

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2490

By: Cannaday

4  
5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,  
8 Section 6-101.16, as last amended by Section 4,  
9 Chapter 365, O.S.L. 2015 (70 O.S. Supp. 2015, Section  
10 6-101.16), which relates to the Oklahoma Teacher and  
11 Leader Effectiveness Evaluation System; specifying  
12 use of certain test data for the quantitative ratings  
13 of teachers and leaders; amending 70 O.S. 2011,  
14 Section 1210.508, as last amended by Section 8,  
15 Chapter 430, O.S.L. 2014 (70 O.S. Supp. 2015, Section  
16 1210.508), which relates to the Oklahoma School  
17 Testing Program Act; deleting requirement for  
18 completion of certain end-of-instruction tests;  
19 requiring certain students to take the American  
20 College Test assessment prior to graduation; deleting  
21 certain test development requirements; modifying  
22 certain retesting and reporting requirements;  
23 deleting certain duties of the Commission for  
24 Educational Quality and Accountability; deleting  
certain validity study requirements; deleting certain  
test administration scheduling timeframes; amending  
70 O.S. 2011, Sections 1210.523, as last amended by  
Section 26, Chapter 4, O.S.L. 2014 and 1210.526, as  
amended by Section 2, Chapter 367, O.S.L. 2013 (70  
O.S. Supp. 2015, Sections 1210.523 and 1210.526),  
which relate to the Achieving Classroom Excellence  
Act of 2005; modifying criteria for determining  
mastery of state academic content standards; deleting  
certain content area tests; replacing end-of-  
instruction tests with the American College Test  
assessment; setting minimum American College Test  
composite score required to demonstrate mastery;  
modifying remediation requirements; changing score  
requested for certain alternative assessments;  
establishing criteria for testing of students who  
have individualized education programs; deleting

1 certain retake requirement; modifying alternative  
2 assessments for students identified as English  
3 language learners; modifying remediation funding  
4 eligibility criteria; updating statutory language;  
5 providing an effective date; and declaring an  
6 emergency.

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

8 SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.16, as  
9 last amended by Section 4, Chapter 365, O.S.L. 2015 (70 O.S. Supp.  
10 2015, Section 6-101.16), is amended to read as follows:

11 Section 6-101.16 A. By December 15, 2011, the State Board of  
12 Education shall adopt a new statewide system of evaluation to be  
13 known as the Oklahoma Teacher and Leader Effectiveness Evaluation  
14 System (TLE). The Board shall work cooperatively with school  
15 districts to fully implement both the quantitative and qualitative  
16 components of the TLE in all school districts by the 2016-2017  
17 school year as provided for in Section 6-101.10 of this title,  
18 including determining the final calculation of the student academic  
19 growth measurement as provided for in subparagraph a of paragraph 4  
20 of subsection B of this section and developing a teacher/student  
21 assignment verification system.

22 B. The TLE shall include the following components:

23 1. Annual evaluations that provide feedback to improve student  
24 learning and outcomes, except as provided for in subsection C of  
this section;

1        2. Comprehensive remediation plans and instructional coaching  
2 for all teachers who receive qualitative or quantitative ratings of  
3 "needs improvement" or "ineffective" in accordance with the rating  
4 system established in paragraph 3 of this subsection;

5        3. A five-tier rating system for both the qualitative and  
6 quantitative components set forth in paragraph 4 of this subsection  
7 as follows:

- 8            a. superior,
- 9            b. highly effective,
- 10           c. effective,
- 11           d. needs improvement, and
- 12           e. ineffective;

13        4. a. The quantitative ratings of teachers and leaders shall  
14 be based on quantitative components which shall  
15 include performance measures of a teacher and leader  
16 that are based on student academic growth using  
17 multiple years of standardized test data including  
18 data from tests administered pursuant to Section  
19 1210.523 of this title, as available, and performance  
20 measures for teachers in grades and subjects for which  
21 there is no state-mandated testing measure, as  
22 approved by the State Board of Education pursuant to  
23 subsection E of this section, and

