

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1622

By: Derby of the House and Stanislawski of the Senate

Title: Schools; relating to the School Testing Program Act; modifying testing.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

SENATE CONFEREES

Allen _____
 Anderson _____
 Barrington _____
 Bass _____
 Bice _____
 Boggs _____
 Brecheen _____
 Brooks _____
 Brown _____
 Crain _____
 Dahm _____
 David _____
 Dossett _____
 Fields _____
 Floyd _____
 Ford _____
 Fry _____
 Garrison _____
 Griffin _____
 Halligan _____
 Holt _____
 Jech _____
 Jolley _____
 Justice _____

Loveless _____
 Marlatt _____
 Matthews _____
 Mazzei _____
 Newberry _____
 Paddock _____
 Pittman _____
 Quinn _____
 Sharp _____
 Shaw _____
 Shortey _____
 Silk _____
 Simpson _____
 Smalley _____
 Sparks _____
 Standridge _____
 Stanislawski _____
 Sykes _____
 Thompson _____
 Treat _____
 Wyrick _____
 Yen _____

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1622

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

and

Stanislawski, Brecheen and
Bice of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Section 1210.508, as last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2015, Section 1210.508), which relates to the Oklahoma School Testing Program Act; changing type of test required to be administered to students; deleting option for additional tests; directing the State Board of Education to administer certain assessments in certain grades during certain years; adding termination date; deleting certain subject tests; adding termination date for certain end-of-instruction tests; deleting end-of-instruction test administration requirements and purpose; requiring certain tests to be recorded on the transcript; deleting fine arts assessment requirements; directing the State Board to develop recommendations for high school graduation in consultation with other entities; listing criteria for the recommendations; requiring a report by a certain date; directing the State Board to promulgate rules by a certain date; directing the State Board to adopt and develop certain assessments to be administered by a certain school year; specifying the assessment subject areas

1 and grades; requiring certain students to take
2 certain assessments by a certain grade in order to
3 graduate; requiring school districts to report
4 assessment scores on student transcripts; deleting
5 references to criterion-referenced and tests;
6 modifying testing window requirements; expanding
7 responsibility of the State Board over assessments;
8 amending 70 O.S. 2011, Sections 1210.521, 1210.522,
9 1210.523, as last amended by Section 26, Chapter 4,
10 O.S.L. 2014 and 1210.526, as amended by Section 2,
11 Chapter 367, O.S.L. 2013 (70 O.S. Supp. 2015,
12 Sections 1210.523 and 1210.526) which relate to the
13 Achieving Classroom Excellence Act of 2005; modifying
14 definitions; changing references to criterion-
15 referenced tests; adding references to certain law;
16 changing date of application of certain provisions;
17 directing the State Board to continue administration
18 of certain end-of-instruction assessments for certain
19 period; requiring certain students to demonstrate
20 mastery of state academic content standards in
21 certain subject areas; describing demonstration of
22 mastery; providing for demonstration of mastery by
23 attaining a certain score on a part of the
24 assessment; requiring remediation, intervention and
opportunities for taking alternative assessments for
certain students; directing the State Board to adopt
or develop certain alternative assessments;
authorizing technology center schools to provide
intervention and remediation to certain students;
adding termination dates for certain alternative
assessments; providing for use of certain alternative
assessments after certain date; 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 1210.508, as
last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.
2015, Section 1210.508), is amended to read as follows:

1 Section 1210.508 A. 1. The State Board of Education shall
2 ~~develop and administer a series of criterion-referenced tests~~
3 assessments designed to indicate whether the subject matter
4 standards, as defined by the State Board of Education, which
5 Oklahoma public school students are expected to have attained have
6 been achieved. ~~The Board may develop and administer any criterion-~~
7 ~~referenced test in any subject not required by federal law,~~
8 ~~contingent upon the availability of funding.~~

9 2. The Board shall administer the criterion-referenced
10 assessment for grades three through eight as provided for in
11 subsection B of this section until the 2016-2017 school year.
12 Beginning with the 2017-2018 school year, the Board shall administer
13 the assessments in grades three through eight as provided for in
14 subsection E of this section.

15 3. The Board shall administer the end-of-instruction criterion-
16 referenced assessments for grades nine through twelve as provided
17 for in subsection C of this section until the 2016-2017 school year.
18 The Board shall continue to administer the end-of-instruction
19 criterion-referenced assessments to the cohort of students who start
20 the ninth grade during the 2016-2017 school year until those
21 students have graduated or are no longer enrolled in a public high
22 school. Beginning with the 2017-2018 school year, the Board shall
23 administer the assessments in grades nine through twelve as provided
24 for in subsection F of this section.

