

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2970

By: Thomsen

5  
6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; amending 70 O.S. 2011,  
9 Section 1210.508, which relates to the Oklahoma  
10 School Testing Program Act; deleting authorization  
11 for the State Board of Education to develop and  
12 administer certain tests; deleting requirement to  
13 administer certain tests; deleting requirement for  
14 student to take certain test upon completion of a  
15 course; deleting requirement to develop certain  
16 tests; deleting requirement to provide retakes of  
17 certain tests; requiring school districts to  
18 administer certain ACT assessments to students in  
19 certain grades; requiring results to be reported to  
20 the State Department of Education; stating that  
21 results of certain assessment be used for developing  
22 a certain plan for each student; requiring  
23 administration of certain diagnostic tests to certain  
24 students; providing for intervention strategies for  
certain students; requiring school districts to  
administer certain ACT assessments to certain  
students enrolled in certain courses; requiring  
students to take the ACT assessment in order to  
graduate; providing for certain accommodations;  
directing the Board to negotiate a contract for  
annual statewide administration; providing for costs;  
directing the Board to augment certain assessments as  
required to comply with federal law; directing the  
Oklahoma State Regents for Higher Education and the  
Oklahoma Department of Career and Technology  
Education to provide certain information and training  
to high school counselors and teachers; modifying  
requirement to report certain test results on the  
high school transcript; deleting requirement for  
administration of an art assessment; deleting

1 requirements related to the end-of-instruction  
2 criterion-referenced tests; repealing 70 O.S. 2011,  
3 Section 1210.523, which relates to the end-of-  
4 instruction criterion-referenced tests; and providing  
5 an effective date.

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

7 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508, is  
8 amended to read as follows:

9 Section 1210.508 A. 1. The State Board of Education shall  
10 develop and administer a series of criterion-referenced tests for  
11 grades one through eight that are designed to indicate whether the  
12 state academic content standards, as defined by the State Board of  
13 Education in the Priority Academic Student Skills Curriculum, which  
14 Oklahoma public school students are expected to have attained have  
15 been achieved. ~~The Board may develop and administer any criterion-~~  
16 ~~referenced test in any subject not required by federal law,~~  
17 ~~contingent upon the availability of funding.~~ Students who do not  
18 perform at least at the proficient level on tests shall be  
19 remediated, subject to the availability of funding.

20 2. Contingent upon the availability of state and federal funds,  
21 the Board, in accordance with federal law, shall administer  
22 criterion-referenced tests for grades ~~three and four~~ one through  
23 eight in:

24 a. reading, and

1           b.     mathematics.

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

4           a.     ~~reading,~~

5           b.     ~~mathematics,~~

6           c.     ~~science,~~

7           d.     ~~social studies, which shall consist of the history,~~  
8                 ~~Constitution and government of the United States, and~~  
9                 ~~geography, and~~

10          e.     ~~writing of English.~~

11          4.   Contingent upon the availability of state and federal funds,  
12 the Board, in accordance with federal law, shall administer  
13 criterion-referenced tests for grades ~~six and seven~~ four through  
14 eight in:

15          a.     ~~reading, and~~

16          b.     ~~mathematics~~ science.

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

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

21          a.     ~~reading,~~

22          b.     ~~mathematics,~~

23          c.     ~~science,~~

- 1           d. ~~social studies, which shall consist of the history,~~  
2           ~~Constitution, and government of the United States, and~~  
3           e. ~~writing of English.~~

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

8           ~~6. Each student who completes the instruction for English II,~~  
9 ~~English III, United States History, Biology I Algebra I, Geometry,~~  
10 ~~and Algebra II at the secondary level shall complete an end-of-~~  
11 ~~instruction test, when implemented, to measure for attainment in the~~  
12 ~~appropriate state academic content standards in order to graduate~~  
13 ~~from a public high school with a standard diploma. All students~~  
14 ~~shall take the tests prior to graduation, unless otherwise exempt by~~  
15 ~~law. The State Board of Education shall administer the criterion-~~  
16 ~~referenced tests. The Board shall develop and field test the end-~~  
17 ~~of-instruction tests in English III, Geometry, and Algebra II during~~  
18 ~~the 2006-07 school year, implement the tests during the 2007-08~~  
19 ~~school year, and administer them each year thereafter. The Board~~  
20 ~~shall administer the multiple choice portion of the end-of-~~  
21 ~~instruction tests online with raw score test results reported~~  
22 ~~immediately and complete results reported in less than two (2) weeks~~  
23 ~~beginning in the 2008-09 school year.~~