1           b. The qualitative ratings of teachers and leaders shall  
2           be based on rigorous and fair qualitative assessment  
3           components;

4           5. An evidence-based qualitative assessment tool for the  
5 teacher qualitative portion of the TLE that will include observable  
6 and measurable characteristics of personnel and classroom practices  
7 that are correlated to student performance success, including, but  
8 not limited to:

- 9           a. organizational and classroom management skills,
- 10          b. ability to provide effective instruction,
- 11          c. focus on continuous improvement and professional  
12           growth,
- 13          d. interpersonal skills, and
- 14          e. leadership skills;

15          6. An evidence-based qualitative assessment tool for the leader  
16 qualitative portion of the TLE that will include observable and  
17 measurable characteristics of personnel and site management  
18 practices that are correlated to student performance success,  
19 including, but not limited to:

- 20          a. organizational and school management, including  
21           retention and development of effective teachers and  
22           dismissal of ineffective teachers,
- 23          b. instructional leadership,
- 24          c. professional growth and responsibility,

- d. interpersonal skills,
- e. leadership skills, and
- f. stakeholder perceptions;

7. For those teachers in grades and subjects for which there is no state-mandated testing measure to create a quantitative assessment for the quantitative portion of the TLE, local school district boards of education shall choose evaluation methods from a list of reliable, research-based options approved by the State Board of Education pursuant to subsection E of this section. Emphasis shall be placed on the observed qualitative assessment as well as contribution to the overall school academic growth. For those teachers who have at least one tested grade or subject, school districts shall have the option of basing up to fifty percent (50%) of the quantitative rating on evaluation methods chosen from a list of reliable, research-based options approved by the State Board of Education pursuant to subsection E of this section;

8. For first-year and second-year teachers, evaluations shall be based solely on qualitative components set forth in subparagraph b of paragraph 4 of this subsection; and

9. For teachers who were previously employed by a different public school district and for teachers who enter into post-retirement employment with a public school, school districts shall have the option of basing those evaluations solely on the

1 qualitative components set forth in subparagraph b of paragraph 4 of  
2 this subsection during their first year of employment.

3 C. Career teachers receiving a qualitative rating of "superior"  
4 or "highly effective" and a quantitative rating of "superior" or  
5 "highly effective" under the TLE may be evaluated once every two (2)  
6 years.

7 D. The Teacher and Leader Effectiveness Commission shall adopt  
8 the student academic growth quantitative components of the TLE as  
9 provided for in subparagraph a of paragraph 4 of subsection B of  
10 this section by May 1, 2014. The Commission shall provide oversight  
11 and advise the State Board of Education on the development and  
12 implementation of the TLE.

13 E. By December 1, 2015, the Teacher and Leader Effectiveness  
14 Commission shall recommend to the State Board of Education multiple  
15 reliable, research-based measures for providing a quantitative  
16 evaluation component for teachers in grades and subjects for which  
17 there is no state-mandated testing measure. The State Board of  
18 Education shall approve and publish a list of approved measures by  
19 February 1, 2016.

20 F. A school district with an average daily attendance of more  
21 than thirty-five thousand (35,000) which has incorporated  
22 quantitative components of the TLE into its evaluation system of  
23 teachers and administrators prior to the 2015-2016 school year may  
24 continue using its evaluation system, as defined by the school

1 district's written policies, notwithstanding the provisions of this  
2 section and regardless of the State Board of Education's adoption of  
3 quantitative components pursuant to this section.

4 G. The State Department of Education shall provide to the  
5 Oklahoma State Regents for Higher Education and the Oklahoma  
6 Commission for Educational Quality and Accountability timely  
7 electronic data linked to teachers and leaders derived from the TLE  
8 for purposes of providing a basis for the development of  
9 accountability and quality improvements of the teacher preparation  
10 system. The data shall be provided in a manner and at such times as  
11 agreed upon between the Department, the State Regents and the  
12 Commission.