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

4 ~~2.~~ B. 1. Contingent upon the availability of state and federal
5 funds, the Board, in accordance with federal law, shall administer
6 until the 2016-2017 school year criterion-referenced ~~tests~~
7 assessments for grades three and four in:

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

10 ~~3.~~ 2. Contingent upon the availability of funds, the Board
11 shall administer until the 2016-2017 school year criterion-
12 referenced ~~tests~~ assessments for grade five in:

- 13 a. reading/English language arts,
- 14 b. mathematics, and
- 15 c. science~~,~~
- 16 d. ~~social studies, which shall consist of the history,~~
17 ~~Constitution and government of the United States, and~~
18 ~~geography, and~~
- 19 e. ~~writing of English.~~

20 ~~4.~~ 3. Contingent upon the availability of state and federal
21 funds, the Board, in accordance with federal law, shall administer
22 until the 2016-2017 school year criterion-referenced ~~tests~~
23 assessments for grades six and seven in:

- 24 a. reading/English language arts, and

b. mathematics.

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

~~5.~~ 4. Contingent upon the availability of funds, the Board shall administer until the 2016-2017 school year criterion-referenced ~~tests~~ assessments for grade eight in:

a. reading/English language arts,

b. mathematics, and

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. Except as otherwise~~ C. 1. As provided for in Section 1210.523 of this title, 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,~~ criterion-referenced assessments to measure for attainment in the appropriate subject matter standards in order to graduate from a public high school with a standard diploma. All students shall take the ~~tests~~

1 assessments prior to graduation, unless otherwise exempt by law.

2 The State Board of Education shall administer the end-of-instruction
3 criterion-referenced tests assessments until the date as provided
4 for in subsection A of this section. ~~The Board shall develop and~~
5 ~~field test the end-of-instruction tests in English III, Geometry,~~
6 ~~and Algebra II during the 2006-07 school year, implement the tests~~
7 ~~during the 2007-08 school year, and administer them each year~~
8 ~~thereafter. The Board shall administer the multiple choice portion~~
9 ~~of the end-of-instruction tests online with raw score test results~~
10 ~~reported immediately and complete results reported in less than two~~
11 ~~(2) weeks beginning in the 2008-09 school year.~~

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

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

20 3. In order to provide an indication of the levels of
21 competency attained by the student in a permanent record for
22 potential future employers and institutions of higher education, ~~for~~
23 ~~students who enter the ninth grade in or prior to the 2007-08 school~~
24 ~~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 highest-achieved ~~state test~~ performance level on the end-of-instruction ~~tests~~ criterion-referenced assessments and any business- and industry-recognized endorsements attained on the student's high school transcript.

4. Any student at the middle school level who completes the instruction in a secondary course specified in ~~this~~ paragraph 1 of this subsection shall be administered the appropriate end-of-instruction ~~test~~ assessment.

~~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. D.~~ 1. The State Board of Education in consultation with the Oklahoma State Regents for Higher Education, the Commission for

1 Educational Quality and Accountability, the State Board of Career
2 and Technology Education and the Oklahoma Department of Commerce
3 shall develop recommendations for the assessment requirements
4 students shall meet in order to graduate from a public high school
5 with a standard diploma. In developing the high school graduation
6 assessment requirements, the State Board of Education in
7 consultation with the Oklahoma State Regents for Higher Education,
8 the Commission for Educational Quality and Accountability, the State
9 Board of Career and Technology Education and the Oklahoma Department
10 of Commerce shall:

- 11 a. hold public meetings and solicit public input,
- 12 b. adopt an assessment that is aligned with the Oklahoma
13 subject matter standards as adopted by the State Board
14 of Education and which yields both norm-referenced
15 scores and criterion-referenced scores,
- 16 c. consider other criteria to be used in conjunction with
17 the adopted assessment,
- 18 d. consider the alternative assessments as authorized in
19 Section 1210.523 of this title and other alternative
20 assessments that may be used in place of the adopted
21 assessment, and
- 22 e. ensure that the adopted assessment meets the
23 requirements of the Elementary and Secondary Education

1 Act of 1965, as reauthorized by P.L. No. 114-95, also
2 known as the Every Student Succeeds Act.

3 2. The Board shall make a report of the recommendations by
4 March 1, 2017.