1 ~~The end of instruction tests shall serve the purpose of the~~  
2 ~~criterion-referenced tests as provided in paragraph 1 of this~~  
3 ~~subsection. The English II and English III end of instruction tests~~  
4 ~~shall include a writing component. Students who do not score at~~  
5 ~~least at the proficient level shall be afforded the opportunity to~~  
6 ~~retake each test up to three (3) times each calendar year until at~~  
7 ~~least achieving at the proficient level.~~

8 B. 1. Beginning with the 2013-2014 school year, each school  
9 district shall ensure that:

10 a. each student enrolled in grade eight is administered  
11 the ACT Explore high school readiness assessment,

12 b. each student enrolled in grade ten is administered, by  
13 no later than April 1 of each year, the ACT Plan  
14 college readiness assessment, and

15 c. each student enrolled in grade eleven is administered  
16 the ACT WorkKeys job skills assessment.

17 2. The results of the assessments administered as provided in  
18 this subsection shall be reported to the State Department of  
19 Education and the individual school districts.

20 3. Results of the ACT Explore high school readiness assessments  
21 administered as provided in subparagraph a of paragraph 1 of this  
22 subsection shall be utilized in developing a learning plan designed  
23 for each student which includes preparation of a high school course  
24

1 of study necessary to achieve the future plans of the student for  
2 postsecondary education or workforce entry.

3 4. Any student whose composite score on the ACT Plan college  
4 readiness assessment administered as provided in subparagraph b of  
5 paragraph 1 of this subsection is lower than       percent of the  
6 students in the comparison group who took the ACT Plan assessment  
7 shall be administered the ACT Compass diagnostic test to identify  
8 specific subject areas where the student may need remediation or  
9 appropriate instructional modifications. The ACT Compass diagnostic  
10 test shall be administered by May 1 of each year in order to allow  
11 the school district to implement a remediation plan for the student  
12 prior to the beginning of the next school year.

13 5. A student whose score on the ACT WorkKeys job skills  
14 assessment administered as provided in subparagraph c of paragraph 1  
15 of this subsection indicates that additional assistance is required  
16 shall have intervention strategies for accelerated learning  
17 incorporated into the learning plan for the student.

18 C. Beginning with the 2013-2014 school year, each school  
19 district shall ensure that each student in grades nine through  
20 twelve who enrolls in a course which is covered by the ACT  
21 QualityCore course standard shall be administered the QualityCore  
22 formative and end-of-course assessments. The results of the  
23 assessments administered as provided in this subsection shall be  
24

1 reported to the State Department of Education and the individual  
2 school district.

3 D. 1. Unless otherwise exempt by law, beginning with students  
4 graduating in the 2013-2014 school year, each student shall take the  
5 ACT college admissions and placement assessment at least one time  
6 prior to the end of the eleventh grade in order to graduate from a  
7 public high school with a standard diploma. The results of the  
8 assessment administered as provided in this subsection shall be  
9 reported to the State Department of Education and the individual  
10 school district.

11 2. Accommodations provided by ACT, Inc. to a student with a  
12 disability taking the assessment required in paragraph 1 of this  
13 subsection shall consist of:

14 a. accommodations provided in a manner allowed by ACT,  
15 Inc. when results in test scores are reportable to a  
16 postsecondary institution for admission and placement  
17 purposes, or

18 b. accommodations provided in a manner allowed by the  
19 individualized education program (IEP) of the student,  
20 if under the IEP the student is precluded from using  
21 the accommodations provided under subparagraph a of  
22 this paragraph and the scores of the student are not  
23 reportable to a postsecondary institution for  
24 admission and placement purposes.

1       E. The State Board of Education shall negotiate a contract with  
2 ACT for annual statewide administration of the ACT Explore college  
3 readiness assessment, ACT Plan college readiness assessment, ACT  
4 WorkKeys job skills assessment, ACT QualityCore assessments and ACT  
5 assessment. Students and school districts shall not be responsible  
6 for fees or costs associated with administration of the ACT  
7 assessments pursuant to subsections B, C and D of this section.

8       F. In accordance with federal law and to comply with the  
9 federal No Child Left Behind Act, or its successor, the State Board  
10 of Education shall augment the ACT assessments as set forth in  
11 subsections B and D of this section and administer to students in  
12 grades nine through twelve additional test items as necessary to  
13 accurately measure the academic competencies in correlation with the  
14 state academic content standards in English, reading, mathematics  
15 and science adopted by the Board and known as the Priority Academic  
16 Student Skills Curriculum.

17       G. 1. The Oklahoma State Regents for Higher Education, in  
18 collaboration with the State Department of Education, shall provide  
19 information and coordinate training sessions for public high school  
20 counselors and teachers regarding:

- 21           a. the identification of students who plan to pursue  
22           postsecondary education and are in need of remediation  
23           or appropriate instructional modifications in order to  
24           succeed in postsecondary education, and

1           b. educational strategies to assist the identified  
2           students.

