

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2970

By: Thomsen

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to schools; amending 70 O.S. 2011,  
10                   Section 1210.508, which relates to the Oklahoma  
11                   School Testing Program Act; deleting authorization  
12                   for the State Board of Education to develop and  
13                   administer certain tests; deleting requirement to  
14                   administer certain tests; deleting requirement for  
15                   student to take certain test upon completion of a  
16                   course; deleting requirement to develop certain  
17                   tests; deleting requirement to provide retakes of  
18                   certain tests; requiring school districts to  
19                   administer certain ACT assessments to students in  
20                   certain grades; requiring results to be reported to  
21                   the State Department of Education; stating that  
22                   results of certain assessment be used for developing  
23                   a certain plan for each student; requiring  
24                   administration of certain diagnostic tests to certain  
                 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

1 requirement to report certain test results on the  
2 high school transcript; deleting requirement for  
3 administration of an art assessment; deleting  
4 requirements related to the end-of-instruction  
5 criterion-referenced tests; repealing 70 O.S. 2011,  
6 Section 1210.523, which relates to the end-of-  
7 instruction criterion-referenced tests; and providing  
8 an effective date.

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

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

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

22 2. Contingent upon the availability of state and federal funds,  
23 the Board, in accordance with federal law, shall administer

1 criterion-referenced tests for grades ~~three and four~~ one through  
2 eight in:

- 3 a. reading, and
- 4 b. mathematics.

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

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

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

- 18 a. ~~reading, and~~
- 19 b. ~~mathematics~~ science.

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

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

UNDERLINED language denotes Amendments to present Statutes.  
BOLD FACE CAPITALIZED language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

1 ~~instruction tests online with raw score test results reported~~  
2 ~~immediately and complete results reported in less than two (2) weeks~~  
3 ~~beginning in the 2008-09 school year.~~

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

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

- 13 a. each student enrolled in grade eight is administered  
14 the ACT Explore high school readiness assessment,
- 15 b. each student enrolled in grade ten is administered, by  
16 no later than April 1 of each year, the ACT Plan  
17 college readiness assessment, and
- 18 c. each student enrolled in grade eleven is administered  
19 the ACT WorkKeys job skills assessment.

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

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1        3. Results of the ACT Explore high school readiness assessments  
2 administered as provided in subparagraph a of paragraph 1 of this  
3 subsection shall be utilized in developing a learning plan designed  
4 for each student which includes preparation of a high school course  
5 of study necessary to achieve the future plans of the student for  
6 postsecondary education or workforce entry.

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

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

22        C. Beginning with the 2013-2014 school year, each school  
23 district shall ensure that each student in grades nine through  
24

1 twelve who enrolls in a course which is covered by the ACT  
2 QualityCore course standard shall be administered the QualityCore  
3 formative and end-of-course assessments. The results of the  
4 assessments administered as provided in this subsection shall be  
5 reported to the State Department of Education and the individual  
6 school district.

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

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

18 a. accommodations provided in a manner allowed by ACT,  
19 Inc. when results in test scores are reportable to a  
20 postsecondary institution for admission and placement  
21 purposes, or

22 b. accommodations provided in a manner allowed by the  
23 individualized education program (IEP) of the student,

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1 if under the IEP the student is precluded from using  
2 the accommodations provided under subparagraph a of  
3 this paragraph and the scores of the student are not  
4 reportable to a postsecondary institution for  
5 admission and placement purposes.

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

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

22 G. 1. The Oklahoma State Regents for Higher Education, in  
23 collaboration with the State Department of Education, shall provide

1 information and coordinate training sessions for public high school  
2 counselors and teachers regarding:

3 a. the identification of students who plan to pursue  
4 postsecondary education and are in need of remediation  
5 or appropriate instructional modifications in order to  
6 succeed in postsecondary education, and

7 b. educational strategies to assist the identified  
8 students.

9 2. The Oklahoma Department of Career and Technology Education,  
10 in collaboration with the State Department of Education, shall  
11 provide information and coordinate training sessions for public high  
12 school counselors and teachers regarding advising students on  
13 postsecondary career opportunities and the education preparation  
14 necessary for those careers and workforce entry.