5 3. By April 1, 2017, the Board shall promulgate rules setting
6 out the assessment requirements, including when a student is
7 eligible to take the assessment, which students shall meet in order
8 to graduate from a public high school with a standard diploma as
9 recommended pursuant to this subsection.

10 E. 1. The State Board of Education shall adopt assessments for
11 grades three through eight that are aligned with the Oklahoma
12 subject matter standards as adopted by the Board and which yield
13 both norm-referenced scores and criterion-referenced scores. The
14 Board shall administer the assessments beginning with the 2017-2018
15 school year.

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

19 a. reading/English language arts, and

20 b. mathematics.

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

23 a. reading/English language arts,

24 b. mathematics, and

1 c. science.

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

5 a. reading/English language arts, and

6 b. mathematics.

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

9 a. reading/English language arts,

10 b. mathematics, and

11 c. science.

12 F. 1. The State Board of Education shall adopt assessments for
13 grades nine through twelve that are aligned with the Oklahoma
14 subject matter standards as adopted by the Board and which yield
15 both norm-referenced scores and criterion-referenced scores. The
16 Board shall administer the assessment beginning with the 2017-2018
17 school year.

18 2. Beginning with students entering the ninth grade in the
19 2017-2018 school year, each student by the end of the eleventh grade
20 shall take the assessment to measure for attainment in the
21 appropriate subject matter standards and shall meet any other
22 assessment requirements adopted by the Board pursuant to subsection
23 D of this section in order to graduate from a public high school

1 with a standard diploma. All students shall take the assessment
2 prior to graduation, unless otherwise exempt by law.

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

9 G. All ~~criterion-referenced tests~~ assessments required by this
10 section shall measure academic competencies in correlation with the
11 subject matter standards adopted by the Board pursuant to Sections
12 11-103.6 and 11-103.6a of this title and shall not include standards
13 or assessment questions as described in subsection H of Section 11-
14 103.6a of this title. The State Board of Education shall evaluate
15 the subject matter standards to ensure the competencies reflect high
16 standards, are specific, well-defined, measurable, challenging, and
17 will prepare elementary students for next-grade-level course work
18 and secondary students for postsecondary studies at institutions of
19 higher education or technology center schools without the need for
20 remediation. All subject matter standards shall reflect the goals
21 as set forth in Section 11-103.6 of this title, prepare secondary
22 students for taking and achieving high scores on any assessment used
23 by institutions of higher education to determine college readiness
24 and ~~of improving~~ improve the state average ACT score.

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

16 ~~3.~~ I. The State Board of Education in coordination with the
17 Office of Educational Quality and Accountability shall review,
18 realign, and recalibrate, as necessary, the ~~tests~~ assessments in
19 reading and mathematics ~~in third through eighth grade and the end-~~
20 ~~of-instruction tests~~ as required in this section. The Commission
21 for Educational Quality and Accountability shall determine the cut
22 scores for the performance levels on the end-of-instruction ~~tests~~
23 ~~developed~~ criterion-referenced assessments and the criterion-
24 referenced assessment portion and scores of the assessments

1 ~~administered pursuant to paragraph 6 of subsection A of this~~
2 section. The Commission shall conduct an ongoing review to compare
3 the ~~end-of-instruction test~~ content and performance descriptors of
4 the assessments required in this section with those of other states.
5 Upon receipt of the review, the Commission may adjust the cut scores
6 as necessary.

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

21 ~~C.~~ K. 1. The State Board of Education shall set the testing
22 window dates for each ~~criterion-referenced test~~ assessment required
23 in ~~paragraphs 1 through 5 of subsection A of this section for grades~~
24 ~~three through eight~~ so that, ~~with the exception of the writing~~

1 ~~assessments,~~ the ~~tests~~ assessments are administered to students no
2 earlier than April 10 each year and so that the ~~test~~ assessment
3 results are reported back to school districts in a timely manner.
4 ~~Each criterion-referenced test required in paragraph 6 of subsection~~
5 ~~A of this section may be administered to students at a time set by~~
6 ~~the State Board of Education as near as possible to the end of the~~
7 ~~course; provided, if a school district is unable to administer the~~
8 ~~tests online to all students taking the test for the first time and~~
9 ~~all students retaking the test during the testing window time set by~~
10 ~~the Board, the school district may elect to administer any of the~~
11 ~~tests to students retaking the test at any time not more than two~~
12 ~~(2) weeks prior to the start of the testing window time set by the~~
13 ~~Board.~~ All results and reports of the ~~criterion-referenced test~~
14 ~~series~~ assessments required in ~~paragraphs 1 through 5 of subsection~~
15 ~~A of this section for grades three through eight~~ shall be returned
16 to each school district prior to the beginning of the next school
17 year. The vendor shall provide a final electronic data file of all
18 school site, school district, and state results to the State
19 Department of Education and the Office of Educational Quality and
20 Accountability prior to September 1 of each year. The Department
21 shall forward the final data files for each school district and each
22 school site in that district to the school district. The Board
23 shall ensure the contract with the ~~testing~~ vendor includes a
24 provision that the vendor report ~~test~~ assessment results directly to

