

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2755

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6 AS INTRODUCED

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8 An Act relating to schools; creating the Freedom to
9 Succeed Act; amending 70 O.S. 2011, Section 1210.508,
10 which relates to the Oklahoma School Testing Program
11 Act; clarifying effect of proficiency attainment on
12 the end-of-instruction tests on graduation; adding
13 remediation or intervention requirements; allowing
14 students to take an alternative assessment; requiring
15 alternative assessments to be recorded on the
16 transcript; amending 70 O.S. 2011, Section 1210.526,
17 which relates to eligibility for funding under the
18 Achieving Classroom Excellence Act of 2005; changing
19 and updating statutory citations; repealing 70 O.S.
20 2011, Section 1210.523, which relates to
21 demonstrating mastery of the state academic content
22 standards; providing for noncodification; and
23 declaring an emergency.
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

This act shall be known and may be cited as the "Freedom to
Succeed Act".

1 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.508, is
2 amended to read as follows:

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

14 2. 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 three and four in:

- 17 a. reading, and
- 18 b. mathematics.

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

- 21 a. reading,
- 22 b. mathematics,
- 23 c. science,

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1 d. social studies, which shall consist of the history,
2 Constitution and government of the United States, and
3 geography, and

4 e. writing of English.

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

8 a. reading, and

9 b. mathematics.

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

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

14 a. reading,

15 b. mathematics,

16 c. science,

17 d. social studies, which shall consist of the history,

18 Constitution, and government of the United States, and

19 e. writing of English.

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

1 6. Each student who completes the instruction for English II,
2 English III, United States History, Biology I, Algebra I, Geometry,
3 and Algebra II at the secondary level shall complete an end-of-
4 instruction test, when implemented, to measure for attainment in the
5 appropriate state academic content standards in order to graduate
6 from a public high school with a standard diploma. All students
7 shall take the tests prior to graduation, unless otherwise exempt by
8 law, but shall not be required to attain a proficient or higher
9 score on the tests in order to graduate. The State Board of
10 Education shall administer the criterion-referenced tests. The
11 Board shall develop and field test the end-of-instruction tests in
12 English III, Geometry, and Algebra II during the 2006-07 school
13 year, implement the tests during the 2007-08 school year, and
14 administer them each year thereafter. The Board shall administer
15 the multiple choice portion of the end-of-instruction tests online
16 with raw score test results reported immediately and complete
17 results reported in less than two (2) weeks beginning in the 2008-09
18 school year.

19 The end-of-instruction tests shall serve the purpose of the
20 criterion-referenced tests as provided in paragraph 1 of this
21 subsection. The English II and English III end-of-instruction tests
22 shall include a writing component. Students who do not score at
23 least at the proficient level on any end-of-instruction test shall
24 be provided remediation or intervention and afforded the opportunity

1 to retake each test up to three (3) times each calendar year until
2 at least achieving at the proficient level. Students who do not
3 attain a score of at least the proficient level shall be afforded
4 the opportunity to take an alternative assessment as approved by the
5 State Board of Education. In order to provide an indication of the
6 levels of competency attained by the student in a permanent record
7 for potential future employers and institutions of higher education,
8 for students who enter the ninth grade in or prior to the 2007-08
9 school year, school districts shall report the highest achieved
10 state test performance level on the end-of-instruction tests on the
11 student's high school transcript. Beginning with students who enter
12 the ninth grade in the 2008-09 school year, school districts shall
13 report the student's performance levels on the end-of-instruction
14 tests, alternative assessments and any business and industry-
15 recognized endorsements attained on the student's high school
16 transcript. Any student at the middle school level who completes
17 the instruction in a secondary course specified in this paragraph
18 shall be administered the appropriate end-of-instruction test.

19 7. a. Each school district shall administer to each student
20 in the school district in grades three through eight
21 an assessment designed to assess the student in the
22 fine arts area in which the student has received
23 instruction.

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1 b. Each school district shall prepare an annual report
2 for approval by the State Board of Education outlining
3 the fine arts assessment strategies used by the
4 district, when the assessments were administered, how
5 many students were assessed during the previous year,
6 and the results of the assessments.

7 B. 1. All criterion-referenced tests required by this section
8 shall measure academic competencies in correlation with the state
9 academic content standards adopted by the Board pursuant to Section
10 11-103.6 of this title and known as the Priority Academic Student
11 Skills Curriculum. The State Board of Education shall evaluate the
12 academic content standards to ensure the competencies reflect high
13 standards, are specific, well-defined, measurable, challenging, and
14 will prepare elementary students for next-grade-level course work
15 and secondary students for postsecondary studies at institutions of
16 higher education or technology center schools without the need for
17 remediation in core curriculum areas. All state academic content
18 standards shall reflect the benchmarks of the American Diploma
19 Project and the goal of improving the state average ACT score.