13 H. For purposes of this section, "leader" means a principal,  
14 assistant principal or any other school administrator who is  
15 responsible for supervising classroom teachers.

16 I. The State Department of Education shall keep all data  
17 collected pursuant to the TLE and records of annual evaluations  
18 received pursuant to this section confidential. Records created  
19 pursuant to this section which identify, in any way, a current or  
20 former public employee shall not be subject to disclosure under the  
21 Oklahoma Open Records Act. Nothing in this subsection shall be  
22 construed to prohibit disclosure otherwise required by this section;  
23 provided, however, any provisions requiring disclosure of TLE  
24 records shall be construed narrowly and all individually identifying

1 information shall be removed from such records to the fullest extent  
2 possible.

3 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.508, as  
4 last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S. Supp.  
5 2015, Section 1210.508), is amended to read as follows:

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

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

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

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

- 23 a. reading,
- 24 b. mathematics,



1 c. science,

2 d. social studies, which shall consist of the history,  
3 Constitution and government of the United States, and  
4 geography, and

5 e. writing of English.

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

9 a. reading, and

10 b. mathematics.

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

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

15 a. reading,

16 b. mathematics,

17 c. science,

18 d. social studies, which shall consist of the history,  
19 Constitution, and government of the United States, and

20 e. writing of English.

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

1           6. Except as otherwise provided for in Section 1210.523 of this  
2 title, each student ~~who completes the instruction for English II,~~  
3 ~~English III, United States History, Biology I, Algebra I, Geometry,~~  
4 ~~and Algebra II at the secondary level shall complete an end-of-~~  
5 ~~instruction test, when implemented, take the American College Test~~  
6 ~~(ACT) assessment to measure for attainment in the appropriate~~  
7 subject matter standards in order to graduate from a public high  
8 school with a standard diploma. All students shall take the ~~tests~~  
9 ~~ACT assessment prior to graduation, unless otherwise exempt by law.~~  
10 The State Board of Education shall administer the ~~critierion-~~  
11 ~~referenced tests. The Board shall develop and field test the end-~~  
12 ~~of-instruction tests in English III, Geometry, and Algebra II during~~  
13 ~~the 2006-07 school year, implement the tests during the 2007-08~~  
14 ~~school year, and administer them each year thereafter. The Board~~  
15 ~~shall administer the multiple choice portion of the end-of-~~  
16 ~~instruction tests online with raw score test results reported~~  
17 ~~immediately and complete results reported in less than two (2) weeks~~  
18 ~~beginning in the 2008-09 school year.~~

19           ~~The end-of-instruction tests shall serve the purpose of the~~  
20 ~~critierion-referenced tests as provided in paragraph 1 of this~~  
21 ~~subsection. The English II and English III end-of-instruction tests~~  
22 ~~shall include a writing component ACT assessment to the extent~~  
23 ~~allowed by ACT, Inc. Students who do not attain a minimum composite~~  
24 ~~score at least at the proficient level as set forth in subsection B~~

1 of Section 1210.523 of this title shall be afforded the opportunity  
2 to ~~retake each test up to three (3) times each calendar year~~ the ACT  
3 assessment until at least achieving ~~at the proficient level~~ minimum  
4 composite score. In order to provide an indication of the levels of  
5 competency attained by the student in a permanent record for  
6 potential future employers and institutions of higher education, ~~for~~  
7 ~~students who enter the ninth grade in or prior to the 2007-08 school~~  
8 ~~year, school districts shall report the highest-achieved state test~~  
9 ~~performance level on the end-of-instruction tests on the student's~~  
10 ~~high school transcript. Beginning with students who enter the ninth~~  
11 ~~grade in the 2008-09 school year, school districts shall report the~~  
12 ~~highest-achieved state test performance level on the end-of-~~  
13 ~~instruction tests~~ ACT composite score and any business and industry-  
14 recognized endorsements attained on the student's high school  
15 transcript. ~~Any student at the middle school level who completes~~  
16 ~~the instruction in a secondary course specified in this paragraph~~  
17 ~~shall be administered the appropriate end-of-instruction test.~~