1 the Office of Educational Quality and Accountability at the same
2 time it is reported to the Board.

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

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

1 ~~criterion-referenced tests~~ or augmenting assessments, to the extent
2 that such ~~tests~~ assessments are appropriate for use in the ~~testing~~
3 ~~program~~ Oklahoma School Testing Program to be administered to
4 Oklahoma students.

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

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

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

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

19 B. For purposes of the Achieving Classroom Excellence Act of
20 2005:

21 1. "Remediation" means supplemental instruction or assistance
22 provided to those students who scored unsatisfactory or limited
23 knowledge on the seventh-grade ~~criterion-referenced tests~~
24 assessments in reading and mathematics, eighth-grade ~~criterion-~~

1 ~~referenced tests~~ assessments in reading and mathematics, or any ~~end~~
2 ~~of instruction test~~ assessments required of students in grades nine
3 through twelve pursuant to Section 1210.508 of this title; and

4 2. "Intervention" means supplemental instruction or assistance
5 provided to those students in grades ~~6~~ six through ~~12~~ twelve prior
6 to administration of ~~a criterion-referenced test or end of~~
7 ~~instruction test~~ any assessment required pursuant to Section
8 1210.508 of this title who are at risk of scoring unsatisfactory or
9 limited knowledge.

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

12 Section 1210.522 A. Except as provided in subsection D of this
13 section, every public school student shall demonstrate mastery of
14 the state academic content standards in reading and mathematics by
15 the end of the student's seventh-grade year, beginning in the 2006-
16 07 school year. To demonstrate mastery of reading and mathematics,
17 a student shall attain at least a proficient score on the seventh-
18 grade ~~criterion-referenced tests~~ assessments in reading and
19 mathematics administered pursuant to Section 1210.508 of this title.
20 Each student who does not score at least at the proficient level
21 shall be provided remediation or intervention for the purpose of
22 assisting the student in performing at least at the proficient level
23 on the eighth-grade ~~criterion-referenced tests~~ assessments in
24

1 reading and mathematics administered pursuant to Section 1210.508 of
2 this title.

3 B. Except as provided in subsection D of this section,
4 beginning in the 2007-08 school year, each student who does not
5 score at least at the proficient level on the eighth-grade
6 ~~critierion-refereneed tests~~ assessments in reading and mathematics
7 administered pursuant to Section 1210.508 of this title shall be
8 provided remediation or intervention for the purpose of assisting
9 the student in performing at least at the proficient level on the
10 ~~end-of-instruction tests~~ assessments administered ~~in high school to~~
11 students in grades nine through twelve pursuant to Section 1210.508
12 of this title.

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

21 D. 1. Students who have individualized education programs
22 pursuant to the Individuals with Disabilities Education Act (IDEA)
23 shall have an appropriate statement on the student's individualized
24 education program requiring administration of the assessment as

1 required pursuant to Section 1210.508 of this title with or without
2 accommodations or an alternate assessment. Any accommodations
3 normally employed for the assessment shall be approved by the State
4 Board of Education and be provided for in the individualized
5 education program. All documentation for each student shall be on
6 file in the school prior to administration of the assessment.

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

15 SECTION 4. AMENDATORY 70 O.S. 2011, Section 1210.523, as
16 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
17 2015, Section 1210.523), is amended to read as follows:

18 Section 1210.523 A. 1. Except as provided in subsections ~~D~~ C
19 and E of this section, ~~beginning with~~ for students entering the
20 ninth grade ~~in prior to the 2008-2009~~ 2017-2018 school year, every
21 student shall demonstrate mastery of the state academic content
22 standards in the following subject areas in order to graduate from a
23 public high school with a standard diploma:

24 ~~1.~~ a. Algebra I ~~I~~ I

- 1 ~~2.~~ b. English II~~+~~1, and
- 2 ~~3.~~ c. ~~Two~~ two of the following five:
- 3 ~~a.~~ (1) Algebra II,
- 4 ~~b.~~ (2) Biology I,
- 5 ~~c.~~ (3) English III,
- 6 ~~d.~~ (4) Geometry, and
- 7 ~~e.~~ (5) United States History.

