

ENROLLED HOUSE
BILL NO. 2633

By: Kern, Reynolds, Sullivan, Terrill and
Tibbs of the House

and

Jolley and Williamson of the Senate

An Act relating to schools; creating the Religious Viewpoints Antidiscrimination Act; requiring school districts to treat student expression in certain manner; allowing student religious expression in class assignments; specifying standards for judging homework and classroom assignments; allowing students to organize religious groups and activities; specifying treatment of religious groups; allowing school districts to disclaim school sponsorship of student groups; requiring school districts to adopt and implement a limited public forum and voluntary student expression of religious viewpoints policy; specifying that school districts adopting the model policy are compliant with the act; setting forth the Model Religious Viewpoints Antidiscrimination Policy; defining term; providing for student expression of religious viewpoints; providing for religious expression in class assignments; requiring homework and classroom work to be judged on certain standard; providing for the freedom to organize religious groups and activities; specifying treatment of religious groups; allowing school districts to disclaim sponsorship of groups and events; amending 70 O.S. 2001, Section 1210.508, as last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2007, Section 1210.508), which relates to the Oklahoma School Testing Program Act; deleting certain statutory references; adding testing window dates for certain criterion-referenced tests; requiring certain results and reports to be distributed to teachers by certain time; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 27-101 of Title 70, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 6 of this act shall be known and may be cited as the “Religious Viewpoints Antidiscrimination Act”.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 27-102 of Title 70, unless there is created a duplication in numbering, reads as follows:

A school district shall treat the voluntary expression by a student of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats the voluntary expression by a student of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 27-103 of Title 70, unless there is created a duplication in numbering, reads as follows:

Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Homework and classroom assignments shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school district. Students shall not be penalized or rewarded on account of the religious content of their work.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 27-104 of Title 70, unless there is created a duplication in numbering, reads as follows:

Students may organize prayer groups, religious clubs, "see you at the pole" gatherings, or other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content of the student expression. If student groups that meet for nonreligious activities are permitted to advertise or announce meetings of the groups, the school district shall not discriminate against groups that meet for prayer or other religious speech. A school district may disclaim school sponsorship of noncurricular groups and events in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 27-105 of Title 70, unless there is created a duplication in numbering, reads as follows:

Each school district in the state shall adopt and implement a local policy regarding a limited public forum and voluntary student expression of religious viewpoints. If a school district

voluntarily adopts and follows the model policy governing voluntary religious expression in public schools as provided by Section 6 of this act, the district shall be in compliance with the provisions of the Religious Viewpoints Antidiscrimination Act covered by the model policy.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 27-106 of Title 70, unless there is created a duplication in numbering, reads as follows:

This section sets forth the provisions of the Model Religious Viewpoints Antidiscrimination Policy. As used in the Religious Viewpoints Antidiscrimination Act, "model policy" means a policy adopted by a school district in the state that is substantially identical to the following:

MODEL RELIGIOUS VIEWPOINTS ANTIDISCRIMINATION POLICY

ARTICLE I. STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

The school district shall treat the voluntary expression by a student of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats the voluntary expression by a student of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

ARTICLE II. RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS

Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of the submission by the student. Homework and classroom work shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school. Students shall not be penalized or rewarded on account of religious content. If the assignment given by a teacher involves writing a poem, the work of a student who submits a poem in the form of a prayer, for example, a psalm, should be judged on the basis of academic standards, including literary quality, and not penalized or rewarded on account of its religious content.

ARTICLE III. FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

Students may organize prayer groups, religious clubs, "see you at the pole" gatherings, and other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular groups, without discrimination based on the religious content of the expression of the group. If student groups that meet for nonreligious activities are permitted to advertise or announce the group meetings, for example, by advertising in a student newspaper, putting up posters, making announcements on a student activities bulletin board or public address system, or handing out leaflets, school authorities shall not discriminate against groups that meet for prayer or other religious speech. School authorities may disclaim sponsorship of noncurricular groups and events, provided they administer the disclaimer in a manner that does not favor or disfavor groups that meet to engage in prayer or other religious speech.

SECTION 7. AMENDATORY 70 O.S. 2001, Section 1210.508, as last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2007, Section 1210.508), is amended to read as follows:

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

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

- a. reading, and
- b. mathematics.

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

- a. reading,
- b. mathematics,

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

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

- a. reading, and
- b. mathematics.

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

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

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

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

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

reported 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. Students who do not score at least at the satisfactory level shall be afforded the opportunity to retake each test up to three (3) times each calendar year until at least achieving at the satisfactory level. 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 student's performance levels of satisfactory and above on the end-of-instruction tests on the student's high school transcript. Any student at the middle school level who completes the instruction in a secondary course specified in this paragraph shall be administered the appropriate end-of-instruction test.

7. a. Each school district shall administer to each student in the school district in grades three through eight an assessment designed to assess the student in the fine arts area in which the student has received instruction.
- b. Each school district shall prepare an annual report for approval by the State Board of Education outlining the fine arts assessment strategies used by the district, when the assessments were administered, how many students were assessed during the previous year, and the results of the assessments.

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

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

3. The State Board of Education shall review, realign, and recalibrate, as necessary, the tests in reading and mathematics in third through eighth grade and the end-of-instruction tests. The Board shall determine the cut scores for the performance levels on the end-of-instruction tests developed pursuant to paragraph 6 of subsection A of this section, which shall be phased in over a multi-year period. The Board shall conduct an ongoing review to compare the end-of-instruction test content and performance descriptors with those of other states. Upon receipt of the review, the Board may adjust the cut scores as necessary.

4. The State Board of Education, for the purposes of conducting reliability and validity studies, monitoring contractor adherence to professionally accepted testing standards, and providing recommendations for testing program improvement, shall retain the services of an established, independent agency or organization that is nationally recognized for its technical expertise in educational testing but is not engaged in the development of aptitude or achievement tests for elementary or secondary level grades. These national assessment experts shall annually conduct studies of the reliability and validity of the end-of-instruction tests administered pursuant to this section. Validity studies shall include studies of decision validity, concurrent validity and the validity of performance level cut scores.

C. 1. The State Board of Education shall set the testing window dates for each criterion-referenced test required ~~in paragraphs 1 through 5 of subsection A of this section~~ for grades three through eight so that, with the exception of the writing assessments, the tests are administered to students no earlier than April 10 each year and so that the test results are reported back to school districts in a timely manner. ~~Each~~ The testing window dates for the administration of each end-of-instruction 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 to be taken by students prior to graduation shall be between twenty-five (25) days prior to the last full day of the end of the course and the last full day of the end of the course. All results and reports of the criterion-referenced test series 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. School districts shall distribute the results and reports of the criterion-referenced tests to the appropriate teachers within thirty (30) days of receipt. The vendor shall provide a final electronic data file of all school site, school district, and state results to the Department and the Office of 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 results directly to the Office of Accountability at the same time it is reported to the Board.

2. State, district, and site level results of all tests required in this section shall be disaggregated by gender, race ethnicity, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which

the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student. Each school site shall notify the student's parents of the school's performance levels in the Oklahoma School Testing Program as reported in the Oklahoma Educational Indicators Program at the end of each school year.

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

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

SECTION 8. This act shall become effective July 1, 2008.

Passed the House of Representatives the 12th day of May, 2008.

Presiding Officer of the House of
Representatives

Passed the Senate the 16th day of April, 2008.

Presiding Officer of the Senate