- 18       7.    a.    Each school district shall administer to each student  
19                in the school district in grades three through eight  
20                an assessment designed to assess the student in the  
21                fine arts area in which the student has received  
22                instruction.
- 23            b.    Each school district shall prepare an annual report  
24                for approval by the State Board of Education outlining

1 the fine arts assessment strategies used by the  
2 district, when the assessments were administered, how  
3 many students were assessed during the previous year,  
4 and the results of the assessments.

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

17 2. The State Department of Education shall annually evaluate  
18 the results of the criterion-referenced tests. The State Board of  
19 Education shall ensure that test results are reported to districts  
20 in a manner that yields detailed, diagnostic information for the  
21 purpose of guiding instruction and student remediation. As  
22 improvements are made to the criterion-referenced tests required by  
23 this section, the Board shall seek to increase the depth of  
24 knowledge assessed for each subject. The State Board of Education

1 shall seek to ensure that data yielded from the tests required in  
2 this section are utilized at the school district level to prescribe  
3 reinforcement and/or remediation by requiring school districts to  
4 develop and implement a specific program of improvement based on the  
5 test results.

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

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

1 ~~national assessment experts shall annually conduct studies of the~~  
2 ~~reliability and validity of the end-of-instruction tests~~  
3 ~~administered pursuant to this section. Validity studies shall~~  
4 ~~include studies of decision validity and concurrent validity.~~

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

1 a final electronic data file of all school site, school district,  
2 and state results to the State Department of Education and the  
3 Office of Educational Quality and Accountability prior to September  
4 1 of each year. The Department shall forward the final data files  
5 for each school district and each school site in that district to  
6 the school district. The Board shall ensure the contract with the  
7 testing vendor includes a provision that the vendor report test  
8 results directly to the Office of Educational Quality and  
9 Accountability at the same time it is reported to the Board.

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

22 D. The State Board of Education shall be responsible for the  
23 development, field-testing, and validation of the criterion-  
24 referenced test series required in subsection A of this section. In

1 the interest of economy the Board may participate in a multistate or  
2 multigovernmental cooperative pursuant to the requirements of The  
3 Oklahoma Central Purchasing Act, but shall not bind the state,  
4 contractually or otherwise, to the authority of any other state,  
5 organization or entity which may supersede the authority of the  
6 Board, for the purpose of adapting criterion-referenced tests, to  
7 the extent that such tests are appropriate for use in the testing  
8 program to be administered to Oklahoma students.

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

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

19 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.523, as  
20 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.  
21 2015, Section 1210.523), is amended to read as follows:

22 Section 1210.523 A. Except as provided in subsections D and ~~E~~  
23 F of this section, beginning with students ~~entering the ninth grade~~  
24 ~~in the 2008-2009~~ graduating in the 2016-2017 school year, every



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

4 ~~1. Algebra I;~~

5 ~~2. English II; and~~

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

7 a. ~~Algebra II,~~

8 b. ~~Biology I,~~

9 c. ~~English III,~~

10 d. ~~Geometry, and~~

11 e. ~~United States History.~~

12 B. To demonstrate mastery, the student shall ~~attain at least a~~  
13 ~~proficient score on the end-of-instruction criterion referenced~~  
14 ~~tests administered pursuant to Section 1210.508 of this title take~~  
15 the American College Testing (ACT) assessment and achieve a  
16 composite score of sixteen (16) or above.