8 ~~B.~~ 2. To demonstrate mastery, the student shall attain at least

9 a proficient score on the end-of-instruction criterion-referenced

10 ~~tests~~ assessments administered pursuant to Section 1210.508 of this

11 title. The Board shall continue to administer the end-of-

12 instruction criterion-referenced assessments to the cohort of

13 students who started the ninth grade prior to the 2017-2018 school

14 year until that cohort of students has graduated or is no longer

15 enrolled in a public high school.

16 ~~C.~~ 3. Notwithstanding any other provision of law, students who

17 do not attain at least a proficient score on any end-of-instruction

18 ~~test~~ assessment shall be provided remediation or intervention and

19 the opportunity to retake the ~~test~~ assessment until at least a

20 proficient score is attained on the ~~tests of~~ Algebra I, English II

21 assessments and two of the ~~tests~~ assessments required in

22 subparagraph c of paragraph 3 1 of this subsection ~~A of this section~~

23 or an approved alternative ~~test~~ assessment. Technology center

24 schools shall be authorized to provide intervention and remediation

1 in Algebra I, Algebra II, Geometry, English II, English III, United
2 States History, and Biology I to students enrolled in technology
3 center schools, with the approval of the independent school district
4 board.

5 ~~D.~~ B. 1. Except as otherwise provided for in subsections C and
6 E of this section, beginning with students entering the ninth grade
7 in the 2017-2018 school year every student shall demonstrate mastery
8 of the state academic content standards in the following subject
9 areas in order to graduate from a public high school with a standard
10 diploma:

11 a. Mathematics, which at the least demonstrates mastery
12 of Algebra I,

13 b. English, which at the least demonstrates mastery of
14 English II,

15 c. Science, which at the least demonstrates mastery of
16 Biology I, and

17 d. United States History.

18 2. A student who has attained at least a proficient composite
19 score on the assessment that is aligned with the Oklahoma subject
20 matter standards as adopted and administered by the State Board of
21 Education pursuant to Section 1210.508 of this title shall be deemed
22 to have demonstrated mastery of the state academic content standards
23 in the subject areas listed in paragraph 1 of this subsection.
24

1 3. If a student has not attained at least a proficient
2 composite score on the assessment, the student shall still be deemed
3 to have demonstrated mastery in an individual subject area by
4 attaining a proficient score on that subject area part of the
5 assessment.

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

14 a. Mathematics: Algebra I, Algebra II, Geometry,
15 Precalculus or any other mathematics course which the
16 Board determines is at least equivalent to mastery of
17 Algebra I,

18 b. English: any English course which the Board
19 determines is at least equivalent to mastery of
20 English II,

21 c. Science: Biology I, Chemistry, Physics or any other
22 science course which the Board determines is at least
23 equivalent to mastery of Biology I, and

24 d. United States History.

1 5. Technology center schools shall be authorized to provide
2 intervention and remediation in any of the subject areas listed in
3 paragraph 1 of this subsection to students enrolled in technology
4 center schools, with the approval of the independent school district
5 board.

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

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

19 3. ~~Students~~ For students entering the ninth grade prior to the
20 2017-2018 school year and who score ten percent (10%) above the cut
21 scores approved by the State Board of Education for the American
22 College Testing Program (ACT), the Scholastic Aptitude Test (SAT),
23 ACT Plan or Preliminary Scholastic Aptitude Test/National Merit
24 Scholarship Qualifying Test (PSAT/NMSQT) ~~alternate tests~~ alternative

1 assessments shall be deemed to have satisfactorily demonstrated
2 mastery of state academic content standards in the subject areas for
3 which alternative ~~tests~~ assessments have been approved and shall be
4 exempt from taking the end-of-instruction criterion-referenced ~~tests~~
5 assessments in the subject areas of Algebra II, English III,
6 Geometry or United States History as listed in subparagraph c of
7 paragraph 3 1 of subsection A of this section. Beginning with
8 students entering the ninth grade in the 2017-2018 school year,
9 students who score ten percent (10%) above the cut scores approved
10 by the State Board of Education for the American College Testing
11 Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan or
12 Preliminary Scholastic Aptitude Test/National Merit Scholarship
13 Qualifying Test (PSAT/NMSQT) alternative assessments shall be deemed
14 to have satisfactorily demonstrated mastery of state academic
15 content standards in the subject areas for which alternative
16 assessments have been approved and shall be exempt from taking the
17 alternative subject area assessment specific to the subject area as
18 provided for in paragraph 4 of subsection B of this section.

