academic content
23 standards in the subject areas for which alternate ~~tests~~ assessments
24 have been approved and shall be exempt from taking the end-of-

1 instruction criterion-referenced ~~tests~~ assessments in the subject
2 areas of Algebra II, English III, Geometry or United States History
3 as listed in subparagraph c of paragraph 3 1 of subsection A of this
4 section. Beginning with students entering the ninth grade in the
5 2016-2017 school year, students who have a score that is equal to or
6 above the cut scores approved by the State Board of Education for
7 the Advanced Placement course exams, ACT Workkeys job skills
8 assessment, College-Level Examination Program (CLEP) or
9 International Baccalaureate (IB) alternate tests shall be deemed to
10 have satisfactorily demonstrated mastery of state academic content
11 standards in the subject areas for which alternate tests have been
12 approved and shall be exempt from taking the alternative subject
13 area assessment specific to the subject area as provided for in
14 paragraph 4 of subsection B of this section.

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

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

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

18 ~~F.~~ E. 1. Students who have individualized education programs
19 pursuant to the Individuals with Disabilities Education Act (IDEA)
20 shall have an appropriate statement on the student's individualized
21 education program requiring administration of the assessment with or
22 without accommodations or an alternate assessment. Any
23 accommodations normally employed for the assessment shall be
24 approved by the State Board of Education and be provided for in the

1 individualized education program. All documentation for each
2 student shall be on file in the school prior to administration of
3 the assessment.

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

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

- c. retakes the ~~exam~~ assessment in each subject in which the student failed to meet the requirements of subsection A or B of this section if the individualized education program (IEP) requires retake opportunities,
- d. maintains at least a C average or the equivalent in each subject in which the student failed to meet the requirements of subsection A or B of this section, and
- e. meets all other graduation requirements of the school district in which the student is enrolled.

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

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

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

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

18 SECTION 5. AMENDATORY 70 O.S. 2011, Section 1210.526, as
19 amended by Section 2, Chapter 367, O.S.L. 2013 (70 O.S. Supp. 2014,
20 Section 1210.526), is amended to read as follows:

21 Section 1210.526 A. Contingent on the provision of
22 appropriated funds designated for the Achieving Classroom Excellence
23 Act of 2005, school districts shall be eligible for funding as
24 follows:

1 1. A maximum of Two Hundred Forty Dollars (\$240.00) for
2 remediation or intervention for each subject-specific ~~test~~
3 assessment by a student that resulted in a score at the
4 unsatisfactory level and for which the student has been found to be
5 in need of remediation or intervention pursuant to Sections 1210.522
6 and 1210.523 of this title;

7 2. A maximum of One Hundred Eighty Dollars (\$180.00) for
8 remediation or intervention for each subject-specific ~~test~~
9 assessment by a student that resulted in a score at the limited
10 knowledge level and for which the student has been found to be in
11 need of remediation or intervention pursuant to Sections 1210.522
12 and 1210.523 of this title;

13 3. Funds for remediation or intervention as provided for in
14 paragraphs 1 and 2 of this subsection shall be disbursed by the
15 State Department of Education by September 1 of each year and shall
16 be based on the most recent ~~test~~ assessment results available from
17 the previous school year or summer test administration; and

18 4. Claims for reimbursement for costs associated with
19 administration of alternative assessments as required by Section
20 1210.523 of this title shall be filed with the State Department of
21 Education at the end of each school semester or prior to the end of
22 the fiscal year in which the alternative assessment is provided.
23 Claims from summer alternative assessment administration provided in
24 July or August shall be filed with the first semester claim of the

1 subsequent school year. Claims shall be reimbursed in a timely
2 manner.

3 B. Funds for remediation or intervention as provided for in
4 subsection A of this section may be used to provide remediation or
5 intervention to any student in grade 6 through grade 12 or any
6 student under the age of twenty-one (21) who enrolls in a school
7 district pursuant to subsection G of Section 1210.523 of this title
8 in order to meet the graduation requirements of Section 1210.523 of
9 this title who has been determined to be in need of remediation or
10 intervention, including but not limited to those students who have
11 scored at the unsatisfactory or limited knowledge level.

12 C. Remediation and intervention provided pursuant to this
13 section by school districts shall be for the purpose of assisting
14 students in performing at least at the satisfactory level on the
15 applicable ~~criterion-referenced tests~~ assessments in reading and
16 mathematics at the eighth-grade level, ~~or the applicable end-of-~~
17 ~~instruction tests as required in Section 1210.523 of this title, or~~
18 ~~an alternative assessment if eligible~~ high school level.

19 Remediation and intervention may be provided by means which may
20 include, but are not limited to, tutoring, additional help during
21 the school day, extended-day programs, Saturday programs, summer
22 programs, online coursework, or other supplementary services which
23 are provided on an individual basis or in a classroom setting.
24

1 D. State Aid funding for students enrolling in a school
2 district pursuant to subsection G of Section 1210.523 of this title
3 shall be calculated based upon the percentage of the total school
4 day in which the student is enrolled multiplied by the appropriate
5 grade level weight pursuant to Section 18-201.1 of this title. Only
6 enrollment in courses or periods necessary to meet the graduation
7 requirements of Section 1210.523 of this title and not elective
8 courses or periods shall be included in the calculation of State Aid
9 funding.

10 E. School districts shall report on their use of funds for
11 remediation and intervention as provided for in this section to the
12 State Board of Education in a manner prescribed by the Board.

13 F. The State Board of Education shall promulgate rules to
14 implement the provisions of this section.

15 ~~SECTION 6. This act shall become effective July 1, 2015.~~

16 ~~SECTION 7. It being immediately necessary for the preservation~~
17 ~~of the public peace, health and safety, an emergency is hereby~~
18 ~~declared to exist, by reason whereof this act shall take effect and~~
19 ~~be in full force from and after its passage and approval.~~

1 Passed the House of Representatives the 11th day of March, 2015.

2
3
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2015.

6
7
8 Presiding Officer of the Senate