17 C. Notwithstanding any other provision of law, students who do  
18 not attain ~~at least a proficient score on any end-of-instruction~~  
19 ~~test~~ the minimum composite score on the ACT assessment as required  
20 in subsection B of this section shall be provided remediation or  
21 intervention and the opportunity to retake the ~~test~~ ACT assessment  
22 until at least ~~a proficient~~ the minimum composite score is attained  
23 ~~on the tests of Algebra I, English II and two of the tests required~~  
24 ~~in paragraph 3 of subsection A of this section~~ on the ACT assessment

1 or an approved alternative test. Technology center schools shall be  
2 authorized to provide intervention and remediation ~~in Algebra I,~~  
3 ~~Algebra II, Geometry, English II, English III, United States~~  
4 ~~History, and Biology I~~ to students enrolled in technology center  
5 schools, with the approval of the independent school district board.

6 D. 1. Students who do not meet the requirements of subsection  
7 A 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 who score ~~ten percent (10%) above the cut scores~~  
20 ~~approved by the State Board of Education for the American College~~  
21 ~~Testing Program (ACT), the seven hundred ninety (790) or above on~~  
22 ~~the Scholastic Aptitude Test (SAT), or ten percent (10%) above the~~  
23 ~~cut scores approved by the State Board of Education on the ACT Plan~~  
24 or Preliminary Scholastic Aptitude Test/National Merit Scholarship

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

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

1 with or without accommodations ~~or an alternate assessment,~~  
2 consistent with the rules of ACT, Inc. relating to testing  
3 accommodations for examinees with disabilities or policies for ACT-  
4 arranged testing. In addition, any accommodations shall follow the  
5 ACT, Inc. policy for documentation to support requests for  
6 accommodations on the ACT assessment. Alternate testing shall only  
7 be allowed if the Board determines that the disability of the  
8 student is of such a type or to such a degree that the test-  
9 accommodation policy and the arranged testing policy of ACT, Inc. is  
10 not sufficient to allow the examinee to be properly assessed. Any  
11 accommodations normally employed for the assessment shall be  
12 approved by the State Board of Education and be provided for in the  
13 individualized education program. All documentation for each  
14 student shall be on file in the school prior to administration of  
15 the assessment.

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

- 1 a. obtains a written recommendation from the student's  
2 teacher of record in consultation with the teacher in  
3 each subject in which the student failed to meet the  
4 requirements of subsection A of this section. The  
5 recommendation shall be supported by the principal and  
6 by documentation demonstrating the acquired knowledge  
7 of the student by alternate measures as required by  
8 the individualized education program (IEP),
- 9 b. completes remediation opportunities to the extent  
10 required by the individualized education program  
11 (IEP),
- 12 ~~c. retakes the exam in each subject in which the student~~  
13 ~~failed to meet the requirements of subsection A of~~  
14 ~~this section if the individualized education program~~  
15 ~~(IEP) requires retake opportunities,~~
- 16 ~~d.~~ maintains at least a C average or the equivalent in  
17 each subject in which the student failed to meet the  
18 requirements of subsection A of this section, and
- 19 ~~e.~~ d. meets all other graduation requirements of the school  
20 district in which the student is enrolled.

21 3. The Oklahoma School for the Blind and the Oklahoma School  
22 for the Deaf shall be considered local education agencies solely for  
23 the purposes of purchasing, administering and obtaining ~~test~~ ACT  
24

1 assessment results under this section for the students attending  
2 their schools.

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

11 G. Students who have been denied a standard diploma by the  
12 school district in which the student is or was enrolled for failing  
13 to meet the requirements of this section may re-enroll in the school  
14 district that denied the student a standard diploma following the  
15 denial of a standard diploma. The student shall be provided  
16 remediation or intervention and the opportunity to retake the ~~test~~  
17 ACT assessment until at least a ~~proficient~~ the minimum composite  
18 score is attained on the test ~~or tests necessary to obtain a~~  
19 ~~standard diploma~~. Students who re-enroll in the school district to  
20 meet the graduation requirements of this section shall be exempt  
21 from the hourly instructional requirements of Section 1-111 of this  
22 title and the six-period enrollment requirements of Section 11-103.6  
23 of this title.