15 H. In order to provide an indication of the levels of  
16 competency attained by the student in a permanent record for  
17 potential future employers and institutions of higher education, ~~for~~  
18 ~~students who enter the ninth grade in or prior to the 2007-08 school~~  
19 ~~year, school districts shall report the highest achieved state test~~  
20 ~~performance level on the end-of-instruction tests on the student's~~  
21 ~~high school transcript. Beginning beginning with students who enter~~  
22 ~~the ninth grade in the 2008-09 2013-2014 school year, school~~  
23 ~~districts shall report the student's performance levels on the end-~~

1 ~~of instruction~~ assessments and tests administered pursuant to  
2 subsections B, C and D of this section and any business and  
3 industry-recognized endorsements attained on the student's high  
4 school transcript. ~~Any student at the middle school level who~~  
5 ~~completes the instruction in a secondary course specified in this~~  
6 ~~paragraph shall be administered the appropriate end-of-instruction~~  
7 ~~test.~~

8 7. a. ~~Each school district shall administer to each student~~  
9 ~~in the school district in grades three through eight~~  
10 ~~an assessment designed to assess the student in the~~  
11 ~~fine arts area in which the student has received~~  
12 ~~instruction.~~

13 b. ~~Each school district shall prepare an annual report~~  
14 ~~for approval by the State Board of Education outlining~~  
15 ~~the fine arts assessment strategies used by the~~  
16 ~~district, when the assessments were administered, how~~  
17 ~~many students were assessed during the previous year,~~  
18 ~~and the results of the assessments.~~

19 ~~B. I.~~ 1. All criterion-referenced tests and test items  
20 required by this section shall measure academic competencies in  
21 correlation with the state academic content standards adopted by the  
22 Board pursuant to Section 11-103.6 of this title and known as the  
23 Priority Academic Student Skills Curriculum. The State Board of

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1 Education shall evaluate the academic content standards to ensure  
2 the competencies reflect high standards, are specific, well-defined,  
3 measurable, challenging, and will prepare elementary students for  
4 next-grade-level course work and secondary students for  
5 postsecondary studies at institutions of higher education or  
6 technology center schools without the need for remediation in core  
7 curriculum areas. All state academic content standards shall  
8 reflect the benchmarks of the American Diploma Project and the goal  
9 of improving the state average ACT score.

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

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1           3. The State Board of Education in coordination with the  
2 Educational Quality and Accountability Board shall review, realign,  
3 and recalibrate, as necessary, the  criterion-referenced  tests  ~~in~~   
4  ~~reading and mathematics in third through eighth grade and the end-~~  
5  ~~of-instruction tests. The State Board of Education shall determine~~  
6  ~~the cut scores for the performance levels on the end-of-instruction~~  
7  ~~tests developed pursuant to paragraph 6 of subsection A of this~~  
8  ~~section, which shall be phased in over a multi-year period. The~~  
9  ~~State Board of Education shall conduct an ongoing review to compare~~  
10  ~~the end-of-instruction test content and performance descriptors with~~  
11  ~~those of other states. Upon receipt of the review, the State Board~~  
12  ~~of Education may adjust the cut scores as necessary.~~

13           4. The State Board of Education, for the purposes of conducting  
14 reliability and validity studies, monitoring contractor adherence to  
15 professionally accepted testing standards, and providing  
16 recommendations for testing program improvement, shall retain the  
17 services of an established, independent agency or organization that  
18 is nationally recognized for its technical expertise in educational  
19 testing but is not engaged in the development of aptitude or  
20 achievement tests for elementary or secondary level grades.  ~~These~~  
21  ~~national assessment experts shall annually conduct studies of the~~  
22  ~~reliability and validity of the end-of-instruction tests~~  
23  ~~administered pursuant to this section. Validity studies shall~~

1 include studies of decision validity, concurrent validity and the  
2 validity of performance level cut scores.

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

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

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

10       ~~E.~~ L. The State Board of Education shall develop, administer,  
11 and incorporate as a part of the Oklahoma School Testing Program,  
12 other testing programs or procedures, including appropriate  
13 accommodations for the testing of students with disabilities as  
14 required by the Individuals with Disabilities Education Act (IDEA),  
15 20 USC, Section 1400 et seq.

16       SECTION 2.       REPEALER       70 O.S. 2011, Section 1210.523, is  
17 hereby repealed.

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

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20 COMMITTEE REPORT BY: COMMITTEE ON HIGHER EDUCATION AND CAREER TECH,  
21 dated 02/22/2012 - DO PASS, As Amended.

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