

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1628

By: Pittman

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5  
6 AS INTRODUCED

7 An Act relating to schools; recognizing the need to  
8 ensure that visually impaired and blind students are  
9 provided appropriate educational opportunities;  
10 amending 70 O.S. 2001, Section 13-102, which relates  
11 to the determination of eligibility for special  
12 education and related services; requiring the  
13 multidisciplinary team evaluating a visually impaired  
14 or blind student to include certain person; requiring  
15 certain assessment to be conducted by a certain  
16 certified teacher; clarifying statutory language;  
17 amending 70 O.S. 2001, Section 13-105, which relates  
18 to qualifications of special education teachers and  
19 support personnel; directing the State Department of  
20 Education to offer certain training on visually  
21 impaired and blind students to certain school  
22 employees; requiring training be provided in a  
23 certain manner; amending 70 O.S. 2001, Section  
24 1210.508, as last amended by Section 4, Chapter 289,  
O.S.L. 2006 (70 O.S. Supp. 2008, Section 1210.508),  
which relates to the Oklahoma School Testing Program  
Act; requiring certain tests to be administered to  
visually impaired and blind students with certain  
accommodation; specifying certain accommodation;  
providing for noncodification; providing an effective  
date; and declaring an emergency.

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

23 SECTION 1. NEW LAW A new section of law not to be  
24 codified in the Oklahoma Statutes reads as follows:

1 The Legislature recognizes that it is essential for the well-  
2 being and educational growth of students with visual impairment,  
3 including blindness, that education programs recognize the unique  
4 nature of visual impairment and ensure that all visually impaired  
5 and blind students have appropriate, ongoing, and fully accessible  
6 educational opportunities.

7 SECTION 2. AMENDATORY 70 O.S. 2001, Section 13-102, is  
8 amended to read as follows:

9 Section 13-102. A. The determination whether a child is  
10 eligible for special education and related services shall be the  
11 responsibility of the multidisciplinary evaluation team of the  
12 school district in which ~~such~~ the child has legal residence in  
13 accordance with the provisions of the Individuals with Disabilities  
14 Education Act (IDEA), P.L. No. 101-476 and the rules approved by the  
15 State Board of Education. The eligibility of children with  
16 disabilities shall be reevaluated at least once every three (3)  
17 years or more frequently if conditions warrant or if the parent or  
18 teacher of the child requests an evaluation as required under the  
19 Individuals with Disabilities Education Act (IDEA), P.L. No. 101-  
20 476.

21 B. For the evaluation of a student with visual impairment,  
22 including blindness, the multidisciplinary evaluation team shall  
23 include a teacher certified in the education of students with visual  
24 impairments or a certified orientation and mobility specialist. The

1 assessment of the appropriate learning and reading media for the  
2 student shall be conducted by a teacher certified in the education  
3 of students with visual impairment.

4 C. Any child determined to be eligible shall be permitted to  
5 receive ~~such~~ special education and related services for a minimum  
6 period of twelve (12) years. Successful completion of a secondary  
7 education program ~~must~~ shall be determined through the  
8 individualized education program (IEP) and transcript records of the  
9 student. Eligibility for special education and related services  
10 shall cease upon a determination and documentation of graduation or  
11 completion of a secondary education program in accordance with the  
12 IEP.

13 SECTION 3. AMENDATORY 70 O.S. 2001, Section 13-105, is  
14 amended to read as follows:

15 Section 13-105. A. The State Board of Education is hereby  
16 authorized in accordance with state and federal law to determine and  
17 prescribe the qualifications of all persons who teach children with  
18 disabilities, to define, classify and determine standards of  
19 eligibility of all children with disabilities to receive special  
20 education and related services, to fix minimum requirements for  
21 special education and related services of children with  
22 disabilities, and to make such rules as it deems necessary for the  
23 teaching of children with disabilities.

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1 B. The State Board of Education shall offer all support  
2 personnel, including but not limited to assistants who work with a  
3 trained paraprofessional or special education teacher for children  
4 with multiple disabilities or deaf-blindness, the same training and  
5 education as the trained paraprofessional is required to complete.

6 C. The State Department of Education shall offer to all  
7 teachers, administrators, and support personnel who work with  
8 visually impaired or blind students training in aspects and issues  
9 of the visually impaired and how to provide appropriate and fully  
10 accessible educational opportunities to visually impaired or blind  
11 students. The Department shall, if feasible, offer the training  
12 online through its website or by videoconferencing.