20 2. The State Department of Education shall annually evaluate
21 the results of the criterion-referenced tests. The State Board of
22 Education shall ensure that test results are reported to districts
23 in a manner that yields detailed, diagnostic information for the
24 purpose of guiding instruction and student remediation. As

1 improvements are made to the criterion-referenced tests required by
2 this section, the Board shall seek to increase the depth of
3 knowledge assessed for each subject. The State Board of Education
4 shall seek to ensure that data yielded from the tests required in
5 this section are utilized at the school district level to prescribe
6 reinforcement and/or remediation by requiring school districts to
7 develop and implement a specific program of improvement based on the
8 test results.

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

21 4. The State Board of Education, for the purposes of conducting
22 reliability and validity studies, monitoring contractor adherence to
23 professionally accepted testing standards, and providing
24 recommendations for testing program improvement, shall retain the

1 services of an established, independent agency or organization that
2 is nationally recognized for its technical expertise in educational
3 testing but is not engaged in the development of aptitude or
4 achievement tests for elementary or secondary level grades. These
5 national assessment experts shall annually conduct studies of the
6 reliability and validity of the end-of-instruction tests
7 administered pursuant to this section. Validity studies shall
8 include studies of decision validity, concurrent validity and the
9 validity of performance level cut scores.

10 C. 1. The State Board of Education shall set the testing
11 window dates for each criterion-referenced test required in
12 paragraphs 1 through 5 of subsection A of this section for grades
13 three through eight so that, with the exception of the writing
14 assessments, the tests are administered to students no earlier than
15 April 10 each year and so that the test results are reported back to
16 school districts in a timely manner. Each criterion-referenced test
17 required in paragraph 6 of subsection A of this section may be
18 administered to students at a time set by the State Board of
19 Education as near as possible to the end of the course; provided, if
20 a school district is unable to administer the tests online to all
21 students taking the test for the first time and all students
22 retaking the test during the testing window time set by the Board,
23 the school district may elect to administer any of the tests to
24 students retaking the test at any time not more than two (2) weeks

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

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

1 Oklahoma Educational Indicators Program at the end of each school
2 year.

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

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

17 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.526, is
18 amended to read as follows:

19 Section 1210.526 A. Contingent on the provision of
20 appropriated funds designated for the Achieving Classroom Excellence
21 Act of 2005, school districts shall be eligible for funding as
22 follows:

23 1. A maximum of Two Hundred Forty Dollars (\$240.00) for
24 remediation or intervention for each subject-specific test by a

1 student that resulted in a score at the unsatisfactory level and for
2 which the student has been found to be in need of remediation or
3 intervention pursuant to ~~Sections~~ Section 1210.522 and ~~1210.523~~
4 paragraph 6 of subsection A of Section 1210.508 of Title 70 of the
5 ~~Oklahoma Statutes~~ this title;

6 2. A maximum of One Hundred Eighty Dollars (\$180.00) for
7 remediation or intervention for each subject-specific test by a
8 student that resulted in a score at the limited knowledge level and
9 for which the student has been found to be in need of remediation or
10 intervention pursuant to ~~Sections~~ Section 1210.522 and ~~1210.523~~
11 paragraph 6 of subsection A of Section 1210.508 of Title 70 of the
12 ~~Oklahoma Statutes~~ this title;

13 3. Funds for remediation or intervention as provided for in
14 paragraphs 1 and 2 of this subsection shall be disbursed by the
15 State Department of Education by September 1 of each year and shall
16 be based on the most recent test results available from the previous
17 school year or summer test administration; and

18 4. Claims for reimbursement for costs associated with
19 administration of alternative assessments as required by Section
20 ~~1210.523~~ 1210.508 of Title 70 of the Oklahoma Statutes shall be
21 filed with the State Department of Education at the end of each
22 school semester or prior to the end of the fiscal year in which the
23 alternative assessment is provided. Claims from summer alternative
24 assessment administration provided in July or August shall be filed

1 with the first semester claim of the subsequent school year. Claims
2 shall be reimbursed in a timely manner.

3 B. Funds for remediation or intervention as provided for in
4 subsection A of this section may be used to provide remediation or
5 intervention to any student in grade 6 through grade 12 who has been
6 determined to be in need of remediation or intervention, including
7 but not limited to those students who have scored at the
8 unsatisfactory or limited knowledge level.

9 C. Remediation and intervention provided pursuant to this
10 section by school districts shall be for the purpose of assisting
11 students in performing at least at the satisfactory level on the
12 applicable criterion-referenced tests in reading and mathematics at
13 the eighth-grade level, or the applicable end-of-instruction tests
14 as required in Section ~~1210.523~~ 1210.508 of ~~Title 70 of the Oklahoma~~
15 ~~Statutes, or an alternative assessment if eligible~~ this title.

16 Remediation and intervention may be provided by means which may
17 include, but are not limited to, tutoring, additional help during
18 the school day, extended-day programs, Saturday programs, summer
19 programs, online coursework, or other supplementary services which
20 are provided on an individual basis or in a classroom setting.

21 D. School districts shall report on their use of funds for
22 remediation and intervention as provided for in this section to the
23 State Board of Education in a manner prescribed by the Board.

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1 E. The State Board of Education shall promulgate rules to
2 implement the provisions of this section.

3 SECTION 4. REPEALER 70 O.S. 2011, Section 1210.523, is
4 hereby repealed.

5 SECTION 5. 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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