19 4. ~~Students~~ For students entering the ninth grade prior to the
20 2017-2018 school year and who have a score that is equal to or above
21 the cut scores approved by the State Board of Education for the
22 Advanced Placement course exams, ACT Workkeys job skills assessment,
23 College-Level Examination Program (CLEP) or International
24 Baccalaureate (IB) ~~alternate tests~~ alternative assessments shall be

1 deemed to have satisfactorily demonstrated mastery of state academic
2 content standards in the subject areas for which ~~alternate tests~~
3 alternative assessments have been approved and shall be exempt from
4 taking the end-of-instruction criterion-referenced ~~tests~~ assessments
5 in the subject areas of Algebra II, English III, Geometry or United
6 States History as listed in subparagraph c of paragraph 3 1 of
7 subsection A of this section. Beginning with students entering the
8 ninth grade in the 2017-2018 school year, students who have a score
9 that is equal to or above the cut scores approved by the State Board
10 of Education for the Advanced Placement course exams, ACT Workkeys
11 job skills assessment, College-Level Examination Program (CLEP) or
12 International Baccalaureate (IB) alternative assessments shall be
13 deemed to have satisfactorily demonstrated mastery of state academic
14 content standards in the subject areas for which alternative
15 assessments have been approved and shall be exempt from taking the
16 alternative subject area assessment specific to the subject area as
17 provided for in paragraph 4 of subsection B of this section.

18 5. The State Board of Education shall adopt rules providing for
19 implementation of paragraphs 3 and 4 of this subsection. The rules
20 shall provide for the designation of students as proficient or
21 advanced based on the scores obtained pursuant to paragraphs 3 and 4
22 of this subsection for the purposes of calculating the grade of a
23 school as part of the accountability system developed pursuant to
24 Section 1210.545 of this title, evaluating teachers and

1 administrators as part of the Teacher and Leader Effectiveness
2 Evaluation System developed pursuant to Section 6-101.16 of this
3 title and for any other purpose provided for by law.

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

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

21 ~~F.~~ E. 1. Students who have individualized education programs
22 pursuant to the Individuals with Disabilities Education Act (IDEA)
23 shall have an appropriate statement on the student's individualized
24 education program requiring administration of the assessment with or

1 without accommodations or an ~~alternate~~ alternative assessment. Any
2 accommodations normally employed for the assessment shall be
3 approved by the State Board of Education and be provided for in the
4 individualized education program. All documentation for each
5 student shall be on file in the school prior to administration of
6 the assessment.

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

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

- b. completes remediation opportunities to the extent required by the individualized education program (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~~ alternative assessments aligned to the ~~state~~ assessment required pursuant to this section provided by the school district in

1 the language and form most likely to yield accurate data of the
2 student's knowledge of the content areas.

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

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

20 SECTION 5. AMENDATORY 70 O.S. 2011, Section 1210.526, as
21 amended by Section 2, Chapter 367, O.S.L. 2013 (70 O.S. Supp. 2015,
22 Section 1210.526), is amended to read as follows:

23 Section 1210.526 A. Contingent on the provision of
24 appropriated funds designated for the Achieving Classroom Excellence

1 Act of 2005, school districts shall be eligible for funding as
2 follows:

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

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

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

21 4. Claims for reimbursement for costs associated with
22 administration of alternative assessments as required by Section
23 1210.523 of this title shall be filed with the State Department of
24 Education at the end of each school semester or prior to the end of

1 the fiscal year in which the alternative assessment is provided.
2 Claims from summer alternative assessment administration provided in
3 July or August shall be filed with the first semester claim of the
4 subsequent school year. Claims shall be reimbursed in a timely
5 manner.

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

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

22 Remediation and intervention may be provided by means which may
23 include, but are not limited to, tutoring, additional help during
24 the school day, extended-day programs, Saturday programs, summer

1 programs, online coursework, or other supplementary services which
2 are provided on an individual basis or in a classroom setting.

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

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

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

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

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

22
23 55-2-9689 KB 03/31/16
24