24

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

5 SECTION 4. AMENDATORY 70 O.S. 2011, Section 1210.526, as  
6 amended by Section 2, Chapter 367, O.S.L. 2013 (70 O.S. Supp. 2015,  
7 Section 1210.526), is amended to read as follows:

8 Section 1210.526 A. Contingent on the provision of  
9 appropriated funds designated for the Achieving Classroom Excellence  
10 Act of 2005, school districts shall be eligible for funding as  
11 follows:

12 1. A maximum of Two Hundred Forty Dollars (\$240.00) for  
13 remediation or intervention for each subject-specific test by a  
14 student that resulted in a score at the unsatisfactory level or that  
15 results in an American College Test (ACT) assessment composite score  
16 below the minimum as set forth in subsection B of Section 1210.523  
17 of this title and for which the student has been found to be in need  
18 of remediation or intervention pursuant to Sections 1210.522 and  
19 1210.523 of this title;

20 2. A maximum of One Hundred Eighty Dollars (\$180.00) for  
21 remediation or intervention for each subject-specific test by a  
22 student that resulted in a score at the limited knowledge level and  
23 for which the student has been found to be in need of remediation or  
24



1 intervention pursuant to Sections 1210.522 and 1210.523 of this  
2 title;

3 3. Funds for remediation or intervention as provided for in  
4 paragraphs 1 and 2 of this subsection shall be disbursed by the  
5 State Department of Education by September 1 of each year and shall  
6 be based on the most recent test results available from the previous  
7 school year or summer test administration; and

8 4. Claims for reimbursement for costs associated with  
9 administration of alternative assessments as required by Section  
10 1210.523 of this title shall be filed with the State Department of  
11 Education at the end of each school semester or prior to the end of  
12 the fiscal year in which the alternative assessment is provided.  
13 Claims from summer alternative assessment administration provided in  
14 July or August shall be filed with the first semester claim of the  
15 subsequent school year. Claims shall be reimbursed in a timely  
16 manner.

17 B. Funds for remediation or intervention as provided for in  
18 subsection A of this section may be used to provide remediation or  
19 intervention to any student in grade 6 through grade 12 or any  
20 student under the age of twenty-one (21) who enrolls in a school  
21 district pursuant to subsection G of Section 1210.523 of this title  
22 in order to meet the graduation requirements of Section 1210.523 of  
23 this title who has been determined to be in need of remediation or  
24 intervention, including but not limited to those students who have

1 scored at the unsatisfactory or limited knowledge level or who have  
2 scored below the minimum composite score on the ACT assessment.

3 C. Remediation and intervention provided pursuant to this  
4 section by school districts shall be for the purpose of assisting  
5 students in performing at least at the satisfactory level on the  
6 applicable criterion-referenced tests in reading and mathematics at  
7 the eighth-grade level, or the ~~applicable end-of-instruction tests~~  
8 ACT assessment as required in Section 1210.523 of this title, or an  
9 alternative assessment if eligible. Remediation and intervention  
10 may be provided by means which may include, but are not limited to,  
11 tutoring, additional help during the school day, extended-day  
12 programs, Saturday programs, summer programs, online coursework, or  
13 other supplementary services which are provided on an individual  
14 basis or in a classroom setting.

15 D. State Aid funding for students enrolling in a school  
16 district pursuant to subsection G of Section 1210.523 of this title  
17 shall be calculated based upon the percentage of the total school  
18 day in which the student is enrolled multiplied by the appropriate  
19 grade level weight pursuant to Section 18-201.1 of this title. Only  
20 enrollment in courses or periods necessary to meet the graduation  
21 requirements of Section 1210.523 of this title and not elective  
22 courses or periods shall be included in the calculation of State Aid  
23 funding.

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

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

6 SECTION 5. This act shall become effective July 1, 2016.

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

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