

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2968

By: Thomsen

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 1210.508, which relates to the Oklahoma
9 School Testing Program Act; deleting authorization
10 for the State Board of Education to develop and
11 administer certain tests; deleting requirement to
12 administer certain tests; deleting requirement for
13 student to take certain test upon completion of a
14 course; deleting requirement to develop certain
15 tests; deleting requirement to provide retakes of
16 certain tests; requiring school districts to
17 administer certain ACT assessments to students in
18 certain grades; requiring results to be reported to
19 the State Department of Education; stating that
20 results of certain assessment be used for developing
21 a certain plan for each student; requiring school
22 districts to administer certain ACT assessments to
23 certain students enrolled in certain courses;
24 requiring students to take the ACT assessment in
order to graduate; directing the Board to negotiate
an annual statewide administration; providing for
costs; modifying requirement to report certain test
results on the high school transcript; deleting
requirement for administration of an art assessment;
deleting requirements related to the end-of-
instruction criterion referenced tests; repealing 70
O.S. 1210.523, which relates to the end-of-
instruction criterion-referenced tests; and providing
an effective date.

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

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

15 2. Contingent upon the availability of state and federal funds,
16 the Board, in accordance with federal law, shall administer
17 criterion-referenced tests for grades one, two and three ~~and four~~
18 in:

19 a. reading, ~~and~~

20 b. mathematics.

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

23 a. reading,

24 b. mathematics,

1 e. ~~science,~~

2 d. ~~social studies, which shall consist of the history,~~

3 ~~Constitution and government of the United States, and~~

4 ~~geography, and~~

5 e. ~~writing of English.~~

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

9 a. reading, and

10 b. mathematics.

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

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

15 a. ~~reading,~~

16 b. ~~mathematics,~~

17 c. ~~science,~~

18 d. ~~social studies, which shall consist of the history,~~

19 ~~Constitution, and government of the United States, and~~

20 e. ~~writing of English.~~

21 ~~The Board shall administer the tests for grade eight in reading~~
22 ~~and mathematics online with raw score test results reported~~
23 ~~immediately and complete results reported in less than two (2) weeks~~
24 ~~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. The State Board of Education shall administer the criterion-~~
9 ~~referenced tests. The Board shall develop and field test the end-~~
10 ~~of-instruction tests in English III, Geometry, and Algebra II during~~
11 ~~the 2006-07 school year, implement the tests during the 2007-08~~
12 ~~school year, and administer them each year thereafter. The Board~~
13 ~~shall administer the multiple choice portion of the end-of-~~
14 ~~instruction tests online with raw score test results reported~~
15 ~~immediately and complete results reported in less than two (2) weeks~~
16 ~~beginning in the 2008-09 school year.~~

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

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

3 a. each student enrolled in grades eight and nine are
4 administered the ACT Explore college readiness
5 assessment,

6 b. each student enrolled in grade ten is administered the
7 ACT Plan college readiness assessment, and

8 c. each student enrolled in grade eleven is administered
9 the ACT Workkeys job skills assessment.

10 2. The results of the assessments administered as provided in
11 this subsection shall be reported to the State Department of
12 Education.

13 3. Results of the assessments administered as provided in
14 subparagraph a of paragraph 1 of this subsection shall be utilized
15 in developing a plan designed by each student and overseen by the
16 student's English I teacher, which includes preparation of a course
17 of study necessary to achieve the future plans of the student for
18 postsecondary education or workforce entry.

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

1 provided in this subsection shall be reported to the State
2 Department of Education.

3 D. Unless otherwise exempt by law, beginning with students
4 graduating in the 2013-14 school year, each student shall take the
5 ACT assessment in order to graduate from a public high school with a
6 standard diploma. The State Board of Education shall negotiate a
7 contract with ACT for annual statewide administration of the ACT
8 assessment. Students and school districts shall not be responsible
9 for fees or costs associated with administration of the ACT pursuant
10 to this subsection.

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

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

4 2. The State Department of Education shall annually evaluate
5 the results of the criterion-referenced tests. 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 required by
10 this section, the Board shall seek to increase the depth of
11 knowledge assessed for each subject. The State Board of Education
12 shall seek to ensure that data yielded from the tests required in
13 this section are utilized at the school district level to prescribe
14 reinforcement and/or remediation by requiring school districts to
15 develop and implement a specific program of improvement based on the
16 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. G. 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 writing
22 assessments, the tests are administered to students no earlier than
23 April 10 each year and so that the test results are reported back to
24 school districts in a timely manner. ~~Each criterion-referenced test~~

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

23 2. State, district, and site level results of all tests
24 required in this section shall be disaggregated by gender, race

1 ethnicity, disability status, migrant status, English proficiency,
2 and status as economically disadvantaged, except that such
3 disaggregation shall not be required in a case in which the number
4 of students in a category is insufficient to yield statistically
5 reliable information or the results would reveal personally
6 identifiable information about an individual student. Each school
7 site shall notify the student's parents of the school's performance
8 levels in the Oklahoma School Testing Program as reported in the
9 Oklahoma Educational Indicators Program at the end of each school
10 year.

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

19 ~~E.~~ I. The State Board of Education shall develop, administer,
20 and incorporate as a part of the Oklahoma School Testing Program,
21 other testing programs or procedures, including appropriate
22 accommodations for the testing of students with disabilities as
23 required by the Individuals with Disabilities Education Act (IDEA),
24 20 USC, Section 1400 et seq.

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

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

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5 53-2-9194 KB 01/19/12

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