

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3331

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 8, Chapter 456,
O.S.L. 2009 (70 O.S. Supp. 2009, 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.

24

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 8, Chapter 456, O.S.L. 2009 (70 O.S. Supp.
15 2009, 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 funding. Students who do not perform at least at the proficient

1 level on tests shall be remediated, subject to the availability of
2 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 proficient 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 proficient 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 proficient and above on the end-of-instruction tests and
21 any business and industry-recognized endorsements attained on the
22 student's high school transcript. Any student at the middle school
23 level who completes the instruction in a secondary course specified
24

1 in this paragraph shall be administered the appropriate end-of-
2 instruction test.

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

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

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

1 standards shall reflect the benchmarks of the American Diploma
2 Project and the goal of improving the state average ACT score.

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

16 3. The State Board of Education in coordination with the
17 Educational Quality and Accountability Board shall review, realign,
18 and recalibrate, as necessary, the tests in reading and mathematics
19 in third through eighth grade and the end-of-instruction tests. The
20 State Board of Education shall determine the cut scores for the
21 performance levels on the end-of-instruction tests developed
22 pursuant to paragraph 6 of subsection A of this section, which shall
23 be phased in over a multi-year period. The State Board of Education
24 shall conduct an ongoing review to compare the end-of-instruction

1 test content and performance descriptors with those of other states.
2 Upon receipt of the review, the State Board of Education may adjust
3 the cut scores as necessary.

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

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

1 administered to students at a time set by the State Board of
2 Education as near as possible to the end of the course. All results
3 and reports of the criterion-referenced test series required in
4 paragraphs 1 through 5 of subsection A of this section for grades
5 three through eight shall be returned to each school district prior
6 to the beginning of the next school year. The vendor shall provide
7 a final electronic data file of all school site, school district,
8 and state results to the State Department of Education and the
9 Office of Accountability prior to September 1 of each year. The
10 Department shall forward the final data files for each school
11 district and each school site in that district to the school
12 district. The Board shall ensure the contract with the testing
13 vendor includes a provision that the vendor report test results
14 directly to the Office of Accountability at the same time it is
15 reported to the Board.

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

1 levels in the Oklahoma School Testing Program as reported in the
2 Oklahoma Educational Indicators Program at the end of each school
3 year.

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

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

1 assessment in large print or Braille, taking the assessment orally,
2 positioning of the student, and use of assistive devices such as a
3 magnifier, color overlays, an abacus, or a Braille.

4 SECTION 5. This act shall become effective July 1, 2010.

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

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