3           2. The Oklahoma Department of Career and Technology Education,  
4 in collaboration with the State Department of Education, shall  
5 provide information and coordinate training sessions for public high  
6 school counselors and teachers regarding advising students on  
7 postsecondary career opportunities and the education preparation  
8 necessary for those careers and workforce entry.

9           H. In order to provide an indication of the levels of  
10 competency attained by the student in a permanent record for  
11 potential future employers and institutions of higher education, ~~for~~  
12 ~~students who enter the ninth grade in or prior to the 2007-08 school~~  
13 ~~year, school districts shall report the highest achieved state test~~  
14 ~~performance level on the end-of-instruction tests on the student's~~  
15 ~~high school transcript. Beginning~~ beginning ~~with students who enter~~  
16 ~~the ninth grade in the 2008-09~~ 2013-2014 school year, school  
17 districts shall report the student's performance levels on the ~~end-~~  
18 ~~of-instruction~~ assessments and tests administered pursuant to  
19 subsections B, C and D of this section and any business and  
20 industry-recognized endorsements attained on the student's high  
21 school transcript. ~~Any student at the middle school level who~~  
22 ~~completes the instruction in a secondary course specified in this~~  
23 ~~paragraph shall be administered the appropriate end-of-instruction~~  
24 ~~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.~~ I. 1. All criterion-referenced tests and test items  
13       required by this section shall measure academic competencies in  
14       correlation with the state academic content standards adopted by the  
15       Board pursuant to Section 11-103.6 of this title and known as the  
16       Priority Academic Student Skills Curriculum. The State Board of  
17       Education shall evaluate the academic content standards to ensure  
18       the competencies reflect high standards, are specific, well-defined,  
19       measurable, challenging, and will prepare elementary students for  
20       next-grade-level course work and secondary students for  
21       postsecondary studies at institutions of higher education or  
22       technology center schools without the need for remediation in core  
23       curriculum areas. All state academic content standards shall

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

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

1 ~~State Board of Education shall conduct an ongoing review to compare~~  
2 ~~the end-of-instruction test content and performance descriptors with~~  
3 ~~those of other states. Upon receipt of the review, the State Board~~  
4 ~~of Education may adjust the cut scores as necessary.~~

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

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

1 ~~crit~~erion-referenced test required in paragraph 6 of subsection A of  
2 this section may be administered to students at a time set by the  
3 State Board of Education as near as possible to the end of the  
4 course; provided, if a school district is unable to administer the  
5 tests online to all students taking the test for the first time and  
6 all students retaking the test during the testing window time set by  
7 the Board, the school district may elect to administer any of the  
8 tests to students retaking the test at any time not more than two  
9 ~~(2)~~ weeks prior to the start of the testing window time set by the  
10 Board. All results and reports of the criterion-referenced test  
11 series tests required in paragraphs 1 through 5 of subsection A of  
12 this section ~~for grades three through eight~~ shall be returned to  
13 each school district prior to the beginning of the next school year.  
14 The vendor shall provide a final electronic data file of all school  
15 site, school district, and state results to the State Department of  
16 Education and the Office of Accountability prior to September 1 of  
17 each year. The Department shall forward the final data files for  
18 each school district and each school site in that district to the  
19 school district. The Board shall ensure the contract with the  
20 testing vendor includes a provision that the vendor report test  
21 results directly to the Office of Accountability at the same time it  
22 is reported to the Board. The Board shall ensure that the contract  
23 with ACT for statewide administration of assessments includes a  
24

1 provision that ACT report assessment results directly to the Office  
2 of Accountability at the same time it is reported to the Board.

3 2. State, district, and site level results of all tests and  
4 assessments required in this section shall be disaggregated by  
5 gender, race ethnicity, disability status, migrant status, English  
6 proficiency, and status as economically disadvantaged, except that  
7 such disaggregation shall not be required in a case in which the  
8 number of students in a category is insufficient to yield  
9 statistically reliable information or the results would reveal  
10 personally identifiable information about an individual student.

11 Each school site shall notify the student's parents of the school's  
12 performance levels in the Oklahoma School Testing Program as  
13 reported in the Oklahoma Educational Indicators Program at the end  
14 of each school year.

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

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

7       SECTION 2.       REPEALER       70 O.S. 2011, Section 1210.523, is  
8 hereby repealed.

9       SECTION 3. This act shall become effective November 1, 2012.

10

11       53-2-9641       KB       02/22/12

12

13

14

15

16

17

18

19

20

21

22

23

24