13 SECTION 4. AMENDATORY 70 O.S. 2001, Section 1210.508, as  
14 last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp.  
15 2008, Section 1210.508), is amended to read as follows:

16 Section 1210.508 A. 1. The State Board of Education shall  
17 develop and administer a series of criterion-referenced tests  
18 designed to indicate whether the state academic content standards,  
19 as defined by the State Board of Education in the Priority Academic  
20 Student Skills Curriculum, which Oklahoma public school students are  
21 expected to have attained have been achieved. The Board may develop  
22 and administer any criterion-referenced test in any subject not  
23 required by federal law, contingent upon the availability of  
24

1 funding. Students who do not perform satisfactorily on tests shall  
2 be remediated, subject to the availability of funding.

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

- 6 a. reading, and
- 7 b. mathematics.

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

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

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

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

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

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

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

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

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

1 shall administer the multiple choice portion of the end-of-  
2 instruction tests online with raw score test results reported  
3 immediately and complete results reported in less than two (2) weeks  
4 beginning in the 2008-09 school year.

5       The end-of-instruction tests shall serve the purpose of the  
6 criterion-referenced tests as provided in paragraph 1 of this  
7 subsection. The English II and English III end-of-instruction tests  
8 shall include a writing component. Students who do not score at  
9 least at the satisfactory level shall be afforded the opportunity to  
10 retake each test up to three (3) times each calendar year until at  
11 least achieving at the satisfactory level. In order to provide an  
12 indication of the levels of competency attained by the student in a  
13 permanent record for potential future employers and institutions of  
14 higher education, for students who enter the ninth grade in or prior  
15 to the 2007-08 school year, school districts shall report the  
16 highest achieved state test performance level on the end-of-  
17 instruction tests on the student's high school transcript.  
18 Beginning with students who enter the ninth grade in the 2008-09  
19 school year, school districts shall report the student's performance  
20 levels of satisfactory and above on the end-of-instruction tests on  
21 the student's high school transcript. Any student at the middle  
22 school level who completes the instruction in a secondary course  
23 specified in this paragraph shall be administered the appropriate  
24 end-of-instruction test.

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

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

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

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

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

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

14 C. 1. The State Board of Education shall set the testing  
15 window dates for each criterion-referenced test required in  
16 paragraphs 1 through 5 of subsection A of this section for grades  
17 three through eight so that, with the exception of the writing  
18 assessments, the tests are administered to students no earlier than  
19 April 10 each year and so that the test results are reported back to  
20 school districts in a timely manner. Each criterion-referenced test  
21 required in paragraph 6 of subsection A of this section may be  
22 administered to students at a time set by the State Board of  
23 Education as near as possible to the end of the course. All results  
24 and reports of the criterion-referenced test series required in

1 paragraphs 1 through 5 of subsection A of this section for grades  
2 three through eight shall be returned to each school district prior  
3 to the beginning of the next school year. The vendor shall provide  
4 a final electronic data file of all school site, school district,  
5 and state results to the Department and the Office of Accountability  
6 prior to September 1 of each year. The Department shall forward the  
7 final data files for each school district and each school site in  
8 that district to the school district. The Board shall ensure the  
9 contract with the testing vendor includes a provision that the  
10 vendor report test results directly to the Office of Accountability  
11 at the same time it is reported to the Board.

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

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

9 E. The Board shall develop, administer, and incorporate as a  
10 part of the Oklahoma School Testing Program, other testing programs  
11 or procedures, including appropriate accommodations for the testing  
12 of students with disabilities as required by the Individuals with  
13 Disabilities Education Act (IDEA), 20 USC, Section 1400 et seq. For  
14 students with visual impairment, including blindness, who have an  
15 individualized education program (IEP) pursuant to IDEA which  
16 requires assessments to be administered with accommodations, all  
17 criterion-referenced tests required by this section shall be  
18 administered to the student with the specific accommodations as  
19 provided for in the IEP. Available accommodations for students with  
20 visual impairment shall include, but are not limited to,  
21 considerations for special lighting, printing of the assessment in  
22 large print or Braille, taking the assessment orally, positioning of  
23 the student, and use of assistive devices such as a magnifier, color  
24 overlays, an abacus, or a Brailier.

1 SECTION 5. This act shall become effective July 1, 2009.

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

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